



# REC Review



## of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

May 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

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### SPOTLIGHT STORY

#### Naval Station Great Lakes and Naval Weapons Station Yorktown SECNAV Award Winners!

The Honorable James E. McPherson, Acting Secretary of the Navy (SECNAV) announced the winners of the 2020 Secretary Of the Navy Environmental Awards competition. Two installations from Navy Region Mid-Atlantic were selected, **Naval Station (NS) Great Lakes** and **Naval Weapons Station (NWS) Yorktown**.

#### Natural Resources Conservation Individual/Team Naval Station Great Lakes

The accomplishments of Naval Station Great Lake’s natural resources team in fiscal year 2019 have enhanced shoreline habitat for not only the state-endangered Common Tern, but also other shorebird species and native flora. NS Great Lakes has prioritized collaboration with regulatory agencies, MWR, and other stakeholders in support of the mission for the protection of listed species.



Naval Station Great Lakes Natural Resources Team with the Common Tern (*Sterna hirundo*) nesting platform.

### **Environmental Restoration Installation Naval Weapons Station (NWS) Yorktown**

Since federal facility agreements were signed for NWS Yorktown and Cheatham Annex in 1995 and 2005, 85 potentially contaminated installation restoration and munitions response sites, solid waste management units, and areas of concern have been identified for evaluation based on previous assessments and investigations. Sixty-one of those sites have been closed with no further action.



NWS Yorktown Cheatham Annex After action removal action and site restoration.

Both installations were nominated to compete in the Secretary of Defense Environmental Awards competition.

## **GENERAL INTEREST**

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

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>

# 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.*

## INSPECTIONS

### **COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program**

EPA is announcing a temporary policy regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic. This policy will apply retroactively beginning on 13 March 2020. Authorized states or tribes may take a different approach under their own authorities. The EPA will exercise the enforcement discretion specified in the this memo for noncompliance covered by this temporary policy and resulting from the COVID-19 pandemic, if regulated entities take the steps applicable to their situations, as set forth in this policy.

<https://www.epa.gov/enforcement/covid-19-implications-epas-enforcement-and-compliance-assurance-program>

### **Federal Facilities Environmental Compliance Training**

On 5 and 6 August 2020, the U.S. Environmental Protection Agency Region III and the Maryland Department of the Environment are hosting an environmental compliance training for Federal facilities. This 2-day training will review the most significant problems observed during our inspections in the following areas: Clean Air Act, Underground Storage Tanks, Hazardous Waste, Spill Prevention, Control and Countermeasure (SPCC), TSCA-led based paint, CWA-NPDES and Stormwater requirements.

- The training will take place at the EPA Environmental Science Center located at Fort Meade, Maryland. On the first day from 9:00 a.m. to 4:00 p.m. and on the second day from 8:30 a.m. to 12:30 p.m.
- The workshop will be delivered through lectures from experienced compliance inspectors. Discussing the most common issues affecting the Federal sector.
- This workshop is intended for Federal personnel who are involved in environmental compliance activities at Federal facilities.
- There is no cost to attend this training; however, each participant is responsible for her/his travel and per diem expenses.
- Due to the activities designed for this training and to provide the best experience, class size is limited to 50 participants.

Register by 21 July 2020.

<https://www.epa.gov/md/federal-facilities-environmental-compliance-training-ask-inspector-workshop-fort-meade-md>

# WATER

## **Administrative Updates to NPDES eRule Data Elements for MS4 Reporting**

EPA is updating specific data elements within the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule that apply to regulated municipal separate storm sewer systems (MS4s).

This final rule updates those data elements to reflect changes made by the MS4 General Permit Remand Rule, published on December 9, 2016.

The MS4 Remand Rule clarified, among other things, that the MS4's description of its compliance actions does not substitute for the terms and conditions in the permit. The revised Phase II regulations make it clear that the permittee's compliance is judged by whether it has met the requirements of the permit; the permittee's intention as reflected in its SWMP does not constitute the basis for permit compliance. EPA's rule modifies the relevant language for each of the data elements that included this type of language to reflect that the permit establishes the enforceable requirements, not the SWMP or NOI.

The final rule is effective 15 May 2020.

<https://www.federalregister.gov/documents/2020/04/15/2020-06587/updates-to-npdes-erule-data-elements-to-reflect-ms4-general-permit-remand-rule>

## **The Navigable Waters Protection Rule: Definition of "Waters of the United States"**

EPA and the Army are publishing a final rule defining the scope of waters federally regulated under the Clean Water Act. The Navigable Waters Protection Rule is the second step in a comprehensive, two-step process intended to review and revise the definition of "waters of the United States" consistent with the Executive Order signed on 28 February 2017, "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." Once effective, it replaces the rule published on 22 October 2019. This final rule implements the overall objective of the Clean Water Act to restore and maintain the integrity of the nation's waters by maintaining federal authority over those waters that Congress determined should be regulated by the Federal government under its Commerce Clause powers, while adhering to Congress' policy directive to preserve States' primary authority over land and water resources. This final definition increases the predictability and consistency of Clean Water Act programs by clarifying the scope of "waters of the United States" federally regulated under the Act.

This final rule is effective on 22 June 2020.

<https://www.fedcenter.gov/Articles/index.cfm?id=35371>

## **Interstate Technology and Regulatory Council's (ITRC) PFAS Technical Document**

This ITRC online document includes the PFAS Technical and Regulatory Guidance Document, PFAS Fact Sheets and Explainer Videos, Training Module Videos and external tables of data and information prepared by the ITRC PFAS Team. The document is designed specifically to support state and federal environmental staff, as well as others (including stakeholders, project managers, and decision makers), to gain a working knowledge of the current state of PFAS science and practice. The guidance document can be downloaded as a PDF.

<https://www.fedcenter.gov/Announcements/index.cfm?id=35364>

# NATURAL RESOURCES

## **Revised List of Migratory Birds**

US Fish and Wildlife Service (FWS) revised the List of Migratory Birds protected by the Migratory Bird Treaty Act (MBTA) by both adding and removing species. Reasons for the changes to the list include adding species based on new taxonomy and new evidence of natural occurrence in the United States or U.S. territories, removing species no longer known to occur within the United States or U.S. territories, and changing names to conform to accepted use. The net increase of 67 species (75 added and 8 removed) will bring the total number of species protected by the MBTA to 1,093. USFWS regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds.

This rule is effective 18 May 2020.

<https://www.fedcenter.gov/Articles/index.cfm?id=35357>

## **AIR**

### **Continuous Emission Monitoring; Quality-Assurance Requirements During the COVID-19 National Emergency**

EPA is amending the emissions reporting regulations applicable to sources that monitor and report emissions under the Acid Rain Program, the Cross-State Air Pollution Rule (CSAPR), and/or the NOX SIP Call. The amendments provide that if an affected unit fails to complete a required quality-assurance, certification or recertification, fuel analysis, or emission rate test by the applicable deadline under the regulations because of travel, plant access, or other safety restrictions implemented to address the current COVID-19 national emergency and if the unit's actual monitored data would be considered valid if not for the delayed test, the unit may temporarily continue to report actual monitored data instead of substitute data. The amendments promulgated in this rule will expire in 180 days. EPA is also requesting comment on this rule.

This rule is effective 22 April 2020. EPA will consider comments on this rule received on or before 22 May 2020.

<https://www.fedcenter.gov/Articles/index.cfm?id=35375>

### **The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks**

EPA and DOT, NHTSA, have issued a final rule to amend and establish carbon dioxide and fuel economy standards for passenger cars and light trucks. Specifically, EPA is amending carbon dioxide standards (and use/leakage of air conditioning refrigerants) for model years 2021 and later, and NHTSA is amending fuel economy standards for model year 2021 and setting new fuel economy standards for model years 2022-2026.

These final rules follow the proposal issued in August 2018. The corporate average fuel economy (CAFE) and CO<sub>2</sub> emissions standards established by these final rules will increase in stringency at 1.5 percent per year from model year 2020 levels over model years 2021-2026.

<https://www.govinfo.gov/content/pkg/FR-2020-04-30/pdf/2020-06967.pdf>

### Review of NAAQS for Particulate Matter

EPA has now formally published their proposal on the five-year review of national ambient air quality standards (NAAQS) for particulate matter (PM). EPA proposes to retain the current standards, without revision. This covers the primary (human health) and secondary (welfare) standards for both PM2.5 and PM10.

EPA will hold one or more virtual public hearings (dates to be announced later) on this proposed rule. Comments are due by 29 June 2020.

<https://www.govinfo.gov/content/pkg/FR-2020-04-30/pdf/2020-08143.pdf>

### House of Representative Bill 6606 Clean Skies Act

A bill to require the Administrator of the EPA to promulgate regulations establishing emission standards for emissions of greenhouse gases from aircraft.

<https://www.fedcenter.gov/Articles/index.cfm?id=35399>

## Spills/Releases

### House of Representatives Bill 6527 Alerting Localities of Environmental Risks and Threats Act of 2020

A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to require an emergency notification meeting in the event of the release of an extremely hazardous substance from a facility.

<https://www.fedcenter.gov/Articles/index.cfm?id=35400>

## REGION I



**Note: The Connecticut Legislature convened on 5 February 2020 and adjourned on 6 May 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 will adjourn on 17 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 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.



## NEW HAMPSHIRE

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

### **FINAL RULES**

**Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators** The Department of Health has adopted this emergency rule to add a definition of Owner. It allows lower classification of public water supply operators to obtain responsibilities of superintendent, assistant superintendent or operator in charge of a shift, in the event of an emergency regulation. It allows superintendents to make these determination but in their absence due to the emergency situation, allows for the next highest person in the organization with the highest-level operator classification to make these decisions. It allows for other licensed professional to operate a system that is operated by a contract operator when there is no other contract operator available. It grants temporary licenses to operators who have retired within the previous five years; allows the Director of the Rhode Island Department of Health to evaluate applications for reciprocity during an emergency situation; and allow for granting of extension beyond the 6 month grace period for a license that is expired during an emergency situation. Effective 7 April 2020.

[https://services.statescape.com/RegsText/StaticDownloads/172470\\_299222.pdf](https://services.statescape.com/RegsText/StaticDownloads/172470_299222.pdf)



## VERMONT

**Note: The Vermont Legislature convened on 9 January 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.

## **OTHER OPPORTUNITIES**

### **Vermont Governor's Awards for Environmental Excellence – Due 1 June**

The Vermont Governor's Awards were established in 1993 to recognize the actions taken by Vermonters to conserve and protect natural resources, prevent pollution, and promote environmental sustainability. To date, more than 200 award-winning efforts of Vermont individuals, organizations, institutions, public agencies, and businesses have been recognized. These projects contribute significantly to protecting the environment, conserving energy and reducing the production of greenhouse gases. Together they have created a green and sustainable business culture, and advanced environmental education on all fronts.

<https://dec.vermont.gov/environmental-assistance/governors-awards/apply>

## **REGION II**



## **NEW JERSEY**

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

### **PROPOSED LEGISLATION**

**Assembly Bill 3931** suspends local ordinances concerning single-use carryout bags, and prohibits use of reusable carryout bags in certain stores, during coronavirus disease state of emergency.

[https://www.njleg.state.nj.us/2020/Bills/A4000/3931\\_I1.PDF](https://www.njleg.state.nj.us/2020/Bills/A4000/3931_I1.PDF)

### **FINAL LEGISLATION**

**Senate Bill 865/Assembly Bill 2371** requires large food waste generators to separate and recycle food waste and amends definition of "Class I renewable energy." Effective 14 April 2020.

[https://njleg.state.nj.us/2020/Bills/S1000/865\\_I1.PDF](https://njleg.state.nj.us/2020/Bills/S1000/865_I1.PDF)

### **PROPOSED RULES**

**Remediation Standards** The Department of Environmental Protection (DEP) has proposed new rules, repeals, and amendments to N.J.A.C. 7:26D, Remediation Standards. A statement of the substance of the proposal follows: The Brownfield and Contaminated Site Remediation Act (Brownfield Act), N.J.S.A. 58:10B-1 et seq., requires the DEP to develop remediation standards to be protective of the public health, safety, and the environment. Such standards are to be applied to contaminated sites throughout the State. Consequently, persons responsible for the remediation of contaminated sites are affected by these rules.

<https://www.nj.gov/dep/rules/proposals/20200406a.pdf>

**Lead Hazard Evaluation and Abatement Code** The Department of Community Affairs has proposed amendments to its Lead Hazard Evaluation and Abatement rules in response to the EPA adoption of enhanced standards, which are found at: EPA Final Rule, 40 CFR Part 745, 80 FR 32632 (July 9, 2019). The Federal rule, which was effective January 6, 2020, changed the acceptable levels for leaded dust during risk assessments. The Department's Lead Hazard

Evaluation and Abatement Code, N.J.A.C. 5:17, references the EPA standards repeatedly in requirements for lead testing.

[https://services.statescape.com/ssu/Regs/ss\\_8586171343437443645.htm](https://services.statescape.com/ssu/Regs/ss_8586171343437443645.htm)

### **FINAL RULES**

**Radiation Protection Programs** The Department of Environmental Protection has adopted changes to radiation protection programs. The Radiation Protection Act, N.J.S.A. 26:2D-1 et seq., and the Radiologic Technologist Act, N.J.S.A. 26:2D-24 et seq., govern the possession, handling, and use of sources of radiation within the State of New Jersey. The Radiation Protection Act established the Commission and vested in that body the power to promulgate rules and regulations as may be necessary to prohibit and prevent unnecessary radiation. The Radiation Protection Act authorizes the Department to establish and charge fees, through the promulgation of rules, for any of the services it performs under the Radiation Protection Act. Therefore, both the Commission and the Department propose the instant amendments, repeal, and new rules. Effective 19 February 2020.

[https://services.statescape.com/ssu/Regs/ss\\_8586172113674104447.pdf](https://services.statescape.com/ssu/Regs/ss_8586172113674104447.pdf)



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

### **FINAL RULES**

**Waste Fuel** The Department of Environmental Conservation has adopted amendments to rules regarding permits, monitoring, recordkeeping, reporting requirements, and Federal standards for waste fuels. Effective 2 April 2020.

<https://www.dos.ny.gov/info/register/2020/031820.pdf#page=25>

## **REGION III**



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

### **COVID-19 GUIDANCE**

**Underground Storage Tank Requirements Regarding COVID-19** The Department of Energy and Environment has issued a notice regarding requirements and compliance for underground storage tanks during the COVID-19 pandemic.

<https://doee.dc.gov/release/public-notice-ust-lust-requirements-during-covid-19-restrictions>



## 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.



## MARYLAND

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

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 January 2019 and will adjourn on 30 November 2020.**

### ***PROPOSED RULES***

**Extension of the following National Pollutant Discharge Elimination System General Permits for 12 months:**

1. Discharges from Hydrostatic Testing of Tanks and Pipelines
2. Discharges from Small Flow Treatment Facilities
3. Wet Weather Overflow Discharges from Combined Sewer Systems

<http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=3683>



## VIRGINIA

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

### ***FINAL LEGISLATION***

**House Bill 234** establishes the Division of Offshore Wind in the Department of Mines, Minerals and Energy and gives it the following powers and duties: (i) to identify specific measures that will facilitate the establishment of the Hampton Roads region as a wind industry hub for offshore wind generation projects in state and federal waters off the United States coast; (ii) to coordinate state agencies' activities related to offshore wind; (iii) to develop and implement a stakeholder engagement strategy that identifies key groups, sets forth outreach objectives, and outlines a timeline for outreach and engagement; (iv) to identify regulatory and other barriers to the deployment of offshore wind and attraction of offshore wind supply chain businesses; and (v) to provide staff support for the

Virginia Offshore Wind Development Authority and facilitate fulfillment of the Authority's purpose and duties. Effective 1 July 2020.

<https://leg1.state.va.us/cgi-bin/legp504.exe?201+ful+HB234ER+pdf&201+ful+HB234ER+pdf>

**House Bill 586** directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS), as deemed necessary, in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS, as deemed necessary, for inclusion in regulations of the Board of Health applicable to waterworks. Effective 1 July 2020.

<https://leg1.state.va.us/cgi-bin/legp504.exe?201+ful+CHAP0611+pdf&201+ful+CHAP0611+pdf>

**House Bill 799** requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority. The bill requires such plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. Effective 1 July 2020.

<https://leg1.state.va.us/cgi-bin/legp504.exe?201+ful+HB799ER+pdf&201+ful+HB799ER+pdf>

**House Bill 1205** requires the Department of Environmental Quality (DEQ) to give certain information about an unlawful discharge of a deleterious substance into state waters to the Virginia Department of Health (VDH) and local newspapers, television stations, and radio stations, and to disseminate such information via official social media accounts and email notification lists when DEQ determines that the discharge may impair state waters or VDH determines that it may be detrimental to public health. The bill requires DEQ to report to the General Assembly (i) a protocol for determining whether a discharge would have a de minimis impact on state waters and (ii) a proposed implementation procedure if the law were amended to require public dissemination of all discharges reported except for those determined to have a de minimis impact. Effective 1 July 2020.

<https://leg1.state.va.us/cgi-bin/legp504.exe?201+ful+HB1205ER+hil&201+ful+HB1205ER+hil>

**House Bill 1257** directs the State Board of Health to adopt regulations establishing maximum contaminant levels (MCLs) in public drinking water systems for (i) perfluorooctanoic acid, perfluorooctane sulfonate, and for such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary; (ii) chromium-6; and (iii) 1,4-dioxane. The bill requires such MCLs to be protective of public health, including the health of vulnerable subpopulations, and to be no higher than any MCL or health advisory adopted by the U.S. Environmental Protection Agency for the same contaminant. The bill directs the Department of Health to report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on the status of research related to MCLs by November 1, 2020, and submit a final report by October 1, 2021, detailing the MCL regulations established by the Department of Health. Delayed effective date of 1 January 2022.

<https://leg1.state.va.us/cgi-bin/legp504.exe?201+ful+HB1257ER+pdf&201+ful+HB1257ER+pdf>

**House Bill 1458** authorizes the State Water Control Board to administratively withdraw an individual or a general coverage water protection permit application if it is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the Board. Prior

to an administrative withdrawal, the bill requires the Board to provide (i) notice to the applicant and (ii) an opportunity for an informal fact-finding proceeding. The bill also authorizes an applicant to request suspension of an application review by the Board that does not affect the Board's ability to administratively withdraw the application. Effective 1 July 2020.

<https://leg1.state.va.us/cgi-bin/legp504.exe?201+ful+HB1458ER+hil&201+ful+HB1458ER+hil>



**Note: The West Virginia Legislature convened on 8 January 2020 and will adjourn on 7 June 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 1 July 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 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.**

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 will adjourn on 14 March 2020.**

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

**House Bill 1309** revises references to federal regulations relating to variances from water quality standards. Provides that a variance from a water quality standard issued for a period of more than five years must be reevaluated in accordance with the requirements of the federal rule on variances from water quality standards. Provides that a variance relating to an NPDES permit may be submitted at any time before or after the issuance, renewal, or modification of the NPDES permit. Eliminates the requirement that the department itself, at least once per year, administer a certification examination for operators of water treatment plants, water distribution systems, and wastewater treatment plants. Requires instead the department to ensure that the examination is administered at least once per year, and allows the examination to be administered by independent third parties authorized by the commissioner of the department. Effective 1 July 2020.

<http://iga.in.gov/legislative/2020/bills/house/1309>

**Senate Bill 229** provides that a permit is not required from the Indiana department of environmental management for the maintenance or reconstruction of a regulated drain in accordance with certain best management practices for purposes of the law concerning state regulated wetlands, as long as the work takes place within the current easement and the reconstruction does not substantially change the characteristics of the drain to perform the function for which it was designed and constructed. Effective 1 July 2020.

<http://iga.in.gov/legislative/2020/bills/senate/229>

**Senate Bill 257** provides that the 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. Provides that a person that is a public use airport owner or operator has standing to obtain judicial review or to intervene in a proceeding for judicial review of a zoning decision that may have a negative impact on the safety of civilian or military flight operations to or from the airport. Effective 18 March 2020.

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

### **FINAL RULES**

**Final General NPDES Permit for Temporary Discharges of Wastewater** The Department of Environmental Management has issued the final administrative General NPDES Permit for Temporary Discharges of Wastewater (i.e. with intended durations lasting no more than 364 days) into surface waters of the state. Effective date of this General NPDES Permit is 1 April 2020.

[https://services.statescape.com/ssu/Regs/ss\\_8586171441247442219.pdf](https://services.statescape.com/ssu/Regs/ss_8586171441247442219.pdf)



**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.



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

### **FINAL RULES**

**Emergency Episode Rules and Ambient Air Quality Standards** The Ohio Environmental Protection Agency has adopted amendments to the emergency episode rules and ambient air quality standards. Effective 10 March 2020.

[https://services.statescape.com/ssu/Regs/ss\\_8586184222109119164.pdf](https://services.statescape.com/ssu/Regs/ss_8586184222109119164.pdf)



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

### **PROPOSED RULES**

**Creation of Chapter NR 159 to Promulgate Rules Relating to Regulating Fire Fighting Foam that Contains Certain Contaminants** The Department of Natural Resources has proposed rule(s) to implement and administer s. 299.48, Wis. Stats., related to regulating firefighting foam containing intentionally added poly- and per-fluoroalkyl substances (PFAS).

[https://docs.legis.wisconsin.gov/code/register/2020/771B/register/ss/ss\\_015\\_20/ss\\_015\\_20](https://docs.legis.wisconsin.gov/code/register/2020/771B/register/ss/ss_015_20/ss_015_20)

## MEET THE REC STAFF

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Environmental Restoration  
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REC Support  
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