



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

August 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 (REC) 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-dodregion3@navy.mil.



NAVFAC MIDLANT DoD REC Map

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SPOTLIGHT STORY

Allegheny Ballistics Laboratory (ABL) Environmental Restoration Team Earns Navy Recognition



Site 1 remedial action – cofferdam installation prior to soil removal

Congratulations to Allegheny Ballistics Laboratory Environmental Restoration Partnering Team for their outstanding achievements in 2018. Navy Region Mid-Atlantic proudly acknowledges the terrific accomplishments and strong partnering skills of the ABL Team and award the special distinction of Tier I Team of the Year as well as Tier I Green Team of the Year.

Selected achievements for the ABL partnering team in 2018 include the following:

- Implemented ~\$15M in soils remedial actions at Site 1
- Completed the ABL Draft Community Involvement Plan (CIP) that the Environmental Protection Agency (EPA) described as “example for all other remediation sites.”

Continued...

- Conducted treatability study at Site I Shoreline which is being implemented in 2019 and will accelerate remediation and minimize contaminant transport to the North branch Potomac River
- Completed optimization efforts at multiple sites that reduced sample frequency and analysis
- Negotiated with Maryland Department state regulators to waive fish spawning restrictions which saved approximately \$350K
- Reused excavation support material as backfill saving approximately \$225K

A more detailed article highlighting the achievements of the ABL Tier I Team is located on DENIX.

<https://www.denix.osd.mil/rec/regions/regioniii/actionspotlight/environmental-restoration/>

GENERAL INTEREST

Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance The EPA has posted a final policy on Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work.

The memorandum to EPA Regional Administrators stresses effective communication between EPA regions and states, while articulating the primary role of the states in implementing authorized programs. EPA regions and the states should work together to identify which inspections the EPA or a state will perform.

EPA may take the lead or assist a state in an enforcement action at a federally owned or operated facility.

This is an Agency planning document and would not impose any legally binding requirements on the EPA or any outside parties.

The memorandum is posted at <https://www.epa.gov/sites/production/files/2019-07/documents/memoenhancingeffectivepartnerships.pdf>

Secretary of the Navy Environmental Awards – Call for packages are expected Fall/Winter

The annual Secretary of the Navy (SECNAV) Environmental Awards Program recognizes Navy and Marine Corps ships, installations, and people for outstanding performance in promoting environmental stewardship. Awards are presented for accomplishments in Natural Resources Conservation, Cultural Resources Management, Environmental Quality, Sustainability, Environmental Restoration, Environmental Excellence in Weapon System Acquisition, and Environmental Planning. By presenting awards, SECNAV recognizes organizations and people who have made significant contributions in environmental areas. Eligible winners at the SECNAV level of competition are submitted to compete in the Secretary of Defense (SECDEF) Environmental Awards competition.

<https://navysustainability.dodlive.mil/environment/awards/secnav-environmental-awards/>

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.*

NEPA

National Environmental Policy Act (NEPA) Guidance on Consideration of Greenhouse Gas Emissions The Council on Environmental Quality (CEQ) published draft guidance on how National Environmental Policy Act (NEPA) analysis and documentation should address greenhouse gas (GHG) emissions. The CEQ is extending the comment period on the draft guidance, which was scheduled to close on 26 JUL 2019, for 31 days until 26 AUG 2019. The CEQ is making this change in response to public requests for an extension of the comment period.

<https://www.govinfo.gov/content/pkg/FR-2019-07-24/html/2019-15697.htm>

AIR

Redesignation of Washington D.C. to Attainment for the 2008 8-Hour Ozone NAAQS The EPA is approving the redesignation of the District of Columbia to attainment for the 2008 8-hour ozone national ambient air quality standard (NAAQS).

EPA has already approved the parallel requests and SIP modifications for Maryland, and Virginia portions of the DC-MD-VA nonattainment area (Washington Area), including a joint maintenance plan for the Washington Area prepared by the Metropolitan Washington Council of Governments (MCOG) that demonstrates maintenance of the 2008 ozone NAAQS through 2030. <https://www.federalregister.gov/citation/84-FR-15108>.

This rule was effective 15 MAY 2019.

Reclassification of Major Sources as Area Sources under Clean Air Act Section 112 Summary EPA has proposed amendments to the General Provisions to the National Emission Standards for Hazardous Air Pollutants (NESHAP). The proposal includes the provision that a major source can reclassify to area source status at any time by limiting its potential to emit hazardous air pollutants.

EPA proposal includes:

- Amendments to implement the plain language reading of the “major source” and “area source” definitions of section 112 of the Clean Air Act (CAA) and provide that a major source can reclassify to area source status at any time by limiting its potential to emit (PTE) hazardous air pollutants (HAP) to below the major source thresholds of 10 tons per year (TPY) of any single HAP or 25 TPY of any combination of HAP.
- PTE HAP limits must meet the proposed effectiveness criteria of being legally and practicably enforceable. The proposal also clarifies the requirements that apply to sources choosing to reclassify to area source status after the first substantive compliance date of an applicable NESHAP standard.

- Electronic notification when a source reclassifies.
- To revise provisions in specific NESHAP standards that specify the applicability of General Provisions requirements to account for the regulatory provisions EPA is proposing to add through this rule.

Comments are due by 24 SEP 2019.

<https://www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clen>

REGION I



Note: The Connecticut Legislature convened on 9 JAN 2019 and adjourned on 5 JUN 2019.

PROPOSED RULES

Remediation Standard Regulations The Department of Energy and Environmental Protection has proposed amendments to the Remediation Standards Regulations (RSRs) to streamline the site remediation process.

https://services.statescape.com/ssu/Regs/ss_8586389912903337375.pdf



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

FINAL LEGISLATION

House Paper 1043/Legislative Document 1433 is an act to protect the environment and public health by further reducing toxic chemicals in packaging. The purpose is to reduce the toxicity of packaging and packaging waste by prohibiting the unnecessary addition of certain chemicals, such as lead, mercury, cadmium, hexavalent chromium, PFAS and phthalates in packaging and packaging components. Effective date is 19 SEP 2019.

https://services.statescape.com/ssBillText/ME20192020/ME_20192020_LD_001433_Current_6751.htm

AWARD OPPORTUNITIES

Maine Governor's Award for Environmental Excellence – Due 5 October

These awards honor businesses, non-profit organizations, public entities and new ventures for their extraordinary efforts to protect and improve Maine's environment. Seeking to recognize applicants with projects and programs born from innovation and collaboration that have resulted in measurable environmental and economic benefits. Successful candidates will be those who are solving environmental challenges through constructive and creative solutions that go beyond standard techniques or regulatory compliance requirements.

<https://www.maine.gov/dep/govaward/index.html>



MASSACHUSETTS

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.



NEW HAMPSHIRE

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

FINAL RULES

Water Quality Standards, Monitoring, Compliance, Reporting, and Public Notification for Certain Perfluorochemicals/ Amendments to Ambient Groundwater Quality Standards/ Discharges to Groundwater of Wastewater Containing Certain Perfluorochemicals The Department of Environmental Services (DES) amended Env-Dw 700-800, Env-Or 603.03, and Env-Wq 402. Amendments include establishing maximum contamination levels (MCLs) and ambient groundwater quality standards (AGQS) for perfluorooctanoic acid (PFOA) at 12ppt, perfluorooctane sulfonic acid (PFOS) at 15ppt, perfluorononanoic acid (PFNA) at 11ppt, perfluorohexane sulfonic acid (PFHxS) at 18ppt. The rules become effective 30 SEP 2019.

https://services.statescape.com/ssu/Regs/ss_8586370873779209008.pdf

https://services.statescape.com/ssu/Regs/ss_8586370872837983522.pdf

https://services.statescape.com/ssu/Regs/ss_8586370871906383401.pdf



RHODE ISLAND

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

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



VERMONT

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

FINAL LEGISLATION

Senate Bill 30 provides prohibitions on the sale, lease, or rent, or install or otherwise cause any equipment or product to enter into commerce in Vermont if that equipment or product consists of or uses hydrofluorocarbons. Effective 1 JUL 2019. https://services.statescape.com/ssVersions/2502000/2502161/u_20190603.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 5636/Senate Bill 3965 requires Department of Environmental Protection (DEP), Department of Health (DOH), Department of Community Affairs (DCA), owners or operators of public water systems, and owners or operators of certain buildings to take certain actions to prevent and control cases of Legionnaires' disease. Proposal would require the owner or operator of a public water system to (1) maintain a detectable disinfectant residual of free chlorine, combined chlorine, or chlorine dioxide of at least 0.5 milligrams per liter in all active parts of the public water system at all times; and (2) conduct disinfectant residual testing at frequent and regular intervals to determine the amount and type of detectable disinfectant residual existing at different points in the public water system.

https://www.njleg.state.nj.us/2018/Bills/A9999/5636_11.PDF

PROPOSED RULES

General Permit for Emergency Generators Burning Gaseous and Distillate Fuels The DEP has requested public input regarding proposed revised general permits for emergency generators burning gaseous and distillate fuels at minor air facilities. These general permits would allow for the construction, installation, reconstruction, modification, and operation of a single or multiple emergency generators burning gaseous fuels with a combined maximum rated heat input to the burning chamber of less than 70 MMBTU per hour and liquid fuel(s) with a combined maximum rated heat input to the burning chamber of less than 100 MMBTU per hour. All proposed revisions are to ensure that the general permit is consistent with the latest State and Federal rules and regulations. Comment period ended 31 JUL 2019. https://services.statescape.com/ssu/Regs/ss_8586395163062222670.pdf

https://services.statescape.com/ssu/Regs/ss_8586395158987272715.pdf

AWARD OPPORTUNITIES

New Jersey Governor's Environmental Excellence Award - Due 5 October

The Governor's Environmental Excellence Awards Program is New Jersey's premier awards program for recognizing outstanding environmental performance, programs and projects throughout the state. These awards recognize individuals, businesses, institutions, communities, organizations, educators, youth and others who have made significant contributions to environmental protection in New Jersey.

<https://www.nj.gov/dep/awards/>



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

PROPOSED LEGISLATION

Senate Bill 439 prohibits (2 years after effective date of proposed amendment) manufacture, sale, offer for sale, distribute for sale, or distribute for use in NY of class B firefighting foam containing PFAS chemicals which were intentionally added. <https://services.statescape.com/search/billversions.aspx?rid=2482631>

PROPOSED RULES

Maximum Contaminant Levels (MCLs) The Department of Health has issued a public notice of proposed rule amendments that incorporate MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.

<https://www.dos.ny.gov/info/register/2019/july24.pdf> (page 19)

Navy Grumman Groundwater Plume (Bethpage) New York State Department of Environmental Conservation (NYSDEC) has issued a proposed amended remedy to address Navy Grumman Groundwater Plume (Bethpage) and has invited public comment on the proposal. Comment period ended 7 JUL 2019.

<https://www.dec.ny.gov/chemical/35727.html>

Reasonably Available Control Technology (RACT) for Major Facilities of Oxides of Nitrogen (NOx) NYSDEC proposes to amend regulation of NOx emissions from major facilities of NOx. The regulation sets NOx limits for boilers, turbines, and engines. https://services.statescape.com/ssu/Regs/ss_8586382260361901772.pdf#page=12

AWARD OPPORTUNITIES

New York Water Environment Association (NYWEA) Awards and Honors – Due 1 October

NYWEA members are eligible to receive special recognition for professional achievements in the field of water quality and for individual service to the association of a local, state or national level. Awards are presented at the annual meeting each year or the local chapter.

<http://nywea.org/awards/>

New York State Association of Conservation Commissions Environmental Excellence Awards Program – Fall

The *Environmental Excellence Awards Program* recognizes exceptional projects carried out by municipal, county, and regional governments and non-profit organizations that, through careful planning and execution, stand to have a significant and lasting positive impact on the natural environment. The program is sponsored by the New York State Association of Conservation Commissions (NYSACC) and the New York State Association of Environmental

Management Councils (NYSAEMC) and is designed to showcase and promote projects that can be replicated in communities across New York State and beyond. In addition, NYSACC each year honors an individual who has demonstrated “lifelong environmental concern and service” through the *Margery Sachs Award for Environmental Leadership*, named in memory of one of NYSACC’s original directors.

<http://nysaccny.org/awards>

REGION III



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

PROPOSED RULES

Phase III Watershed Implementation Plan The Department of the Environment has issued the draft Phase III Watershed Implementation Plan (WIP) for the Chesapeake Bay, to meet the water quality goals established in the 2014 Chesapeake Watershed Agreement. https://services.statescape.com/ssu/Regs/ss_8586401024511477302.pdf

Water Quality Standards - 2016 Triennial Review The Department of Energy and Environment, Water Quality Division has proposed changes to water quality standards including updates to the aquatic life criteria for ammonia and cadmium, and human health criteria for ninety-four (94) constituents as part of a triennial review of the District of Columbia’s water quality standards regulations.

https://services.statescape.com/ssu/Regs/ss_8586395174501459361.pdf



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

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



MARYLAND

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

PROPOSED RULES

General Permit for Discharges From Tanks, Pipes, Other Liquid Containment Structures, Dewatering Activities, and Groundwater Remediation The Department of the Environment has requested public comment regarding a general permit for discharges from tanks, pipes, other liquid containment structures, dewatering activities, and groundwater remediation. Comment period ended 19 AUG 2019.

http://services.statescape.com/ssu/Regs/ss_8586380535502865729.pdf#page=31

Phase III Watershed Implementation Plan The Department of the Environment has issued a draft Phase III WIP to restore the Chesapeake Bay by 2025, and meet the water quality goals established in the 2014 Chesapeake Watershed Agreement. https://services.statescape.com/ssu/Regs/ss_8586401028996720291.pdf



PENNSYLVANIA

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

PROPOSED LEGISLATION

House Bill 1667 Amends the act of May 1, 1984, known as the Pennsylvania Safe Drinking Water Act, providing for maximum contaminant levels for perfluorononanoic acid (PFNA).

https://services.statescape.com/ssBillText/PA20192020/PA_20192020_HB_001667_Current_4699.htm

PROPOSED RULES

Guidelines for the Evaluation of Underground Storage Tank Cathodic Protection Systems The Department of Environmental Protection has released a notice announcing the availability of a technical guidance: Guidelines for the Evaluation of Underground Storage Tank Cathodic Protection Systems.

https://services.statescape.com/ssu/Regs/ss_8586398658276047490.pdf



VIRGINIA

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

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

AWARD OPPORTUNITIES

Virginia Governor's Environmental Excellence Award- Fall Submittal

Categories include:

- Sustainability: This category is intended to provide recognition to organizations or facilities that can
- Environmental Project: This category is intended to recognize activities or processes initiated by a facility or organization within the past five years that are directed at a single goal - to reduce waste and pollution or otherwise improve the environment beyond what is required by regulation.
- Land Conservation:
- Virginia Outdoors Plan Implementation: Trail development, public access to waterways including water trails and other recreational uses and scenic resource recognition

<http://www.deq.virginia.gov/Programs/PollutionPrevention/GovernorsEnvironmentalExcellenceAwards.aspx>

Elizabeth River Project River Star Awards – Due 1 October

Award is only available to installations within the Elizabeth River watershed in VA. Categories include:

Pollution Prevention

Wildlife Habitat

Advancement/Sustainable Development

<https://elizabethriver.org/river-star-businesses>



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

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 16 JAN 2019 and will adjourn on 30 JUN 2020.

FINAL RULES

Risk-Based Assessment and Corrective Action for Petroleum Underground Storage Tanks, Aboveground Storage Tanks and Other Sources The Environmental Management Commission has adopted rulemaking changes to the Risk-Based Assessment and Corrective Action for Petroleum Underground Storage Tanks, Aboveground Storage Tanks and Other Sources section. Effective 1 JUN 2019.

https://services.statescape.com/ssu/Regs/ss_8586395924762097269.pdf#page=66



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 RULES

Hazardous Waste Management Systems and Standards The Pollution Control Board has given notice of a regulatory agenda regarding hazardous waste management systems and standards. This starts the process of incorporating the Environmental Protection Agency (EPA) Pharmaceuticals Rule and hazardous waste listing P075 for nicotine. https://services.statescape.com/ssu/Regs/ss_8586388190204899470.pdf#page=209

Water Quality Standards The Pollution Control Board has given notice of a regulatory agenda for amendments to the water quality standards. https://services.statescape.com/ssu/Regs/ss_8586388230540769024.pdf#page=198



INDIANA

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

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



MICHIGAN

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

Senate Bill 302/Assembly Bill 321 requires the Department of Natural Resources (DNR) to establish and enforce various standards for per- and poly-fluoroalkyl substances (PFAS). The bill requires DNR to establish, by rule, acceptable levels and standards, monitoring requirements, and required response actions for any PFAS in drinking water, groundwater, surface water, air, solid waste, beds of navigable waters, and soil and sediment, if the department determines that the substance may be harmful to human health or the environment.

<http://docs.legis.wisconsin.gov/2019/related/proposals/sb302>

<http://docs.legis.wisconsin.gov/2019/related/proposals/ab321>

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