



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

January 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-dodrecregion3@navy.mil.



NAVFAC MIDLANT DoD REC Map

Table of Contents

SPOTLIGHT	1
GENERAL INTEREST	2
FEDERAL NEWS	2
REGION 1	5
REGION 2	6
REGION 3	7
REGION 4	9
REGION 5	10
MEET THE REC STAFF	12
SUBSCRIBE	12

SPOTLIGHT STORY

Naval Medical Center Portsmouth Staff & Volunteers Plant Pollinator Garden

This article was published on the Defense Visual Information Distribution Service (DVIDS) website, <https://www.dvidshub.net/>, on 22 November 2019. Please see the introduction and link below.

Naval Medical Center Portsmouth (NMCP) has introduced a pollinator garden to the annex. A pollinator garden is a garden that is planted predominately with flowers that provide nectar or pollen for a wide range of pollinating insects.

"The significance of this project is to plant native species that provides a habitat and a food source for pollinator species, some of which are at-risk species in the area," said Taylor Austin, the Naval Support Activity (NSA) Hampton Roads Natural and Cultural Resources Manager. "It also provides a green space and attraction to local residents, active duty, and civilian personnel to enjoy and hopefully increase morale, welfare and recreation on the installation."

<https://www.dvidshub.net/news/353473/nmcp-staff-and-volunteers-plant-pollinator-garden>



GENERAL INTEREST

2020 Sustaining Military Readiness (SMR) Conference

The 2020 Sustaining Military Readiness (SMR) Conference will be held in San Antonio, Texas from August 10-13, 2020. The DoD-hosted event will bring together the operational, planning, and cultural and natural resource communities to promote military readiness through conservation awareness, compatible land use planning, partnerships, and encroachment mitigation. Join your colleagues for insightful discussion, stimulating workshops, and powerful connections with top military, government, and industry leaders.

The SMR Conference is FREE to all attendees and will be held at the Grand Hyatt San Antonio.

<https://www.smrconference.org/>

Federal Energy Management Program (FEMP) Hosts 2019 Federal Energy and Water Management Awards

FEMP recently presented its 39th annual Federal Energy and Water Management Awards. These annual awards honor federal personnel and highlight their outstanding achievements related to energy and water cost savings, optimized energy and water use, and distributed energy at our nation's federal facilities.

<https://www.energy.gov/eere/femp/2019-federal-energy-and-water-management-award-winners>

FEDERAL NEWS

Notice: With regard to any regulation or legislation, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions, or comments.

AIR

Ozone Depleting Substances Alternatives - Additional Listings EPA has issued a final rule listing additional substitutes for ozone depleting substances in refrigeration and air conditioning.

The newly listed alternatives include:

- R-1224yd(Z) in centrifugal and positive displacement chillers and industrial process refrigeration (new and retrofit);
- R-407H in multiple refrigeration and air conditioning end-uses (retail food and refrigerated transport), and
- R-453A in refrigerated transport (new and retrofit).

<https://www.govinfo.gov/content/pkg/FR-2019-11-25/pdf/2019-25412.pdf>

Adding Aerosol Cans to the Universal Waste Regulations EPA is adding hazardous waste aerosol cans to the universal waste program under the Federal Resource Conservation and Recovery Act (RCRA) regulations. This change will benefit the wide variety of establishments generating and managing hazardous waste aerosol cans, including the retail sector, by providing a clear, protective system for managing discarded aerosol cans. The streamlined universal waste regulations are expected to ease regulatory burdens on retail stores and others that discard hazardous waste aerosol cans; promote the collection and recycling of these cans; and encourage the development of municipal and commercial programs to reduce the quantity of these wastes going to municipal solid waste landfills or combustors. The final rule is effective 7 February 2020.

<https://www.fedcenter.gov/Articles/index.cfm?id=34873>

Risk Management Programs Under the Clean Air Act EPA has issued a final rule revising the Risk Management Program (RMP) regulations, which are designed to reduce the risk of accidental releases of hazardous chemicals.

The RMP rule applies to stationary source facilities holding more than a threshold quantity (TQ) of a regulated substance in a process. Facility types that EPA lists as potentially affected by the rule include utilities (water and wastewater), warehousing and storage, petroleum wholesalers and terminals, and Federal installations, that use RMP regulated substances.

In this final rule, EPA is rescinding recent (January 13, 2017) amendments to the RMP regulations relating to safer technology and alternatives analyses, third-party audits, incident investigations, information availability. EPA is also modifying regulations relating to local emergency coordination, emergency response exercises, and public meetings, and is changing compliance dates for some of these provisions.

For public meetings, EPA is retaining the compliance date established in the Amendments rule. The Court's vacatur of the Delay Rule made the Amendments rule public meeting provision effective with a future compliance date of March 15, 2021; EPA will not further delay this compliance date.

Section § 68.10 Applicability lists compliance dates:

- March 14, 2018 -- emergency response coordination activities in § 68.93,
- December 19, 2023 -- plans for conducting emergency response exercises in accordance with provisions of § 68.96,
- after March 15, 2021 -- comply with the public meeting requirement in § 68.210(b) within 90 days of any RMP reportable accident ... with known offsite impacts
- December 19, 2024 -- additional reporting requirements.

With regard to the five-year compliance date for updating RMPs with newly-required information, ... sources may but are not required to update or correct their RMP to add applicable new information elements any time after EPA makes this new functionality available within EPA's online RMP submission system, RMP*eSubmit.

The final rule was effective 19 December 2019.

<https://www.govinfo.gov/content/pkg/FR-2019-12-19/pdf/2019-25974.pdf>

Updates to Test Methods and Performance Specifications for Air Emission Sources EPA has released a proposed rule that would make corrections and updates to several regulations for source testing of emissions. Proposed changes are to make updates that EPA has noted since the last revisions finalized on November 14, 2018.

Several areas are affected including:

- Standards of Performance for Commercial and Industrial Solid Waste Incineration Units (40 CFR 60 Subpart CCCC);
- Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units (40 CFR 60 Subpart DDDD);
- Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (40 CFR 60 Subpart JJJJ): "In Table 2 of subpart JJJJ, text would be added to clarify that when stack gas flowrate measurements are necessary, they must be made at the same time as pollutant concentration measurements unless the option in Method 1A is applicable and is being used."
- Standards of Performance for Stationary Combustion Turbines (40 CFR 60 Subpart KKKK): EPA is proposing to include additional sampling methods in order for tariff sheets (of natural gas suppliers) to be used to satisfy the SO₂ performance testing requirements;
- revisions to several stack gas sampling and analysis methods (see the announcement for detailed list);
- revisions to various performance specifications, for example: Performance Specification 6 of Appendix B of Part 60: "... section 13.1 would be revised to clarify that the calibration drift test period for the analyzers associated with the measurement of flow rate should be the same as that for the pollutant analyzer that is part of the continuous emission rate monitoring system (CERMS). Section 13.2 would be revised for clarity and to be consistent with the requirements in Performance Specification 2." See the Federal Register announcement for full list.

Comments are due by 11 February 2020.

<https://www.govinfo.gov/content/pkg/FR-2019-12-13/pdf/2019-26134.pdf>

WATER

Addition of Certain Per- and Polyfluoroalkyl Substances; Community Right-to-Know Toxic

Chemical Release Reporting In this Advance Notice of Proposed Rulemaking (ANPRM), EPA is soliciting information from the public as EPA considers proposing a future rule on adding certain per- and polyfluoroalkyl substances (PFAS) to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). In this ANPRM, EPA outlines what PFAS are, why the Agency is considering adding certain PFAS to EPCRA section 313, what listing actions are being considered, who may be required to report, the current understanding of hazard concerns for PFAS, EPA's hazard assessments on PFAS, and other information available on these chemicals. In considering a chemical for addition to the EPCRA section 313 list, EPA bases its listing decision on the chemical's hazard (*i.e.*, toxicity), not the risk (*i.e.*, toxicity plus potential exposures) related to that chemical. EPA is requesting comment on which, if any, PFAS should be evaluated for listing, how to list them, and what would be appropriate reporting thresholds given their persistence and bioaccumulation potential. Lastly, EPA asks for any additional data to inform the Agency's evaluation and determination of which PFAS may meet the EPCRA section 313 listing criteria.

<https://www.federalregister.gov/d/2019-26034>

Comments must be received on or before 3 February 2020.

REGION I



CONNECTICUT

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

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



MAINE

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.



MASSACHUSETTS

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

PROPOSED RULES

Air Pollution Control The Massachusetts Department of Environmental Protection (MassDEP) has proposed amendments to air pollution control rules regarding various exemptions from cleaning solvent requirements; boiler installation at operating permit facilities; and other miscellaneous amendments. Comments due 24 January 2020.

<https://www.mass.gov/regulations/310-CMR-700-air-pollution-control#proposed-amendments-public-comment>

https://services.statescape.com/ssu/Regs/ss_8586250001324478600.pdf

FINAL RULES

Final PFAS-Related Revisions to the Massachusetts Contingency Plan (MCP) MassDEP has added reportable concentrations and cleanup standards for six per- and polyfluoroalkyl substances (PFAS)—perfluorodecanoic acid (PFDA), perfluoroheptanoic acid (PFHpA), perfluorohexanesulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluorooctanesulfonic acid (PFOS), and perfluorooctanoic acid (PFOA) to its waste site cleanup regulations to address sites contaminated with PFAS. Effective 27 December 2019.

<https://www.mass.gov/lists/final-pfas-related-revisions-to-the-mcp-2019>



NEW HAMPSHIRE

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

PROPOSED LEGISLATION

Senate Bill 287 requires the commissioner of the department of environmental services to revise rules relative to perfluorinated chemical contamination in drinking water.

http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2020&id=1111&txtFormat=pdf&v=current



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.

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

REGION II



NEW JERSEY

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

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



NEW YORK

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

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

REGION III



DISTRICT OF COLUMBIA

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.



DELAWARE

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

PROPOSED RULES

Control of Volatile Organic Compound Emissions The Department of Natural Resources and Environmental Control has proposed 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.

https://services.statescape.com/ssu/Regs/ss_8586262179488981933.pdf



MARYLAND

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

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



PENNSYLVANIA

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

PROPOSED LEGISLATION

House Bill 2128 amends the act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act, further providing for powers and duties of Environmental Quality Board. The bill would establish maximum contaminant levels (MCL) for per- & polyfluoroalkyl compounds (PFAS), chromium-6, and 1-4 dioxane in public water systems.

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2019&sind=0&body=H&type=B&bn=2128>

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2019&sessInd=0&billBody=H&billTyp=B&billNbr=2128&pn=3028>

Senate Bill 950 authorizes the Department of Environmental Protection to conduct a public comment process on and submit to the General Assembly a measure or action intended to abate, control or limit carbon dioxide emissions by imposing a revenue-generating tax or fee on carbon dioxide emissions.

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2019&sind=0&body=S&type=B&bn=950>

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2019&sessInd=0&billBody=S&billTyp=B&billNbr=0950&pn=1404>



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.



WEST VIRGINIA

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



NORTH CAROLINA

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

PROPOSED RULES

Electronic Hazardous Waste Manifest System (E-Manifest) User Rule The Department of Environmental Quality has proposed amendments to rules to incorporate federal requirements regarding the hazardous waste manifest system and management standards for hazardous waste pharmaceuticals.

<https://files.nc.gov/ncoah/documents/files/Volume-34-Issue-12-December-16-2019.pdf#page=46>

https://services.statescape.com/ssu/Regs/ss_8586250740952333917.pdf

Source Water Protection Planning The Department of Environmental Quality has proposed amendments to revise the requirements for source water protection planning for systems that comply with federal requirements, and assess risk from potential contaminant sources within certain state-specified areas.

https://services.statescape.com/ssu/Regs/ss_8586249221363372778.pdf

Ocean Hazard Areas The Coastal Resources Commission has proposed amendments to reference the update of the Inlet Hazard Area boundaries and associated development setback factors. The proposed amendments are in the public interest as they are intended to minimize the loss of property and human life by establishing development setbacks between structures and the Atlantic shoreline.

<https://files.nc.gov/ncoah/documents/files/Volume-34-Issue-11-December-2-2019.pdf#page=14>



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 3982 requires the Department of Public Health to adopt a maximum contaminant level (MCL) for per- and polyfluoroalkyl substances (PFAS) compounds, chromium-6, and 1,4 dioxane, etc. that is protective of public health and does not exceed any MCL or health advisory promulgated by the US EPA.

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=3982&GAID=15&DocTypeID=HB&SessionID=108&GA=101>



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.



OHIO

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.

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

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