



REC Review



of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

March 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

NSA Hampton Roads Receives Three River Star Awards

From Naval Support Activity Hampton Roads Public Affairs

Naval Support Activity (NSA) Hampton Roads received three River Star Awards for environmental stewardship at their three sites; Headquarters, Lafayette River Annex and Portsmouth Annex during the Elizabeth River Project’s River Star Awards Luncheon on 23 January 2020.

“I am very proud of our team for continuing to implement ways to protect our environment,” said Capt. Jonathan Kline, Commanding Officer at NSA Hampton Roads. “These awards speak volumes and show just how dedicated we are to environmental stewardship.”

The Elizabeth River Project is the non-profit organization dedicated to encouraging community involvement in protecting and restoring the Elizabeth River and her watershed. They recognize businesses and organizations around the Hampton Roads area that have voluntary pollution prevention and wildlife rehabilitation programs.

NSA Hampton Roads has been recognized as a River Star Business for 26 years total for the three annexes. Approximately 20 years at the Model Level at Portsmouth Annex, five years at the Achievement Level at Lafayette River Annex, and one year at the Achievement Level at Headquarters.

Continued...



The team receives their River Star awards at the Elizabeth River Project's River Star Awards Luncheon on Jan. 23. (From left to right) Amy Hardy, NSA Hampton Roads Water Program Manager; Taylor Austin, NSA Hampton Roads Natural and Cultural Resources Manager; Capt. Jason Todd Lewis, Medical Service Corps, Director For Administration at Naval Medical Center Portsmouth; Virginia Governor Ralph Northam; Rachel Lanette Donegan, Environmental Program Manager for Naval Medical Center Portsmouth; Linda Hicks, NSA Hampton Roads Environmental Program Manager; Cmdr. Terra Gray, NSA Hampton Roads Executive Officer; and Lt. Cmdr. Elise Chapdelaine, NSA Hampton Roads Public Works Officer.

The installation received Sustained Superior Performance awards for both Portsmouth Annex and Lafayette River Annex, in which they achieved Model Level many years ago. At Headquarters, they attained Achievement Level, which is one step below Model.

"It is very exciting to receive these awards," said Lt. Cmdr. Elise Chapdelaine, Public Works Officer at NSA Hampton Roads. "The hard work the environmental team does to sustain and improve these programs that so significantly impact our local environment is impressive."

NSA Hampton Roads participated in various environmental projects to become a River Star business to include installation and upkeep of oyster cages at Portsmouth Annex and Lafayette River Annex; use of permeable paving at Portsmouth Annex to limit runoff pollution; voluntary native wetland planting at Portsmouth Annex and Lafayette River Annex returning some land to native growth and more naturally mitigating erosion issues; installation and annual upkeep of a Pollinator Garden at Portsmouth Annex; and high quality execution of hazardous material and waste programs to ensure neither storm water or sanitary sewers have contamination inflow from the many waste streams at Portsmouth Annex and Headquarters.

The installation is not finished yet as there are various future projects planned that will help continue to save and protect the environment.

“We just awarded an energy savings performance contract to decentralize and modernize the heating system for many of the buildings at Northwest Annex and install energy-saving water fixtures in key locations there and at Headquarters,” said Chapdelaine. “We will also be installing oyster castles at Lafayette River Annex this year, a more robust version of the oyster cages we have had that will act as a man-made reef, providing surface for oysters and other native wildlife and provide some erosion control.”

As a River Star Business, NSA Hampton Roads has documented significant achievement in wildlife habitat improvements/protection and other environmentally responsible practices and are recognized as community leaders in environmental stewardship.

“The military role in National Defense usually dominates the headlines, but awards such as the River Star are truly special to draw attention to the great work, passion, and consistency of our environmental workforce,” said Kline. “I have been amazed to learn about the extensive programs in place to ensure we minimize our environmental impacts.”

https://www.militarynews.com/norfolk-navy-flagship/nsa-hampton-roads-receives-three-river-star-awards/article_ac1d832a-4cd7-11ea-acfa-b3467e87c102.html

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/>

EPA Announces 2019 Annual Environmental Enforcement Results

In fiscal year (FY) 2019, the Environmental Protection Agency (EPA) continued to strengthen its collaborative partnership with state and tribal programs to assure compliance with federal environmental laws. EPA continued to focus its resources in areas that will have a major environmental or human health impact, support the integrity of our environmental regulatory programs, create a deterrent effect, or promote cleanups. In FY 2019, EPA also continued to encourage entities to self-disclose and correct violations, resulting in an increase of entities that used this option to return to compliance. Details provided in the link below.

<https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2019>

Best Urban BMP in the Bay Award – Due 5 April 2020

The Chesapeake Stormwater Network (CSN) is conducting The Best Urban BMP in the Bay Award (BUBBA) contest which recognizes the best urban best management practices (BMPs) that have been installed in the Chesapeake Bay watershed. Many other organizations have offered low impact development (LID) design competitions to promote the implementation and adoption of LID practices in areas where they have not previously been employed. Here, in the Chesapeake Bay watershed, LID practices are more commonly employed as a result of stringent stormwater management regulations and the recently implemented Bay total maximum daily load (TMDL).

- Recognize innovators in the field who are using new and innovative techniques for facing the challenges of stormwater management;
- Provide an avenue for disseminating these techniques to other communities who could benefit from the lessons learned and innovative approaches;
- Engage CSN's 11,000 member network of stormwater professionals throughout the Bay watershed to choose our grand prize winner and promote interactivity among members

<https://chesapeakestormwater.net/the-bubbas/>

Environmental Business Council of New England Awards – Due 13 March 2020

Each year, the Environmental Business Council of New England (EBC) recognizes companies, organizations and individuals for outstanding accomplishment in environmental management, energy resources and management, and climate change through the EBEE Awards. The EBEE Awards are presented at the EBC's Annual Award Celebration, held in June. These awards were established by the EBC to encourage companies, government agencies, non-profit organizations, and environmental professionals to serve as models for others to emulate and, in doing so, further the mission and objectives of the EBC.

<https://ebcne.org/events-programs/ebec-awards-ceremony/>

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

Revisions to the Petition Provisions of the Title V Permitting Program; EPA is revising its regulations to streamline and clarify processes related to submission and review of title V petitions.

- EPA is establishing an electronic submittal system as the preferred method of submittal, with specified email and physical addresses as alternate routes;
- EPA is finalizing its proposal to incorporate certain content and format requirements into the regulations, codifying (existing) practices;

- EPA is requiring permitting authorities to prepare a written response to comments (RTC) document if significant comments are received during the public participation process on a draft permit.

Effective date is 6 April 2020.

<https://www.federalregister.gov/documents/2020/02/05/2020-01099/revisions-to-the-petition-provisions-of-the-title-v-permitting-program>

Senate Bill 3269 Clean Economy Act of 2020 A bill to set and meet a national goal of net-zero greenhouse gas emissions by not later than 2050.

<https://www.fedcenter.gov/Articles/index.cfm?id=35161>

House of Representatives Bill 5859 Trillion Trees Act A bill to establish forest management, reforestation, and utilization practices which lead to the sequestration of greenhouse gases.

<https://www.govinfo.gov/content/pkg/BILLS-116hr5859ih/pdf/BILLS-116hr5859ih.pdf>

WATER

EPA Announces Proposed Decision to Regulate PFOA and PFOS in Drinking Water EPA has posted a press release indicating they have made a preliminary regulatory determination that will likely lead to a proposed rule setting limits for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) in drinking water. If EPA makes a final determination to regulate a contaminant, the Agency must publish a proposed maximum contaminant level goal (MCLG) and national primary drinking water regulation (NPDWR) within 24 months.

The EPA is making preliminary determinations to regulate PFOS and PFOA in drinking water and to not regulate six contaminants (i.e., 1,1-dichloroethane, acetochlor, methyl bromide (bromomethane), metolachlor, nitrobenzene, and RDX).

EPA will accept comment on these preliminary determinations for 60 days after publication in the Federal Register.

https://www.epa.gov/sites/production/files/2020-02/documents/ccl_reg_det_4_preliminary_frn.webposting.pdf

NATURAL RESOURCES

Regulations Governing Take of Migratory Birds; The Fish and Wildlife Service proposes to adopt a regulation that defines the scope of the Migratory Bird Treaty Act (MBTA) as it applies to conduct resulting in the injury or death of migratory birds protected by the Act.

The proposal would add a new section 10.14 to 50 CFR Part 10: § 10.14 Scope of the Migratory Bird Treaty Act.

The prohibitions of the MBTA (16 U.S.C. 703) that make it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill migratory birds, or attempt to engage in any of those actions, apply only to actions directed at migratory birds, their nests, or their eggs. Injury to or mortality of migratory birds that results from, but is not the purpose of, an action (i.e., incidental taking or killing) is not prohibited by the MBTA.

Comments due 19 March 2020.

<https://www.federalregister.gov/documents/2020/02/03/2020-01770/migratory-bird-permits-regulations-governing-take-of-migratory-birds-environmental-impact-statement>

Designation of Critical Habitat for Yellow Lance FWS proposes to designate critical habitat for the yellow lance (*Elliptio lanceolata*). In total, approximately 319 river miles (mi) (514 kilometers (km)) in North Carolina, Virginia, and Maryland fall within the boundaries of the proposed critical habitat designation. If this rule is finalized, it would extend the Act's protections to this species' critical habitat.

Comments due 6 April 2020.

<https://www.govinfo.gov/content/pkg/BILLS-116hr5714ih/pdf/BILLS-116hr5714ih.pdf>

REGION I



Note: The Connecticut Legislature convened on 5 February 2020 and adjourn on 6 May 2020.

PROPOSED LEGISLATION

House Bill 5288 is an act concerning perfluoroalkyl and polyfluoroalkyl substances. Its purpose is to limit the public's exposure to perfluoroalkyl and polyfluoroalkyl substances. Text and link not available at this time.



Note: The Maine Legislature convened on 5 December 2018 and will adjourn on 15 May 2020.

FINAL RULES

Surface Water Quality Criteria for Toxic Pollutants The Department of Environmental Protection has adopted rulemaking regarding ambient water quality criteria for toxic pollutants in the surface waters of the state. The rule also sets forth procedures that may be used to determine alternative statewide criteria or site-specific criteria adopted as part of a licensing proceeding. Effective 16 February 2020.

https://services.statescape.com/RegsText/StaticDownloads/160114_291541.pdf

OTHER OPPORTUNITIES

Gulf of Maine Council Annual Recognition Awards – Due 27 March 2020

The Gulf of Maine Council on the Marine Environment has over the years recognized efforts by individuals, groups or organizations that seek to protect, enhance and restore the ecosystem of the Gulf of Maine region and safeguard and improve the wellbeing of the communities that depend on its resources. The Council has established awards to bestow on individuals and organizations for their exemplary work as stewards of the ocean. Each year the Council accepts nominations for the awards which include: Visionary awards, the Sustainable Community awards, the Industry award, the Art Longard award, and the Susan Snow-Cotter award.

<https://gulfofmaine.org/public/gulf-of-maine-council-on-the-marine-environment/awards/>



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

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

OTHER OPPORTUNITIES

Massachusetts Clean Community Awards – Due 20 March 2020

The Massachusetts Clean Community Awards recognize volunteers, nonprofit leaders, government leaders, businesses, and educators for exceptional environmental protection and community improvement efforts.

<https://keepmassbeautiful.org/news-events/massachusetts-clean-community-awards.html>



Note: The New Hampshire Legislature convened on 8 January 2020 and will adjourn on 30 June 2020.

PROPOSED LEGISLATION

House Bill 661 establishes the elements of a claim for medical monitoring and the damages that may be awarded.

http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2020&id=799&txtFormat=pdf&v=current



RHODE ISLAND

Note: The Rhode Island Legislature convened on 7 January 2020 and will adjourn on 30 June 2020.

PROPOSED LEGISLATION

House Bill 7216 requires the Rhode Island Department of Health to establish maximum contaminate levels (MCLs) of polyfluoroalkyl substances (PFAS) and set interim standards. The act would also provide that the Rhode Island Department of Environmental Management (RIDEM) provide a report regarding leachate contaminants from landfills concerning chlorofluorocarbons.

<http://webserver.rilin.state.ri.us/BillText20/HouseText20/H7216.pdf>

Senate Bill 2111 amends existing laws to expand the prohibition on idling from diesel-fueled vehicles to diesel and gasoline fueled vehicles.

<http://webserver.rilin.state.ri.us/BillText20/SenateText20/S2111.pdf>

Senate Bill 2235 is similar to House Bill 7216 (above). Requires Department of Health to establish MCLs of PFAS.

<http://webserver.rilin.state.ri.us/BillText20/SenateText20/S2235.pdf>

FINAL RULES

Control of Volatile Organic Compounds from Consumer Products RIDEM has adopted rulemaking regarding Air Pollution Control Regulation No. 31, 'Control of Volatile Organic Compounds from Consumer Products'. Effective 16 January 2020.

https://services.statescape.com/ssu/Regs/ss_8586298494755867750.pdf

Control of VOC from Architectural Coatings and Industrial Maintenance Coatings RIDEM has adopted rules regarding a volatile organic compound (VOC) standard for fire resistive coatings. Effective 16 January 2020.

https://services.statescape.com/ssu/Regs/ss_8586286360280055942.pdf

OTHER OPPORTUNITIES

Narragansett Bay Save the Bay Awards (Rhode Island) – Due 30 March 2020

The Environmental Achievement Award - The Environmental Achievement Award is presented annually to individuals, corporations or organizations that have demonstrated outstanding leadership and commitment to the environmental protection of Narragansett Bay and its watershed.

<https://www.savebay.org/events/annual-meeting/>



Note: The Vermont Legislature convened on 9 January 2019 and will adjourn on 15 May 2020.

DOCUMENTS OF INTEREST

PFAS Reports The Department of Environmental Conservation (DEC) has released several reports on per- and polyfluorinated substances (PFAS). The reports will help DEC continue to investigate PFAS in landfill leachate, to evaluate the impact of landfill leachate on PFAS concentrations at wastewater treatment facilities, and to evaluate treatment alternatives for PFAS leachate. The reports will also help DEC begin to evaluate other potential sources of PFAS releases into the environment from residential, industrial and wastewater treatment facilities and how to manage sludges and biosolids produced by these facilities.

<https://dec.vermont.gov/content/pfas-sampling-report>

REGION II



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

PROPOSED LEGISLATION

Assembly Bill 747 restricts discharge of firefighting foams containing perfluoroalkyl or polyfluoroalkyl substances for training or testing purposes.

https://www.njleg.state.nj.us/2020/Bills/A1000/747_11.PDF

Assembly Bill 1205 requires district recycling plans to include compostable waste among source separated recyclable materials.

https://www.njleg.state.nj.us/2020/Bills/A1500/1205_11.PDF

Assembly Bill 2032 requires registration, inspection, testing, cleaning, and disinfection of cooling towers to control outbreaks of Legionnaire's Disease.

https://www.njleg.state.nj.us/2020/Bills/A2500/2032_11.PDF

Assembly Bill 2523 sets maximum contaminant level and requires private well testing for perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA).

https://www.njleg.state.nj.us/2020/Bills/A3000/2523_11.PDF



NEW YORK

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

PROPOSED LEGISLATION

Assembly Bill 1424 enacts "private environmental law enforcement act." Authorizes any private citizen who has an interest which is or may be adversely affected to commence civil judicial actions for injunctive or declaratory relief to remedy environmental harms under certain circumstances. Provides that such action may be commenced against any person for any violation of an administrative or court order compelling an investigation or remediation of an inactive hazardous waste disposal site.

https://nyassembly.gov/leg/?default_fld=&Summary=Y&Actions=Y&term=2019&bn=A1424

Assembly Bill 7167 places restrictions on the sale and use of firefighting equipment containing per- and polyfluorinated substances (PFAS) chemicals to reduce the use of PFAS chemicals in firefighting activities. Repeals certain provisions of the executive law related to reducing the use of PFAS chemicals in firefighting activities.

https://nyassembly.gov/leg/?default_fld=&Summary=Y&Actions=Y&term=2019&bn=S7167

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 will adjourn on 30 June 2020.

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



Note: The Maryland General Assembly convened on 8 January 2020 and adjourned on 6 April 2020.

PROPOSED LEGISLATION

House Bill 589 requires a certain person that generates food residuals to separate the food residuals from other solid waste and ensure that the food residuals are diverted from final disposal in a refuse disposal system in a certain manner.

<http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0589?ys=2020RS>

House Bill 619 prohibits, on or after October 1, 2021, the use of fire-fighting foam containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) for firefighter training purposes; and establishing a civil penalty of up to \$500 for a first violation of the Act and up to \$1,000 for subsequent violations.

<http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0619?ys=2020RS>

Senate Bill 410 prohibits the use of certain Class B firefighting foam that contains intentionally added PFAS chemicals for certain testing or training purposes. Requires the use of certain foam for firefighting training.

<http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0420?ys=2020RS>

OTHER OPPORTUNITIES

Maryland Department of Environment (MDE) / Tawes Award for a Clean Environment / James B. Coulter Government Employee Award – Due 30 April 2020

Maryland Department of Environment (MDE) is a proud co-sponsor of the annual Tawes Award for a Clean Environment. The annual statewide environmental recognition program seeks to involve youth, adults and private and public organizations in the restoration and protection of Maryland's natural resources. Any individual, civic, community or non-profit entity that has demonstrated outstanding efforts to enhance Maryland's environment over a period of time or with a single project may be nominated. The Maryland Petroleum Council will donate \$300 each in the names of the Tawes youth and adult award winners to the non-profit group of their choice.

MDE also co-sponsors the James B. Coulter Government Employee Award. This award recognizes a government employee who goes above and beyond their assigned duties in efforts to improve Maryland's environment.

Past project winners have included community clean-ups, school ecology or beautification projects, recycling, prevention and control of hazardous materials, waste reduction and other innovative environmental enhancements.

The Tawes Award, now celebrating its 38th year of recognizing outstanding efforts to enhance Maryland's environment, is named after the late Governor J. Millard Tawes (1959-1967), the first secretary of the Department of Natural Resources.

The James B. Coulter Government Employee Award, which recognizes the environmental contributions of government employees, was created in 2005 and is named in honor of former Secretary of the Maryland Department of Natural Resources James B. Coulter.

The Maryland Petroleum Council and the Maryland Department of Natural Resources are partners with MDE in support of the Tawes and the James B. Coulter Government Employee Awards.

The nomination period for the Tawes and Coulter awards are open February through April. Nominations can be submitted via email to: TAWES.AWARD@maryland.gov or by mail to: Maryland Department of the Environment, Office of Communications, 1800 Washington Boulevard, 7th Floor, Baltimore, Maryland 21230, Attention: Adrienne Diaczok - Tawes Awards.

https://mde.state.md.us/programs/Marylander/Pages/tawes_awards.aspx



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

PROPOSED LEGISLATION

House Bill 473 amends the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for storm water management plans and facilities.

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2019&sessInd=0&billBody=H&billTyp=B&billNbr=0473&pn=0458>

PROPOSED RULES

Administration of the Land Recycling Program The Environmental Quality Board has proposed amendments to the rules regarding the administration of the Land Recycling Program. The proposed rules would update the existing statewide health standard medium-specific concentrations (MSC) and add MSCs for three new contaminants: Perfluorooctanoic Acid (PFOA), Perfluorooctane Sulfonate (PFOS) and Perfluorobutane Sulfonate (PFBS).

https://services.statescape.com/ssu/Regs/ss_8586195645186872082.pdf



Note: The Virginia General Assembly convened on 8 January 2020 and will adjourn on 7 March 2020.

PROPOSED RULES

2021 Amendment and Reissuance of General Permit Regulation The Department of Environmental Quality has proposed rules to amend and reissue the existing general permit which expires on 31 December 2021. The general permit governs facilities holding individual VPDES permits that discharge or propose to discharge total nitrogen or total phosphorus to the Chesapeake Bay or its tributaries.

https://townhall.virginia.gov/L/GetFile.cfm?File=103\5472\8884\AgencyStatement_DEQ_8884_v1.pdf



WEST VIRGINIA

Note: The West Virginia Legislature convened on 8 January 2020 and will adjourn on 7 June 2020.

PROPOSED LEGISLATION

House Bill 4079 amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to altering the definition of an aboveground storage tank.

http://www.wvlegislature.gov/Bill_Text_HTML/2020_SESSIONS/RS/bills/HB4079%20INTR.pdf

House Bill 4542/Senate Bill 679 creates the Clean Drinking Water Act of 2020. Directs the Department of Health and Human Resources to propose maximum contaminant levels (MCLs) or treatment techniques for certain PFAS pollutants. The bill creates the West Virginia PFAS Action Response Team to act as an advisory body within the Department of Environmental Protection. The bill sets forth the team’s responsibilities and powers. The bill requires facilities using certain PFAS chemicals to report their use. The bill sets forth other duties of those facilities.

http://www.wvlegislature.gov/Bill_Text_HTML/2020_SESSIONS/RS/bills/HB4542%20INTR.pdf

REGION IV



NORTH CAROLINA

Note: The North Carolina General Assembly convened on 9 January 2019 and will adjourn on 1 July 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 January 2019 and will adjourn 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.

PROPOSED LEGISLATION

House Bill 5003 creates the Firefighting Foam Act. Provides that, after June 30, 2020, a person, unit of local government, or state agency: (1) shall not use for training purposes a Class B firefighting foam that contains an intentionally added PFAS chemical and may use only training foam that does not contain such chemicals; and (2) shall not use for testing purposes a Class B firefighting foam that contains intentionally added PFAS chemicals unless the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent releases of the Class B firefighting foam to the environment. Provides that the Act's prohibitions apply regardless of whether the testing is required by law or by a unit of local government or state agency having authority concerning testing by firefighters. Provides that the Act does not prohibit or restrict the manufacture, sale, or distribution of Class B firefighting foam that contains intentionally added PFAS chemicals or the use of Class B firefighting foam that contains intentionally added PFAS chemicals in an emergency firefighting operation or an emergency fire prevention operation.

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=5003&GAID=15&DocTypeID=HB&SessionID=108&GA=101>

Senate Bill 3441 amends the Environmental Protection Act. Requires the state Environmental Protection Agency, beginning January 1, 2021, to collect from owners or operators of hazardous waste management facilities a fee in the amount of \$500 for a small quantity hazardous waste generator required to apply for a US EPA identification number or submit a re-notification of activities falling under Subtitle C of the federal Resource Conservation and Recovery Act, due at the time the application or re-notification is required to be submitted.

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=3441&GAID=15&DocTypeID=SB&SessionID=108&GA=101>



INDIANA

Note: The Indiana General Assembly convened on 6 January 2020 and will adjourn on 14 March 2020.

PROPOSED LEGISLATION

House Bill 1189 prohibits the use of Class B firefighting foam containing an intentionally added PFAS chemical: (1) for training purposes; and (2) for testing purposes, unless the testing facility has implemented appropriate measures to prevent releases of the firefighting foam to the environment.

<http://iga.in.gov/legislative/2020/bills/house/1189>

Senate Bill 257 provides that Indiana Department of Transportation (INDOT) shall not issue a permit for construction or alteration of an energy facility that will result in a structure that is more than 200 feet above ground level at its site unless the applicant for the permit submits to INDOT documentation of a formal review by the Clearinghouse of the proposed construction or alteration indicating: (1) that the formal review resulted in a determination that the construction or alteration will not have an adverse impact on military operations and readiness; or (2) that: (A) the formal review resulted in a determination that the proposed project will have an adverse impact on military operations and readiness; and (B) the applicant has either resolved the adverse impact to the satisfaction of the United States Department of Defense or entered into a mitigation agreement with the United States Department of Defense to mitigate the adverse impact.

<http://iga.in.gov/legislative/2020/bills/senate/257>

Senate Bill 414 requires the state department of health to establish state maximum contaminant levels (MCLs) for likely or known carcinogens and toxic chemicals likely to pose a substantial health hazard. Requires the state department to establish MCLs for PFAS, chromium-6, and 1,4-dioxane in water provided by public water systems. Requires the state department to consider establishing MCLs in water provided by public water systems for another pollutant when two or more other states have set limits or issued guidance concerning that pollutant. Provides that maximum contaminant levels established by the state department: (1) must be protective of public health, including the health of vulnerable subpopulations; and (2) may not be less stringent than any maximum contaminant level or health advisory promulgated by the US EPA.

<http://iga.in.gov/legislative/2020/bills/senate/414>

PROPOSED RULES

Solid Waste and Hazardous Waste Program Permitting Fee The Indiana Department of Environmental Management (IDEM) proposed amendments to rules in 329 IAC 3.1-1-14.1, 329 IAC 10, 329 IAC 11, and 329 IAC 15, concerning solid waste and hazardous waste program permit fees as required by the House Enrolled Act (HEA) 1278.

https://services.statescape.com/RegsText/StaticDownloads/167799_292086.pdf

OTHER OPPORTUNITIES

Indiana Governor's Award for Environmental Excellence – Due 6 April 2020

The IDEM Governor's Awards for Environmental Excellence are Indiana's most prestigious environmental recognition awards. They are reserved for the most innovative, sustainable, and exemplary programs or projects that positively impact Indiana's environment and demonstrate measurable environmental, economic, and social benefits. The selection process is highly competitive, and only one award per category will be presented during a ceremony in September annually. The awards categories are:

- Energy/Renewable Resources
- Environmental Education and Outreach
- Five year Continuous Improvement
- Greening the Government
- Land Use/Conservation
- Pollution Prevention
- Recycling/Reuse

<https://www.in.gov/idem/partnerships/2457.htm>



MICHIGAN

Note: The Michigan Legislature convened on 9 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.



OHIO

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

PROPOSED LEGISLATION

House Bill 497 amends section 6111.041 and to enact section 6109.26 of the Revised Code to require the Director of Environmental Protection to adopt rules establishing maximum allowable contaminant levels in drinking water and water quality standards for certain contaminants.

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-497>



WISCONSIN

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

PROPOSED LEGISLATION

Assembly Bill 792/Senate Bill 717 related to expanding the clean sweep program to include collection of certain firefighting foams and making an appropriation.

<http://docs.legis.wisconsin.gov/2019/proposals/reg/asm/bill/ab792>

PROPOSED RULES

PFAS Water Quality Criteria The Department of Natural Resources has requested public input regarding rule development for potential rules to establish PFAS surface water quality criteria, groundwater standards, and drinking water maximum contaminant levels.

https://services.statescape.com/ssu/Regs/ss_8586212695490719971.pdf

MEET THE REC STAFF

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REC Counsel
(757) 322-2938, DSN 262-2938

Cultural Resources
(757) 341-0925

Potable Water, Stormwater, Groundwater,
Wastewater
(757) 341-0429

Air Quality, Asbestos, Radon
(757) 341-0395

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) 341-0494

Land Use, Encroachment
(757) 341-0264

Environmental Restoration
(757) 341-0394

REC Support
(757) 341-0430

REC Outreach
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DoD Chesapeake Bay Coordinators
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