



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

September 2020

SPOTLIGHT STORY

Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances (Final)

EPA has finalized a TSCA significant new use rule for several for long-chain perfluoroalkyl carboxylate (LCPFAC) chemical substances.

This final rule requires persons to notify EPA at least 90 days before commencing the manufacture (including import) or processing of these chemical substances for the listed significant new uses in commercial and consumer products. The rule removes the "article exemption" from notification requirements for persons who import the chemical substance as part of an article (such as surface coating on apparel, outdoor equipment, automotive parts, carpets, furniture, and electronic components). Products such as paints and coatings, lubricants, and fire-fighting foam are not articles.

EPA has determined that: Importing (the listed) LCPFAC chemical substances or PFOA or its salts as part of a surface coating of an article, for uses not ongoing as of the date on which the 2015 proposed rule was published, constitutes a significant new use and warrants making the exemption at 40 CFR 721.45(f) applicable to importers of such articles.

Perfluoroalkyl sulfonate chemical substances degrade ultimately to perfluoroalkylsulfonic acid (PFASA). While most studies of perfluoroalkyl sulfonate chemical substances to date have focused primarily on perfluorooctane sulfonate (PFOS), structure-activity relationship analysis indicates that the results of those studies are applicable to the entire category.

EPA also expects ongoing uses of other LCPFAC chemicals substances to decline because the manufacture and processing for those uses have declined or ceased.

<https://www.federalregister.gov/documents/2020/07/27/2020-13738/long-chain-perfluoroalkyl-carboxylate-and-perfluoroalkyl-sulfonate-chemical-substances-significant>

CLEARED
For Open Publication

Aug 31, 2020

Department of Defense Office of Prepublication and Review



NAVFAC MIDLANT DoD REC Map

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GENERAL INTEREST

House Bill 7411 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.fedcenter.gov/Articles/index.cfm?id=35770>

House Bill 7417 National Security Resiliency and Sustainability Act of 2020 (Draft)

A bill to direct the Secretary of Defense to set sustainability goals for the Department of Defense.

<https://www.govinfo.gov/content/pkg/BILLS-116hr7417ih/pdf/BILLS-116hr7417ih.pdf>

House Bill 7547 Lead Endangers Animals Daily Act of 2020 (Draft)

A bill to require the Secretary of the Interior to prohibit the use of lead ammunition on United States Fish and Wildlife Service lands.

<https://www.govinfo.gov/content/pkg/BILLS-116hr7547ih/pdf/BILLS-116hr7547ih.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

Senate Bill 4265 NEPA Data Transparency and Accountability Act of 2020 (Draft)

A bill to amend the National Environmental Policy Act of 1969 to require the submission of certain reports.

<https://www.govinfo.gov/content/pkg/BILLS-116s4265is/pdf/BILLS-116s4265is.pdf>

Senate Bill 4312 NEPA State Assignment Expansion Act of 2020 (Draft)

A bill to amend the National Environmental Policy Act of 1969 to provide for project delivery programs.

<https://www.govinfo.gov/content/pkg/BILLS-116s4312is/pdf/BILLS-116s4312is.pdf>

NATURAL AND CULTURAL RESOURCES

Listing Neuse River Waterdog and Carolina Madtom, and Designations of Critical Habitat (Proposed)

The Fish and Wildlife Service (FWS) is extending the comment period and revising their proposal to list two North Carolina species, the Neuse River waterdog, as threatened, and the Carolina madtom, as endangered. The Neuse River waterdog is an aquatic salamander. The Carolina madtom is a freshwater fish.

In total, FWS now proposes to designate approximately 779 miles (1,254 kilometers) in 18 units in North Carolina as critical habitat for the Neuse River waterdog.

FWS proposes to revise the downstream portion of Unit 17 (previously Unit 16) to remove 1.1 miles (2 km) of the Trent River that borders the Marine Corps Air Station Cherry Point Oak Grove Outlying Landing Field (OLF) based on the Neuse River waterdog being included in the Station's integrated natural resources management plan.

As noted in the original proposal, FWS identified the Seymour Johnson Air Force Base (SJAFB) located in Goldsboro, NC within the proposed critical habitat designation that consists of DOD lands with a completed, Service-approved INRMP. Because conservation efforts identified in the INRMP will provide a benefit to the Neuse River waterdog, streams within this installation are exempt from critical habitat designation.

<https://www.federalregister.gov/documents/2020/07/30/2020-15347/endangered-and-threatened-wildlife-and-plants-threatened-species-status-with-section-4d-rule-for>

WATER

House Bill 7392 Military PFAS Testing Disclosure Act (Draft)

A bill to direct the Secretary of Defense to publicly disclose the results of Department of Defense testing for perfluoroalkyl or polyfluoroalkyl substances.

<https://www.govinfo.gov/content/pkg/BILLS-116hr7392ih/pdf/BILLS-116hr7392ih.pdf>

AIR

Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances (Proposed)

EPA is proposing to indefinitely extend the laboratory and analytical use exemption for class I ODS in 40 CFR 82.8(b)

In November 2019, ... the Parties (to the Montreal Protocol) agreed to “extend the global laboratory and analytical-use exemption indefinitely beyond 2021, without prejudice to the parties deciding to review the exemption at a future meeting.” The Decision also encourages parties to further reduce their production and consumption of ODS for laboratory and analytical uses and to facilitate the introduction of laboratory standards that do not require such substances.

EPA's proposal would make the laboratory and analytical use regulatory exemption indefinite unless or until it is limited or eliminated through future rulemaking.

Comments are due 6 October 2020.

<https://www.govinfo.gov/content/pkg/FR-2020-08-07/pdf/2020-16255.pdf>

Review of the Ozone National Ambient Air Quality Standards (Proposed) EPA has finalized their review of the air quality criteria and the national ambient air quality standards (NAAQS) for photochemical oxidants including ozone (O3). EPA is proposing to retain the current standards, without revision.

The last review of the O3 NAAQS, completed in 2015 established the current primary and secondary standards (80 FR 65291, October 26, 2015). In that review, the EPA strengthened the primary and secondary standards by revising both standards from 75 ppb to 70 ppb and retaining their indicators (O3), forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours).

Comments are due 1 October 2020.

<https://www.govinfo.gov/content/pkg/FR-2020-08-14/pdf/2020-15453.pdf>

House Bill 7822 and Senate Bill 4357 Public Health Air Quality Act of 2020 (Draft)

A bill to protect clean air and public health by expanding fence line and ambient air monitoring and access to air quality information for communities affected by air pollution; to require immediate toxic air monitoring at the fence line of facilities with pollution linked to local health threats; to ensure the Environmental Protection Agency promulgates rules that require fence line air monitoring in communities with air polluting industrial source categories; to expand and strengthen the national ambient air quality monitoring network; to deploy air sensors in communities affected by air pollution.

<https://www.govinfo.gov/content/pkg/BILLS-116hr7822ih/pdf/BILLS-116hr7822ih.pdf>

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



MAINE

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.



MASSACHUSETTS

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.



NEW HAMPSHIRE

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.

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 January 2019 and will adjourn on 30 August 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 14 January 2020 and will adjourn on 11 January 2022.

PROPOSED LEGISLATION

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.HTM



NEW YORK

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

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

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.



Note: The Delaware General Assembly convened on 8 January 2019 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 Maryland General Assembly convened on 8 January 2020 and adjourned on 18 March 2020.

PROPOSED RULES

Notice of Final Determination — General Permit for Discharges from Tanks, Pipes, Other Liquid Containment Structures, Dewatering Activities, and Groundwater Remediation The Department of the Environment has reissued the State/NPDES (National Pollution Discharge Elimination System) permit 11HT (NPDES No. MDG67) as the new 17HT. The 11HT permit's full title was the General Discharge Permit from Tanks, Pipes, and Other Liquid Containment Structures. The 17HT will be known as the General Discharge Permit from Tanks, Pipes, Other Liquid Containment Structures, Dewatering Activities, and Groundwater Remediation. The 17HT permit applies to discharges of wastewater from hydrostatic testing, potable water systems, construction dewatering, groundwater remediation, flushing of fire control systems, and tank bottoms, and stormwater from storage tank containment structures in the state of Maryland.

<http://www.dsd.state.md.us/MDR/4715.pdf#page=23>



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

PROPOSED RULES

Guidance on Notification Requirements for Spills, Discharges, and other Incidents of a Substance Causing or Threatening Pollution to Waters of the Commonwealth Under Pennsylvania's Clean Streams Law The Department of Environmental Protection has invited public comment on a technical draft to provide guidance on the immediate notification requirements for spills, discharges and other incidents of a substance causing or threatening pollution to waters of this Commonwealth.

https://services.statescape.com/ssu/Regs/ss_8586041852034249079.pdf

https://services.statescape.com/ssu/Regs/ss_8586047614750160058.pdf



VIRGINIA

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

FINAL RULES

Regulations for the Enforcement of the Endangered Plant and Insect Species Act The Department of Agriculture and Consumer Services has adopted rulemaking to amend the lists of endangered and threatened plant and insect species by (i) removing from the regulation a plant species that is no longer globally rare, and (ii) adding to the endangered and threatened lists certain plant and insect species that are considered in danger of extinction or that are likely to become endangered in the foreseeable future throughout all or a significant portion of their native range. Effective 20 August 2020.

https://services.statescape.com/RegsText/StaticDownloads/136714_312360.pdf

<https://townhall.virginia.gov/L/viewstage.cfm?stageid=8583>



WEST VIRGINIA

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



NORTH CAROLINA

Note: The North Carolina General Assembly convened on 9 January 2019 and will adjourn on 3 September 2020.

PROPOSED RULES

Solid Waste Management and Landfill Permitting The Department of Environmental Quality has proposed amendments to several rules addressing solid waste management and requirements for landfills, transfer stations, and related permits.

https://services.statescape.com/ssu/Regs/ss_8586039219454843206.pdf#page=144



KENTUCKY

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.

PROPOSED RULES

Michigan Adopts Strict PFAS in Drinking Water Standards The Department of Environment, Great Lakes, and Energy has issued a new release regarding the adoption of a ruleset creating some of the nation's most comprehensive regulations limiting PFAS contamination in drinking water.

https://services.statescape.com/RegsText/StaticDownloads/181330_312794.pdf

https://www.michigan.gov/egle/0,9429,7-135-3308_3323-520471--,00.html

FINAL RULES

Supplying Water to the Public The Department of Environment, Great Lakes, and Energy has adopted rules regarding supplying water to the public. The proposed rule set will amend the current rules to provide provisions that reduce exposure to several per- and polyfluoroalkyl substances (PFAS) in drinking water. Effective 3 August 2020.

https://services.statescape.com/RegsText/StaticDownloads/164933_315357.pdf#page=132



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.



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

PROPOSED RULES

Regulating Firefighting Foam that Contains Certain Contaminants The Natural Resources Board has initiated emergency rulemaking regarding regulating firefighting foam that contains certain contaminants.

https://services.statescape.com/ssu/Regs/ss_8586054917078579740.pdf

MEET THE REC STAFF

RADM Charles W. Rock

DoD Regional Environmental Coordinator
(757) 322-2800, DSN 262-2800

Director, Regional Environmental Coordination
(REC) Office
(757) 341-0363

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
(757) 341-0395

DoD Chesapeake Bay Coordinator
(757) 341-0424
(757) 341-0496

SUBSCRIBE

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