



# REC Review



## of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

August 2020

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

#### SUBASE New London Plants Pollinator Gardens

SOURCE: Navy Team New London Public Affairs

The adage “Bloom where you’re planted, but be open to cross pollination,” was literally put into practice at Naval Submarine Base (SUBASE) New London recently.

Personnel assigned to Environmental Division planted gardens with flowering plants to promote pollination onboard the base as well as contribute to the beauty of the environment, June 4.

One garden was created near Ramage Hall, base headquarters, and a second was created behind the base commissary and Navy Exchange (NEX), near Tang Ave.

The project was the brainchild of the SUBASE New London Environmental Program Director, Michael Brown, as he thought of new ways to implement the base Integrated Natural Resource Management Plan (INRMP).

“We get a certain amount of money every year to advance our INRMP,” said Jane Urban, the Environmental Division team member who oversaw the bulk of the planting. “One goal of the INRMP is to increase native habitats throughout the base. Mike’s idea to create pollinator gardens was a perfect fit.”

Continued...



As the base is compact and fairly well developed, planning is key in determining areas on the installation to increase habitat and natural spaces with such initiatives as the gardens. From site location to plant choice, the environmental team thought of everything before Urban and Julie Oakes, another member of Environmental Division, began the hands-on elements of the project.

Un-potting plants and digging holes for them in the mulch and soil in the garden next to Ramage Hall, Urban and Oakes explained that the plants are all native to eastern Connecticut and will bloom at various times so at least some should always be flowering.

“We have brown-eyed Susans, bee balm, wild indigo, butterfly weed, ironweed, asters, goldenrod, and purple coneflower,” said Urban. “We have only native species, and they’re perennials, so they’ll grow back every year. It’s a nice variety that’s always blooming.”

For the garden behind the commissary and NEX, Urban noted that its larger size allowed even more goldenrod. Wes Dawley and Eldon Clement of the Public Works Department assisted the Environmental Division with this garden by creating a wooden frame for the garden, prepping the soil, and providing a watering system.

Having started in the morning, Urban, Oakes, and Nicole Hester, also of the Environmental Division, completed both gardens by the middle of the afternoon and mused about the moths, butterflies, and bees, the all-important pollinators, that the gardens will attract.

“Ecological initiatives can take many forms,” said Urban. “Here at SUBASE, these gardens are of the floral variety, and Sailors and pollinators alike can enjoy them.”

“Some SUBASE Good News” (SSGN) is an effort to provide uplifting stories about the personnel, programs, and initiatives that help make Naval Submarine Base New London, “The First and Finest.”

## GENERAL INTEREST

### **EPA Announces Coronavirus (COVID-19) Resources for State, Local, and Tribal Governments**

The Environmental Protection Agency (EPA) is updating its coronavirus website to include new resources for state, local, and tribal agencies and intergovernmental associations. The website contains important information on grants, enforcement and compliance programs, water infrastructure, and a host of other issues important to effective environmental program delivery. These resources will help EPA and its partners continue to provide the environmental protection the nation depends on without interruption during the coronavirus public health emergency.

<https://www.fedcenter.gov/Announcements/index.cfm?id=35365>

### **New COVID-19 Environmental Guidance and Recommendations Page Released**

FedCenter has developed a page that consolidates federal, agency-specific, and non-federal environmentally-related guidance and recommendations with respect to COVID-19. The page provides up-to-date, currently available COVID-19 information as it pertains to the environment to help organizations who may be planning on developing additional guidance.

<https://www.fedcenter.gov/covid19>

### **Senate Bill 4094 PFAS Free Military Purchasing Act (Draft)**

A bill to prohibit the procurement by the Director of the Defense Logistics Agency of certain items containing a perfluoroalkyl substance or polyfluoroalkyl substance.

<https://www.govinfo.gov/content/pkg/BILLS-116s4094is/pdf/BILLS-116s4094is.pdf>

## 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

### **Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (Final)**

Council on Environmental Quality (CEQ) issued this final rule to update its regulations for Federal agencies to implement the NEPA. CEQ has not comprehensively updated its regulations since their promulgation in 1978, more than four decades ago. This final rule comprehensively updates, modernizes, and clarifies the regulations to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies in connection with proposals for agency action. The rule will improve interagency coordination in the environmental review process, promote earlier public involvement, increase transparency, and enhance the participation of States, Tribes, and localities. The amendments will advance the original goals of the CEQ regulations to reduce paperwork and delays, and promote

better decisions consistent with the national environmental policy set forth in section 101 of NEPA. This is a major rule subject to congressional review. Effective 14 September 2020.

<https://www.federalregister.gov/documents/2020/07/16/2020-15179/update-to-the-regulations-implementing-the-procedural-provisions-of-the-national-environmental>

## EPCRA

### **Community Right-to-Know; Corrections to Toxics Release Inventory (TRI) Reporting Requirements (Final)**

EPA is correcting existing regulatory language for the Toxics Release Inventory (TRI) Program.

EPA is making corrections that update identifiers, formulas, and names for certain TRI-listed chemicals, and updating the text that identifies which chemicals the 0.1 percent de minimis concentration applies to in order to remedy a cross-reference to a no-longer-accurate Occupational Safety and Health Administration (OSHA) regulatory citation. These corrections maintain previous regulatory actions and do not alter existing reporting requirements or impact compliance burdens or costs. Effective 14 July 2020.

<https://www.fedcenter.gov/Articles/index.cfm?id=35726>

## SOLID & HAZARDOUS WASTE

### **Modernizing Ignitable Liquids Determinations (Final)**

The EPA is finalizing updates to the regulations for the identification of ignitable hazardous waste under the RCRA and to modernize the RCRA test methods that currently require the use of mercury thermometers. These revisions provide greater clarity to hazardous waste identification, provide flexibility in testing requirements, improve environmental compliance, and, thereby, enhance protection of human health and the environment.

<https://www.federalregister.gov/documents/2020/07/07/2020-12695/modernizing-ignitable-liquids-determinations>

### **House of Representatives Bill 7228 Plastic Waste Reduction and Recycling Act (Draft)**

A bill to provide for a coordinated Federal program to accelerate plastics waste reduction and support recycling research and development for the economic and national security of the United States.

<https://www.govinfo.gov/content/pkg/BILLS-116hr7228ih/pdf/BILLS-116hr7228ih.pdf>

## WATER

### **EPA Adds New PFAS Treatment Options and Scientific References to Drinking Water Treatability Database**

EPA announced an update to its Drinking Water Treatability Database with new treatment options and scientific references for per- and polyfluoroalkyl substances (PFAS). The database update will further help states, tribes, and local governments, as well as water utilities, make better decisions to manage PFAS in their communities.

<https://www.epa.gov/newsreleases/epa-adds-new-pfas-treatment-options-and-scientific-references-drinking-water>

### **Clean Water Act Section 401 Certification Rule (Final)**

The EPA is publishing this final rule to update and clarify the substantive and procedural requirements for water quality certification under Clean Water Act (CWA or the Act) section 401. CWA section 401 is a direct grant of authority to States (and Tribes that have been approved for "treatment as a State" status) to review for compliance with appropriate federal, State, and Tribal water quality requirements any discharge into a water of the United States that may result from a proposed activity that requires a federal license or permit. This final rule is intended to increase the predictability and timeliness of CWA section 401 certification actions by clarifying timeframes for certification, the scope of certification review and conditions, and related certification requirements and procedures. Effective 11 September 2020.

<https://www.federalregister.gov/documents/2020/07/13/2020-12081/clean-water-act-section-401-certification-rule>

### **Uniform National Discharge Standards for Vessels of the Armed Forces-Phase II Batch Two (Final)**

EPA and DOD have jointly issued a final rule for Uniform National Discharge Standards (UNDS) for Vessels of the Armed Forces-Phase II Batch Two, promulgating discharge performance standards for 11 discharges incidental to the normal operation of a vessel of the Armed Forces (when) in the navigable waters of the United States, the territorial seas, and the contiguous zone. Effective 17 August 2020.

The following discharges are addressed:

- A. Catapult Water Brake Tank and Post-Launch Retraction Exhaust
- B. Controllable Pitch Propeller Hydraulic Fluid
- C. Deck Runoff
- D. Firemain Systems
- E. Graywater
- F. Hull Coating Leachate
- G. Motor Gasoline and Compensating Discharge
- H. Sonar Dome Discharge
- I. Submarine Bilgewater
- J. Surface Vessel Bilgewater/Oil-Water Separator Effluent
- K. Underwater Ship Husbandry

<https://www.federalregister.gov/documents/2020/07/17/2020-12571/uniform-national-discharge-standards-for-vessels-of-the-armed-forces-phase-ii-batch-two>

### **Final Action on Perchlorate**

EPA is announcing its withdrawal of the 2011 determination to regulate perchlorate in drinking water. EPA is now making a final determination not to regulate perchlorate.

EPA has determined that perchlorate does not occur in public water systems "with a frequency and at levels of public health concern" within the meaning of the SDWA... and does not present a "meaningful opportunity for health risk reduction for persons served by public water systems.

While EPA does not believe that a national primary drinking water regulation presents a meaningful opportunity for health risk reduction, the Agency remains committed to working with States and communities in addressing perchlorate contamination of drinking water.

<https://www.govinfo.gov/content/pkg/FR-2020-07-21/pdf/2020-13462.pdf>

### **House of Representatives Bill 7243 Identifying PFAS at Water Infrastructure Sites Act (Draft)**

A bill to require the Secretary of the Army, acting through the Chief of Engineers, to develop an inventory and carry out research with respect to PFAS.

<https://www.govinfo.gov/content/pkg/BILLS-116hr7243ih/pdf/BILLS-116hr7243ih.pdf>

## **AIR**

### **National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) Residual Risk and Technology Review (Final)**

The EPA is finalizing amendments to the storage tank requirements as a result of the RTR. In addition, we are taking final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); add requirements for electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and Notification of Compliance Status (NOCS) reports; add operational requirements for flares; and make other minor technical improvements. We estimate that these amendments will reduce emissions of hazardous air pollutants (HAP) from this source category by 186 tons per year (tpy), which represents an approximate 8 percent reduction of HAP emissions from the source category. Effective 7 July 2020.

<https://www.federalregister.gov/documents/2020/07/07/2020-05900/national-emission-standards-for-hazardous-air-pollutants-organic-liquids-distribution-non-gasoline>

### **National Emission Standards for Hazardous Air Pollutants: Site Remediation Residual Risk and Technology Review (Final)**

This action finalizes the residual risk and technology review (RTR) conducted for the Site Remediation source category regulated under NESHAP. The EPA is finalizing the proposed determination that risks due to emissions of air toxics from site remediation sources are acceptable and that no revision to the standards is required to provide an ample margin of safety to protect public health. Based on the results of our technology review, we are promulgating the proposed changes to the leak detection and repair (LDAR) program. Finally, we are making minor clarifications and corrections. The final revisions to the rule will increase the level of emissions control and environmental protection provided by the Site Remediation NESHAP. Effective 10 July 2020.

<https://www.federalregister.gov/documents/2020/07/10/2020-05896/national-emission-standards-for-hazardous-air-pollutants-site-remediation-residual-risk-and>

## REGION I



**Note: The Connecticut Legislature convened on 23 July 2020 and adjourned on 30 July 2020.**

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



**Note: The Maine Legislature convened on 5 December 2018 and adjourned on 17 March 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 January 2019 and will adjourn on 2 January 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 8 January 2020 and adjourned on 30 July 2020.**

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



## RHODE ISLAND

**Note: The Rhode Island Legislature convened on 7 January 2020 and adjourned on 30 July 2020.**

### **FINAL RULES**

**Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings** The Department of Environmental Management, Office of Air Resources has adopted rulemaking regarding volatile organic compound emissions limitations for two architectural and industrial maintenance coating categories, wood coatings and specialty primers. Effective 21 July 2020.

[https://risos-apa-production-public.s3.amazonaws.com/DEM/REG\\_11097\\_20200701150814.pdf](https://risos-apa-production-public.s3.amazonaws.com/DEM/REG_11097_20200701150814.pdf)



## VERMONT

**Note: The Vermont Legislature convened on 9 January 2019 and will adjourn on 30 August 2020.**

### **PROPOSED RULES**

**Rules Regarding Phase Down of the Use of Hydrofluorocarbons** The Agency of Natural Resources has proposed rulemaking to achieve greenhouse gas emissions reductions through the phase out of high global warming potential hydrofluorocarbons (HFCs) in air conditioning and refrigeration equipment, aerosol propellants, and foam end-uses

[https://services.statescape.com/RegsText/StaticDownloads/179155\\_309411.pdf](https://services.statescape.com/RegsText/StaticDownloads/179155_309411.pdf)

## REGION II



## NEW JERSEY

**Note: The New Jersey Legislature convened on 14 January 2020 and will adjourn on 11 January 2022.**

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



## NEW YORK

**Note: The New York State Legislature convened on 9 January 2019 and will adjourn on 12 January 2021.**

### **PROPOSED LEGISLATION**

**Senate Bill 8634** prohibits the idling of any passenger vehicle, with certain exceptions, for more than 3 consecutive minutes; first violation is a warning, subsequent violations of such section are traffic infractions punishable by a fine of \$150.

[https://assembly.state.ny.us/leg/?default\\_fld=&Summary=Y&Actions=Y&term=2019&bn=S8634](https://assembly.state.ny.us/leg/?default_fld=&Summary=Y&Actions=Y&term=2019&bn=S8634)

## REGION III



## DISTRICT OF COLUMBIA

**Note: The Council of the District of Columbia convened 2 January 2019 and will adjourn on 31 December 2020.**

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 8 January 2019 and adjourned on 30 July 2020.**

### **FINAL RULES**

**Control of Volatile Organic Compound Emissions** The Department of Natural Resources and Environmental Control has adopted rules regarding volatile organic compound (VOC) emissions at gasoline dispensing facilities, and requirements for vapor recovery systems and gasoline storage tanks. This proposal also includes a State Implementation Plan (SIP) revision. Effective 11 July 2020.

[http://services.statescape.com/RegsText/StaticDownloads/163437\\_310302.pdf](http://services.statescape.com/RegsText/StaticDownloads/163437_310302.pdf)

<https://regulations.delaware.gov/register/december2019/proposed/23%20DE%20Reg%20438%2012-01-19.htm>



**Note: The Maryland General Assembly convened on 8 January 2020 and adjourned on 18 March 2020.**

### ***PROPOSED RULES***

**Prohibitions on Use of Certain Hydrofluorocarbons in Aerosol Propellants, Chillers, Foam, and Stationary Refrigeration End-Uses** The Department of the Environment has proposed new Regulations .01 — .06 under new chapter COMAR 26.11.33 Prohibitions on Use of Certain Hydrofluorocarbons in Aerosol Propellants, Chillers, Foam, and Stationary Refrigeration End-Uses. This action seeks to reduce HFC emissions by adopting specific United States Significant New Alternatives Policy Programs (SNAP) prohibitions for certain substances in air conditioning and refrigeration equipment, aerosol propellants, and foam end-uses.

[https://services.statescape.com/RegsText/StaticDownloads/181033\\_312369.pdf#page=13](https://services.statescape.com/RegsText/StaticDownloads/181033_312369.pdf#page=13)

[https://mde.maryland.gov/programs/Regulations/air/Documents/HFC\\_TSD07092020.pdf](https://mde.maryland.gov/programs/Regulations/air/Documents/HFC_TSD07092020.pdf)



**Note: The Pennsylvania General Assembly convened on 1 January 2019 and will adjourn on 30 November 2020.**

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



**Note: The Virginia General Assembly convened on 8 January 2020 and adjourned on 12 March 2020.**

### ***FINAL LEGISLATION***

**House Bill 1422** sets December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP). The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices, then certain provisions requiring the use of nutrient management plans and livestock stream exclusions shall become effective. The bill directs the Secretaries to convene a stakeholder advisory group to review annual progress toward the implementation of agricultural commitments in the WIP, develop a process to assist in creating nutrient management plans, and develop a plan for the stream exclusion program. Effective 1 July 2020.

<https://leg1.state.va.us/cgi-bin/legp504.exe?201+ful+CHAP1185+pdf&201+ful+CHAP1185+pdf>

## **FINAL RULES**

**New UST Requirements Guidance** The Department of Environmental Quality has issued guidance regarding implementation policies for the regulatory requirements that must be completed for effective underground storage tank regulations.

[https://services.statescape.com/RegsText/StaticDownloads/178972\\_308974.pdf](https://services.statescape.com/RegsText/StaticDownloads/178972_308974.pdf)

[https://www.deq.virginia.gov/Portals/0/DEQ/Land/Tanks/Draft\\_USTGuidance\\_2021.pdf?ver=2019-06-28-122325-560](https://www.deq.virginia.gov/Portals/0/DEQ/Land/Tanks/Draft_USTGuidance_2021.pdf?ver=2019-06-28-122325-560)

<https://www.deq.virginia.gov/Programs/LandProtectionRevitalization/PetroleumProgram/USTComplianceInfo.aspx>

[https://www.deq.virginia.gov/Portals/0/DEQ/Land/Tanks/UST\\_Reg\\_Training.pdf](https://www.deq.virginia.gov/Portals/0/DEQ/Land/Tanks/UST_Reg_Training.pdf)



**Note: The West Virginia Legislature convened on 8 January 2020 and adjourned on 7 March 2020.**

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 9 January 2019 and will adjourn on 3 September 2020.**

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



**Note: The Kentucky Legislature convened on 7 January 2019 and adjourned on 15 April 2020.**

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 January 2019 and will adjourn on 6 January 2021.**

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



### INDIANA

**Note: The Indiana General Assembly convened on 6 January 2020 and adjourned on 11 March 2020.**

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 January 2019 and will adjourn on 31 December 2020.**

#### ***FINAL LEGISLATION***

**House Bill 4389** The bill would amend the Part 147 (Chemical Substances) of the Natural Resources and Environmental Protection Act to do the following: 1)require the fire chief of an organized fire department that used firefighting foam containing intentionally added perfluoroalkyl or polyfluoroalkyl (PFAS) to report the incident to the Michigan pollution emergency alert system within 48 hours after the end of a fire incident or other incident; 2)specify that a person who violated the proposed reporting requirement could be ordered to pay a civil fine of up to \$50; and 3)require the Department of Environment, Great Lakes, and Energy (DEGLE) to establish a collection program for firefighting foam concentrate containing intentionally added PFAS and establish guidelines for the program. Effective 8 July 2020.

[http://www.legislature.mi.gov/\(S\(iwvfiw3k20n1uwelenwsvax\)\)/mileg.aspx?page=getobject&objectname=2019-HB-4389&query=on](http://www.legislature.mi.gov/(S(iwvfiw3k20n1uwelenwsvax))/mileg.aspx?page=getobject&objectname=2019-HB-4389&query=on)



**OHIO**

**Note: The Ohio General Assembly convened on 7 January 2019 and will adjourn on 31 December 2020.**

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



**WISCONSIN**

**Note: The Wisconsin Legislature convened on 28 January 20 and adjourned on 31 July 2020.**

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

## MEET THE REC STAFF

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## SUBSCRIBE

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