



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

December 2021

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 angela.s.jones7.civ@us.navy.mil.



NAVFAC MIDLANT DoD REC Map

Table of Contents

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

SPOTLIGHT STORY

2021 National Public Lands Day Department of Defense Awards Grantees

In honor of this year's National Public Lands Day (NPLD), the Department of Defense (DoD), through the Office of the Assistant Secretary of Defense for Energy, Installations, and Legacy Resource Management Program, funded NPLD projects on military lands that are open for recreation.

The 2021 NPLD DoD Awards provided grants to selected installations to implement natural and cultural resources management, restoration, and/or enhancement projects on or around NPLD, September 25, 2021. The NPLD is organized annually by the National Environmental Education Foundation (NEEF) and is the nation's largest single-day volunteer event for public lands.

Grants were awarded to the following recipients within Federal Regions 1 through 5:

- Fort Belvoir Department of Public Works, Fort Belvoir, Virginia
- Public Works Department (PWD) NSA Hampton Roads, Lafayette River Annex, Norfolk, VA
- Wright-Patterson Air Force Base, Greene County, Ohio
- Joint Expeditionary Base Little Creek-Fort Story, Virginia Beach, Virginia
- Fort Eustis Civil Engineering-Environmental Element, Fort Eustis, Virginia
- Norfolk Naval Shipyard and Annexes, Portsmouth, Virginia
- Camp Ripley Training Center, Minnesota Army National Guard, Little Falls, Minnesota
- Fort Drum Military Installation, Fort Drum, New York

For more information:

<https://www.neefusa.org/2021-national-public-lands-day-department-defense-awards-grantees>

CLEARED
For Open Publication

Dec 08, 2021

Department of Defense
OFFICE OF PREPUBLICATION AND SECURITY REVIEW

GENERAL INTEREST/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.*

GENERAL

2022 Secretary of the Navy Environmental Awards Nominations The 2022 Secretary of the Navy (SECNAV) Environmental Awards competition is now open. The SECNAV Environmental Awards recognize exceptional environmental stewardship and sustainability initiatives. Navy and Marine Corps may submit nominations for the award categories listed below for achievements during the period of October 1, 2019 through September 30, 2021.

- Natural Resources Conservation – Small Installation
- Natural Resources Conservation – Individual or Team
- Environmental Quality – Non-industrial Installation
- Environmental Quality – Individual or Team
- Sustainability – Industrial Installation
- Environmental Restoration – Installation
- Environmental Restoration – Individual or Team
- Cultural Resources Management – Large Installation
- Environmental Excellence in Weapons System Acquisition – Large Program
- Afloat Environmental (Navy only)

Naval Facilities Engineering Systems Command Mid-Atlantic (NAVFAC MIDLANT) award nomination submissions are due to Mr. Richard Pruitt, richard.e.pruitt.civ@us.navy.mil, by December 20, 2021. All others, deadline for submission to SECNAV is January 21, 2022, but contact your CoC for internal deadlines.

SECNAV winners will be announced in March 2022 and the winning packages will be submitted to the Secretary of Defense (SECDEF) competition with the exception of the Afloat Environmental Award winners, which has no equivalent at the SECDEF level.

Announcing the 2022 Federal Environmental Symposium and Call for Presentation Abstracts

The Federal sustainability community is cordially invited to attend the 2022 Federal Environmental Symposium, March 28-31, 2022. This year's theme is Mission, Environment, and Our Communities, and will be conducted via webinar-format. The four day event will focus on Federal sustainability initiatives over the past year while encouraging partnerships, sharing of information, and best practices amongst Federal facilities. The event schedule, registration instructions, call for presentation abstracts, and continuous updates to the event can be found on the Symposium website. The call for presentation abstracts are now open and closes on Thursday, December 30, 2021, 11:59 PM EST.

<https://www.fedcenter.gov/calendar/conferences/symposium2022/>

<https://www.fedcenter.gov/calendar/conferences/symposium2022/cfp/>

AIR

Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources Technology Review (Draft) The U.S. Environmental Protection Agency (EPA) is proposing the results of the technology review conducted in accordance with the Clean Air Act (CAA) for the National Emissions Standards Hazardous Air Pollutants (NESHAP) for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources and proposing amendments to the NESHAP. The EPA is proposing no changes to the standards as a result of the technology review. The EPA is proposing to amend provisions regarding electronic reporting; make miscellaneous clarifying and technical corrections; simplify the petition for exemption process; and clarify requirements addressing emissions. Engagement on behalf of DoD will be managed through the Office of Secretary of Defense.

<https://www.federalregister.gov/documents/2021/11/19/2021-24203/national-emission-standards-for-hazardous-air-pollutants-paint-stripping-and-miscellaneous-surface>

NATURAL AND CULTURAL RESOURCES

Threatened Species Status for Atlantic Pigtoe and Designation of Critical Habitat The U.S. Fish and Wildlife Service (USFWS) list the Atlantic pigtoe (*Fusconaia masoni*), a freshwater mussel species from Virginia and North Carolina, as a threatened species with a rule issued under section 4(d) of the Endangered Species Act of 1973 (Act), as amended. Critical habitat has also been designated for the species under the Act. Approximately 563 river miles fall within 17 units of critical habitat.

<https://www.federalregister.gov/documents/2021/11/16/2021-24784/endangered-and-threatened-wildlife-and-plants-threatened-species-status-with-section-4d-rule-for>

Cancellation Order for Certain Pesticide Registrations and Amendments To Terminate Uses

EPA has issued several pesticide cancellation orders and use terminations in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Among other terminations, a termination of note is for “Formulation HS-1210 Disinfectant/Sanitizer (50%)” which is used for re-circulating water in cooling towers and in oil field flood or saltwater disposal systems. The EPA Registration number for Formulation HS-1210 Disinfectant/Sanitizer (50%) is 47371-164. The effective date for all cancellations and affected use terminations is November 15, 2021. However, Formulation HS-1210 Disinfectant/Sanitizer (50%) is permitted to be sold under previously approved labeling until May 15, 2023.

<https://www.federalregister.gov/documents/2021/11/15/2021-24800/cancellation-order-for-certain-pesticide-registrations-and-amendments-to-terminate-uses>

National Wetland Plant List The U.S. Army Corps of Engineers (USACE), as part of an interagency effort with the U.S. EPA, the (USFWS) and the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), is announcing the availability of the final 2020 National Wetland Plant List (NWPL). The NWPL provides plant species indicator status ratings, which are used in determining whether the hydrophytic vegetation factor is met when conducting wetland delineations under the Clean Water Act and wetland determinations under the Wetland Conservation Provisions of the Food Security Act. Other applications of the NWPL include wetland restoration, establishment, and enhancement projects. The 2020 NWPL became applicable on November 2, 2021, and will be used in any wetland delineations performed after that date.

<https://www.federalregister.gov/documents/2021/11/02/2021-23891/national-wetland-plant-list>

TOXICS

EPA Announces First Mandated Adjustment for TSCA Fees EPA is announcing legally mandated changes to the fee requirements under the Toxic Substances Control Act (TSCA). TSCA directs EPA to adjust the fees every three years. Accordingly, an adjustment will go into effect on January 1, 2022, and will apply to all TSCA fees. In a separate action, in 2022, EPA plans to propose additional revisions to the 2018 TSCA fees rule to supplement the agency's proposal from January 11, 2021 to ensure that TSCA fee amounts capture up to 25% of the actual costs of TSCA activities, fees are distributed equitably, and fee payers are identified through a transparent process.

<https://www.epa.gov/tsca-fees/tsca-fees-table>

Change of Submissions for CERCLA Section 103 Continuous Release Reports to the Appropriate EPA Headquarters Office The U.S. EPA is issuing a technical amendment to modify the submission location for Continuous Release Reports. Reports are currently submitted to respective EPA regional offices; with this technical amendment, EPA will instead require all future such reports to be submitted to the appropriate EPA Headquarters (HQ) office. The Agency is also correcting a typographical spelling error, correcting citations within the section, and amending the listed authority.

<https://www.federalregister.gov/documents/2021/11/12/2021-24373/change-of-submissions-for-cercla-section-103-continuous-release-reports-to-the-appropriate-epa>

WATER

EPA and Army Take Action to Provide Certainty for the Definition of Waters of the United States The U.S. EPA and U.S. Department of the Army announced a proposed rule to re-establish the pre-2015 definition of "waters of the United States" (WOTUS) which had been in place for decades, updated to reflect consideration of Supreme Court decisions. This action advances the agencies' goal of establishing a durable definition of WOTUS that protects public health, the environment, and downstream communities while supporting economic opportunity, agriculture, and other industries that depend on clean water. This proposed rule would support a stable implementation of "waters of the United States" while the agencies continue to consult with states, Tribes, local governments, and a broad array of stakeholders in both the implementation of WOTUS and future regulatory actions.

<https://www.epa.gov/newsreleases/epa-and-army-take-action-provide-certainty-definition-wotus>

REGION I

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.



Note: The Connecticut Legislature convened January 6, 2021 and adjourned on June 3, 2021.

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



Note: The Maine Legislature convened on December 2, 2020 and will adjourn on June 17, 2022.

FINAL REGULATION

Maine Statewide Greenhouse Gas Emissions Regulation The Department of Environment has adopted rulemaking that will require statewide greenhouse gas (GHG) emissions reductions of 14.41 and 25.62 MMTCO₂e for 2030 and 2050 respectively. Statewide progress toward this goal will be published in the biennial report to the Legislature on the State GHG inventory. Effective November 28, 2021.

<https://www.maine.gov/sos/cec/rules/notices/2021/112421.html>



Note: The Massachusetts Legislature convened on January 6, 2021 and will adjourn on January 2, 2023.

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



Note: The New Hampshire Legislature convened on January 6, 2021 and adjourned on June 30, 2021.

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



RHODE ISLAND

Note: The Rhode Island Legislature convened on January 5, 2021 and adjourned on June 30, 2021.

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



VERMONT

Note: The Vermont Legislature convened on January 6, 2021 and will adjourn on May 28, 2022.

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

REGION II

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.



NEW JERSEY

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

FINAL LEGISLATION

New Jersey SB 647 (AB 4825) This act revises cybersecurity, asset management, and related reporting requirements in "Water Quality Accountability Act.". Effective November 8, 2021.

https://www.njleg.state.nj.us/2020/Bills/S1000/647_R4.HTM

New Jersey SB 894 (AB 3874) This act prohibits sale of paint or coating removal products that contain methylene chloride unless purchaser meets certain safety standards for use. Effective November 8, 2022.

https://www.njleg.state.nj.us/2020/Bills/S1000/894_R1.HTM

PROPOSED LEGISLATION

New Jersey SB 4164 (AB 1845) This act would require construction permit and inspections for certain work involving lead paint on home exterior.

https://www.njleg.state.nj.us/2020/Bills/S4500/4164_I1.HTM

https://www.njleg.state.nj.us/2020/Bills/A2000/1845_I1.HTM



NEW YORK

Note: The New York State Legislature convened on January 6, 2021 and will adjourn on January 1, 2023.

PROPOSED LEGISLATION

New York SB 8409 This act would require electric vehicle charging stations to be installed at gasoline stations in an amount equal to or greater than the number of new gas dispensing nozzles being installed at such gasoline station; prohibit building permits from being issued when the number of electric vehicle charging stations is not equal to or greater than the number of new gas dispensing nozzles being installed at such gas station.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=A8409

New York AB 8491 This act would phase out the sale of products that contain intentionally added per- and polyfluoroalkyl Substances (PFAS).

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=A8491

REGION III

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.



DISTRICT OF COLUMBIA

Note: The Council of the District of Columbia convened January 2, 2021 and will adjourn on December 31, 2022.

FINAL REGULATION

District of Columbia Reasonably Available Control Technology for Major Stationary Sources of the Oxides of Nitrogen Regulations The Department of Energy and Environment has adopted rulemaking to include a presumptive nitrogen oxides (NOx) reasonable available control technology (RACT) for fuel burning equipment (e.g., institutional and commercial boilers, water heaters) sized down to five million (5,000,000) British thermal unit (BTU) per hour, to lower the emission limits that constitute presumptive NOx RACT for fuel burning equipment sized twenty-five million (25,000,000) BTU per hour or greater, and to implement presumptive NOx RACT for non-emergency stationary engines. Effective November 26, 2021.

<https://www.dcregs.dc.gov/Common/DCR/Issues/IssueDetailPage.aspx?issueID=902>

PROPOSED REGULATION

District of Columbia Stage II Vapor Recovery Removal Rulemaking and SIP Revision The Department of Energy and Environment has initiated rulemaking to remove requirements to install and allow for removal Stage II Vapor Recovery systems in the District as well as the proposed State Implementation Plan (SIP) revision.

<https://doee.dc.gov/release/public-notice-stage-ii-vapor-recovery-removal-rulemaking-and-sip-revision>

District of Columbia Pavement Sealant Regulations The Department of Energy and Environment has proposed rulemaking to implement the Low-polycyclic aromatic hydrocarbons (PAH) Amendment Act, which mandates that no person shall sell, offer for sale, use, or permit to be used on property he or she owns, a high-PAH sealant product, which includes products containing coal tar, coal tar pitch, coal tar pitch volatiles, refined tar, steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, ethylene cracker residue, or PAH concentrations greater than 0.1% by weight (1000 ppm). <https://doee.dc.gov/coaltar>



Note: The Delaware General Assembly convened on January 12, 2021 and will adjourn on June 30, 2022.

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



Note: The Maryland General Assembly convened on January 13, 2021 and adjourned on April 12, 2021.

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



Note: The Pennsylvania General Assembly convened on January 5, 2021 and will adjourn on November 30, 2022.

PROPOSED LEGISLATION

Pennsylvania HB 2043 This act would amend Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for issuance of permits in burdened communities.

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=H&billTyp=B&billNbr=2043&pn=2351>

Pennsylvania HB 2075 This act would provide for the abrogation of regulations relating to the Pennsylvania Heavy-Duty Diesel Emissions Control Program and for the applicability of Federal standards.

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=H&billTyp=B&billNbr=2075&pn=2398>

Pennsylvania HB 2079 This act would amend the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in exemptions, applicability and penalties, further providing for exemptions. <https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=H&billTyp=B&billNbr=2079&pn=2402>

FINAL REGULATION

Pennsylvania Administration of the Land Recycling Program The Department of Environmental Protection has adopted rulemaking updates to the statewide health standard medium-specific concentrations (MSC) pertaining to cleanup of soil and groundwater contamination for many contaminants and adds MSCs for three new contaminants. Effective November 20, 2021.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-47/1920.html>

PROPOSED REGULATION

Pennsylvania Safe Drinking Water PFAS MCL Rule The Department of Environmental Protection has initiated rulemaking regarding drinking water standards for two chemicals – perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) – which are part of a larger group of PFAS.

https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2021/November%2016/03_7-569_PFAS%20MCL_Proposed%20RM/04a_7-569_PFAS%20MCL_Proposed_RAF.pdf

OTHER ACTIONS AND OPPORTUNITIES

Pennsylvania Availability of National Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Small Construction Activities (PAG-01) The Department of Environmental Protection has announced the availability of the final National Pollutant Discharge Elimination System (NPDES) PAG-01 General Permit for Discharges of Stormwater Associated with Small Construction Activities (PAG-01). The PAG-01 General Permit will become effective on March 1, 2022, and will expire on February 28, 2027.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-46/1895.html>



Note: The Virginia General Assembly convened on January 13, 2021 and adjourned on February 8, 2021. A special session was held from February 10, 2021 to March 1, 2021.

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



Note: The West Virginia Legislature convened on February 10, 2021 and adjourned April 10, 2021.

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

REGION IV

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.



Note: The North Carolina General Assembly convened on January 13, 2021 and will adjourn on June 30, 2022.

PROPOSED REGULATION

North Carolina Conservation Management The Department of Environmental Quality has proposed rulemaking to update license fees and standards for wildlife management.

https://files.nc.gov/ncoah/documents/files/Volume-36-Issue-11-December-1-2021_0.pdf



Note: The Kentucky Legislature convened on January 5, 2021 and adjourned on March 30, 2021.

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

REGION V

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.



Note: The Illinois General Assembly convened on January 13, 2021 and will adjourn on January 11, 2023.

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 January 4, 2021 and adjourned on April 23, 2021.

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 January 13, 2021 and will adjourn on December 31, 2022.

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 January 4, 2021 and will adjourn on December 31, 2022.

PROPOSED REGULATION

Ohio Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards The Environmental Protection Agency has proposed rulemaking to adopt mandatory RACT requirements for Cincinnati and Cleveland 2015 ozone nonattainment areas.

<https://www.epa.ohio.gov/dapc/DAPCRules#188902675-proposed-rules>



WISCONSIN

Note: The Wisconsin Legislature convened on January 4, 2021 and will adjourn on December 31, 2022.

PROPOSED REGULATION

Wisconsin PFAS in Wisconsin Pollutant Discharge Elimination System (WPDES) Permitting Program to Implement the New Water Quality Criteria The Department of Natural Resources has proposed rulemaking to create human health surface water quality criteria for PFOS and PFOA, as well as any other PFAS which the department determines may be harmful to human health in ch. NR 105, Wis. Adm. Code. The proposed criteria are expected to be numeric and may be expressed as a single number applicable to all waters of the state or may be expressed as different numbers that are applied to different surface water body types.

<https://dnr.wisconsin.gov/sites/default/files/topic/Rules/WY2319PublicHearing.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
(757) 322-2812, DSN 262-2812 or (916) 952-1003

Cultural Resources
(757) 341-0925

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

Air Quality, Asbestos, Radon
(757) 341-0383

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) 341-0383

DoD Chesapeake Bay Coordinator
(757) 341-0424
(757) 341-0395

SUBSCRIBE

If you would like to receive notice when the REC Update is posted, please send an email to: angela.s.jones7.civ@us.navy.mil with your name, position, command, mailing address, phone number, and fax number.

If your email address or phone number changes, please send an email with the updated information. If you or your organization would like to submit an article, story, or picture for future newsletters, send it to: angela.s.jones7.civ@us.navy.mil