



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

April 2024

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.

SPOTLIGHT STORY

Department of Defense Announces Winners of the 2024 Secretary of Defense Environmental Awards

The Department of Defense announced the Secretary of Defense Environmental Awards winners for 2024.

The awards recognize installations, teams and individuals for their exceptional achievements in effective environmental management strategies that enhance installation resilience and mission readiness.

"Understanding that installations built, and natural environments strongly impact Service members' quality of life, DoD is committed to ensuring that its installations are healthy, safe, functional and resilient," said Brendan Owens, assistant secretary of defense for energy, installations and environment.

Each year since 1962, the Secretary of Defense Environmental Awards have formally recognized members and civilians across DOD who have made significant strides to conserve the nation's natural and cultural resources; protect human health and the environment; prevent or eliminate pollution at the source; clean up hazardous substances, pollutants or contaminants, and munitions; and incorporate environment, safety and occupational health requirements into weapon systems acquisition. DoD's emphasis on protection of environment quality ultimately improves Department personnel's quality of life and protects natural environments vital for mission success.

For more information:

<https://www.defense.gov/News/Releases/Release/Article/3750212/department-of-defense-announces-winners-of-the-2024-secretary-of-defense-enviro/>



NAVFAC MIDLANT DoD REC Map

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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

U.S Environmental Protection Agency's (EPA's) Environmental Justice Clearinghouse: Executive Order 14906 titled: "Revitalizing Our Nation's Commitment to Environmental Justice for All" included the establishment of an environmental justice (EJ) Clearinghouse. This clearinghouse is to be a public, internet-based, whole-of-government clearinghouse composed of culturally and linguistically appropriate and accessible materials related to environmental justice. The EJ Clearinghouse is a compilation of resources to assist EJ partners. EPA relies on the continued submission of proposed resources to be added to this EJ Clearinghouse. EPA continues to update and enhance this EJ Clearinghouse and welcomes suggestions to improve user experience. <https://www.epa.gov/environmentaljustice/forms/ej-clearinghouse>

EPA Launches New Website to Improve Transparency in Permitting: EPA is announcing the launch of a new website, [epa.gov/permits](https://www.epa.gov/permits), a centralized web-based platform for information about federal environmental permitting. It highlights EPA's permitting and environmental review programs and shares information on related statutes and environmental justice initiatives. In support of EPA's commitments under Title 41 of the Fixing America's Surface Transportation Act (FAST-41), it also displays the status of EPA permits for large scale infrastructure projects covered by this statute. The website is a resource for the public, permit applicants and federal agency partners. <https://www.epa.gov/newsreleases/epa-launches-new-website-improve-transparency-permitting>

AIR

Greenhouse Gas (GHG) Emissions Standards for Heavy-Duty Vehicles-Phase 3 (Final): The EPA is promulgating new GHG emissions standards for model year (MY) 2032 and later heavy-duty highway vehicles that phase in starting early MY 2027 for certain vehicles. The phase revises certain MY 2027 GHG standards that were established previously under EPA's Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty (HD) Engines and Vehicles--Phase 2 rule. This document also updates elements of the Averaging Banking and Trading program, including providing flexibilities for manufacturers to support the implementation of the Phase 3 program balanced by limiting the availability of certain advanced technology credits initially established under the HD GHG Phase 2 rule. EPA is also adding warranty requirements for batteries and other components of zero-emission vehicles and requiring customer-facing battery state-of-health monitors for plug-in hybrid and battery electric vehicles. In this action, we are also finalizing additional revisions, including clarifying and editorial amendments to certain highway heavy-duty vehicle provisions and certain test procedures for heavy-duty engines. This final rule is effective on June 21, 2024. <https://www.federalregister.gov/documents/2024/04/22/2024-06809/greenhouse-gas-emissions-standards-for-heavy-duty-vehicles-phase-3>

NATURAL RESOURCES

DoD Natural Resources Research Presentations (On-Demand): DoD's Natural Resources Program (NR Program) supports the military's testing and training mission by protecting its biological resources. The NR Program's goal is to support the military's combat readiness mission by ensuring continued access to realistic habitat conditions, while simultaneously working to ensure the long-term sustainability of our nation's priceless natural heritage. The DoD Legacy Program provides funding for research to achieve the NR's Program goals. Past and upcoming presentations about these projects are located on the DENIX website. <https://www.denix.osd.mil/nr/resources/webinars/index.html>

Regulations Pertaining to Endangered and Threatened Wildlife and Plants (Final): U.S. Fish and Wildlife Service (USFWS) revise their regulations concerning protections of endangered species and threatened species under the ESA. They reinstate the general application of the "blanket rule" option for protecting newly listed threatened species pursuant to section 4(d) of the Act, with the continued option to promulgate species-specific section 4(d) rules. They also extend to federally recognized Tribes the exceptions to prohibitions for threatened species that the regulations currently provide to the employees or agents of the Service and other Federal and State agencies to aid, salvage, or dispose of threatened species. They also make minor changes to clarify or correct the existing regulations for endangered species and threatened species; these minor changes do not alter the substance or scope of the regulations. This final rule is effective May 6, 2024. <https://www.federalregister.gov/documents/2024/04/05/2024-06901/endangered-and-threatened-wildlife-and-plants-regulations-pertaining-to-endangered-and-threatened>

WATER

Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation (Final): In March 2023, EPA proposed and requested comment on the NPDWR and health-based Maximum Contaminant Level Goals (MCLGs) for six per- and polyfluoroalkyl substances (PFAS): PFOA, PFOS, PFHxS, PFNA, HFPO-DA, commonly known as GenX Chemicals, and PFBS. The EPA is finalizing NPDWRs for these six PFAS. Through this action, the EPA is finalizing MCLGs for PFOA and PFOS at zero. Considering feasibility, the EPA is promulgating individual Maximum Contaminant Levels (MCLs) for PFOA and PFOS at 4.0 nanograms per liter (ng/L) or parts per trillion (ppt). The EPA is also finalizing individual MCLGs and is promulgating individual MCLs for PFHxS, PFNA, and HFPO-DA at 10 ng/L. In addition to the individual MCLs for PFHxS, PFNA, and HFPO-DA, in consideration of the known toxic effects, dose additive health concerns and occurrence and likely co-occurrence in drinking water of these three PFAS, as well as PFBS, the EPA is finalizing a Hazard Index (HI) of 1 (unitless) as the MCLG and MCL for any mixture containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS. Once fully implemented, the EPA estimates that the rule will prevent thousands of deaths and reduce tens of thousands of serious PFAS-attributable illnesses. This final rule is effective on June 25, 2024. <https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation>

Clean Water Act Methods Update Rule for the Analysis of Effluent (Final): EPA is finalizing changes to its test procedures required to be used by industries and municipalities when analyzing the chemical, physical, and biological properties of wastewater and other samples for reporting under the EPA's National Pollutant Discharge Elimination System permit program. The Clean Water Act requires the EPA to promulgate these test procedures (analytical methods) for analysis of pollutants. The EPA anticipates that these changes will provide increased flexibility for the regulated community in meeting monitoring requirements while improving data quality. In addition, this update to the CWA methods will incorporate technological advances in analytical technology and make a series of minor changes and corrections to existing approved methods. As such, the EPA expects that these changes will not result in any negative economic impacts. This final rule is effective on June 17, 2024. <https://www.federalregister.gov/documents/2024/04/16/2024-07412/clean-water-act-methods-update-rule-for-the-analysis-of-effluent>

Administration Finalizes First-Ever National Drinking Water Standard to Protect 100M People from PFAS Pollution: The Administration issued the first-ever national, legally enforceable drinking water standard to protect communities from exposure to harmful PFAS, also known as forever chemicals. Exposure to PFAS has been linked to deadly cancers, impacts to the liver and heart, and immune and developmental damage to infants and children. This final rule represents the most significant step to protect public health under EPA's PFAS Strategic Roadmap. The final rule will reduce PFAS exposure for approximately 100 million people, prevent thousands of deaths, and reduce tens of thousands of serious illnesses.

<https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-first-ever-national-drinking-water-standard#:~:text=WASHINGTON%20-%20Today,%20April%2010,,known%20as%20'forever%20chemicals>

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 on Feb. 7, 2024 and will adjourn on May 8, 2024.

OTHER ACTIONS AND OPPORTUNITIES

Connecticut General Permit for the Discharge of Dewatering and Remediation Wastewaters to Surface Waters:

The Department of Energy and Environmental Protection has issued notice of an opportunity to comment regarding the General Permit for the Discharge of Dewatering and Remediation Wastewaters to Surface Waters.

<https://portal.ct.gov/deep/public-notices/public-notices-proposed-actions---opportunity-for-comment/proposed-general-permits/public-listening-session-for-the-general-permit-for-the-discharge-of-dewatering>

Connecticut General Permit for the Discharge of Stormwater Associated with Industrial Activities: The Department of Energy and Environmental Protection has issued notice of an opportunity to comment regarding the proposed General Permit for the Discharge of Stormwater Associated with Industrial Activities.

<https://portal.ct.gov/deep/water-regulating-and-discharges/stormwater/industrial-stormwater-gp#:~:text=Industrial%20Stormwater%20General%20Permit&text=The%20PPP%20must%20include%20information,water%20monitoring%2C%20and%20site%20inspection.>



Note: The Maine Legislature convened on Dec. 7, 2022 and adjourned on April 17, 2024.

FINAL LEGISLATION

Maine LD 1537: This act amended the laws relating to the prevention of PFAS pollution and to provide additional funding. Effective July 16, 2024.

<https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0610&item=3&snum=131>

Maine LD 2101: This act strengthens the shoreland zoning enforcement. Effective July 16, 2024.
<https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0894&item=4&snum=131>

Maine LD 2253: This act authorizes a stop-work order regarding an activity that is creating a substantial adverse impact to a protected natural resource. Effective July 16, 2024.
<https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0971&item=3&snum=131>



Note: The Massachusetts Legislature convened on Jan. 3, 2023 and will adjourn on Jan. 2, 2025.

PROPOSED LEGISLATION

Massachusetts HB 4543: This bill would direct the Department of Energy Resources to establish a clean fuel standard that reduces the aggregate carbon intensity of transportation fuels by 80% from 1990 levels by 2050, as well as a mechanism for the generation and trading of credits at a market-based rate to offset carbon deficits to support clean energy and accessible transportation projects in disadvantaged communities.
<https://malegislature.gov/Bills/193/H4543/House/Bill/Text>

FINAL REGULATION

Massachusetts Contingency Plan: The Department of Environmental Protection has adopted rulemaking to update and clarify existing provisions for the notification, assessment and cleanup of oil and/or hazardous material contamination in the environment to ensure that actions are performed in a timely manner, are appropriately monitored and documented, and achieve of a level of No Significant Risk that is protective of public health and the environment. Effective March 1, 2024.
<https://archives.lib.state.ma.us/server/api/core/bitstreams/6240ef8b-e841-42e9-a85b-5a4f42777cd9/content>



Note: The New Hampshire Legislature convened on Jan. 3, 2024 and will adjourn on June 30, 2024.

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 Jan. 2, 2024 and will adjourn on June 30, 2024.

PROPOSED LEGISLATION

Rhode Island SB 2809: This act would delay from June 1, 2024, until June 1, 2025, the necessity to conduct monitoring for the maximum number PFAS in drinking water and would amend the type of water systems to which the requirement applies. <https://webserver.rilegislature.gov/BillText24/SenateText24/S2809.htm>

FINAL REGULATION

Rhode Island Air Pollution Control Regulation No. 29 - Operating Permits: The Department of Environmental Management has adopted rulemaking to remove §29.10(K) which currently allows sources to exceed permitted emissions levels during an emergency. Effective April 4, 2024. <https://rules.sos.ri.gov/regulations/Part/250-120-05-29>



VERMONT

Note: The Vermont Legislature convened on Jan. 4, 2023 and will adjourn on May 10, 2024.

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 Jan. 9, 2024 and will adjourn on Jan. 13, 2026.

PROPOSED LEGISLATION

New Jersey SB 2847: This act requires certain water purveyors to identify, and use, alternative water supply source when PFAS exceed maximum contaminant levels. https://pub.njleg.gov/bills/2024/S3000/2847_I1.HTM

PROPOSED REGULATION

New Jersey Certain Single-Use Paper and Plastic Carryout Bags and Polystyrene Foam Food Service Products: The Department of Environmental Quality has proposed rulemaking that establishes prescriptive rules governing the reduction of single-use plastics, polystyrene foam, and the use of paper carryout bags.

<https://dep.nj.gov/wp-content/uploads/rules/proposals/proposal-20240401a.pdf>



NEW YORK

Note: The New York State Legislature convened on Jan. 4, 2023 and will adjourn on Jan. 2, 2025.

PROPOSED LEGISLATION

New York AB 5906 (SB5331): This act expands the food donation and food scraps recycling program by scaling down the annual average tonnage requirement every two years until 2028; removes exceptions regarding recycler capacity.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=A5906

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 Jan. 2, 2023 and will adjourn on Dec. 31, 2024.

OTHER ACTIONS AND OPPORTUNITIES

District of Columbia Request for Feedback on Decommissioning Boilers and Generators and Temporary Shutdown

Guidance: The Department of Energy and Environment has issued notice of an opportunity to comment regarding guidance on decommissioning and temporary shutdown of boilers and generators.

<https://doee.dc.gov/service/public-notice-hearings>



Note: The Delaware General Assembly convened on Jan. 10, 2023 and will adjourn on June 30, 2024.

PROPOSED LEGISLATION

Delaware SB 265: The Delaware Energy Solutions Act of 2024 authorizes processes necessary to help meet the net zero goals of the Climate Change Solutions Act of 2023.

<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=141232&legislationTypeId=1&docTypeId=2&legislationName=SB265>



Note: The Maryland General Assembly convened on Jan. 10, 2024 and adjourned on April 8, 2024.

PROPOSED REGULATION

Maryland Permits, Approvals, and Registration — Title V Permits: The Department of the Environment has proposed rulemaking to repeal Regulation .24 from COMAR 26.11.03 Permits, Approvals, and Registration — Title V Permits. This action will not be submitted to the EPA for approval as part of Maryland's State Implementation Plan.

<https://mde.maryland.gov/programs/regulations/air/Pages/reqcomments.aspx>

Maryland Severn River Vessel Management Area: The Department of Natural Resources has proposed rulemaking to establish a 6-knot speed limit, effective at all times, for an area extending for approximately 175 yards into the Severn River from each side of the yard patrol pier and quay wall construction project at the Naval Support Activity in Annapolis, Maryland.

<https://dnr.maryland.gov/boating/Documents/regulations/4-5-2024-MDReg-Boating-Reg.pdf>



Note: The Pennsylvania General Assembly convened on Jan. 3, 2023 and will adjourn on Nov. 30, 2024.

OTHER ACTIONS AND OPPORTUNITIES

Pennsylvania Availability of Technical Guidance - Closure Requirements for Aboveground Storage Tank Systems; Closure Requirements for Underground Storage Tank Systems: The Department of Environmental Protection has issued a notice concerning the availability of the following technical guidance documents.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol54/54-14/470.html>



VIRGINIA

Note: The Virginia General Assembly convened on Jan. 10, 2024 and adjourned on Mar. 9, 2024.

FINAL LEGISLATION

Virginia HB 459 (SB 121): This act expands authority of certain localities to adopt an ordinance providing for the planting and replacement of trees during the development process by allowing a tree canopy fund that currently applies to the planting of trees on public property to include maintenance of trees on public property and planting and maintenance of trees on private property. Effective July 1, 2024.

<https://lis.virginia.gov/cgi-bin/legp604.exe?241+ful+CHAP0691>

Virginia HB 1085: This act requires, for every public water system, as defined in the bill, the Department of Health (VDH) to assist the Department of Environmental Quality (the Department) by transferring to the Department quarterly all validated monitoring results available to VDH that indicate PFAS maximum containment level, as defined in the bill, exceedances. Effective July 1, 2024. <https://lis.virginia.gov/cgi-bin/legp604.exe?241+ful+CHAP0316>

Virginia HB 1157: This act requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic Resources, and the Virginia Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews relating to environmental, cultural, or historic resources that potentially impact those federally recognized Tribal Nations in the Commonwealth. Effective July 1, 2024.

<https://lis.virginia.gov/cgi-bin/legp604.exe?241+ful+CHAP0830>

Virginia SB 243: This act requires, for every public water system, as defined in the bill, the Department of Health (VDH) to assist the Department of Environmental Quality (the Department) by transferring to the Department quarterly all validated monitoring results available to VDH that indicate PFAS maximum containment level, as defined in the bill, exceedances. In such circumstances, the bill provides that the Department is required to develop and implement a plan to prioritize and conduct PFAS assessments for identifying significant sources of PFAS in such public water system's raw water source or sources. Effective July 1, 2024.

<https://lis.virginia.gov/cgi-bin/legp604.exe?241+ful+CHAP0343>

Virginia SB 581: This act authorizes the Department of Environmental Quality to utilize and incorporate comprehensive groundwater, surface water, and aquifer data in its decision-making processes related to the issuance and renewal of groundwater withdrawal permits and surface water withdrawal permits. Such data may include information relating to water levels, flow rates, and water quality. Effective July 1, 2024.

<https://lis.virginia.gov/cgi-bin/legp604.exe?241+ful+CHAP0251>

PROPOSED REGULATION

Virginia Regulations Governing Contextualization of Monuments or Memorials for Certain War Veterans: The Board of Historic Resources has proposed rulemaking with guidance on interpreting certain war monuments and memorials. <https://register.dls.virginia.gov/details.aspx?id=11039>



WEST VIRGINIA

Note: The West Virginia Legislature convened on Jan. 10, 2024 and adjourned on March 10, 2024.

FINAL REGULATION

West Virginia Public Water System Operators: The Department of Health has adopted amendments to rules related to examinations and certification of operators of Public Water Systems. Effective March 27, 2024.

<https://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=64-04>

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.



NORTH CAROLINA

Note: The North Carolina General Assembly convened on Jan. 11, 2023 and will adjourn on July 31, 2024.

OTHER ACTIONS AND OPPORTUNITIES

North Carolina DEQ Details Next Steps for Water Systems as EPA Announces PFAS Standards for Drinking Water: The Department of Environmental Quality has issued a press release to announce that more than 300 water systems in the state have PFAS levels that will exceed the new standards.

<https://www.deq.nc.gov/news/press-releases/2024/04/10/deq-details-next-steps-water-systems-epa-announces-pfas-standards-drinking-water#:~:text=DEQ%20is%20proposing%20state%20groundwater,to%20comply%20with%20the%20MCLs>



KENTUCKY

Note: The Kentucky Legislature convened on Jan. 2, 2024 and adjourned on April 15, 2024.

FINAL LEGISLATION

Kentucky SJR 149: This act directs the Energy and Environment Cabinet to provide guidance and consult with entities that discharge into the waters of the Commonwealth on the best management practice for PFAS. Signed April 5, 2024. <https://apps.legislature.ky.gov/recorddocuments/bill/24RS/sjr149/bill.pdf>

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.



ILLINOIS

Note: The Illinois General Assembly convened on Jan. 11, 2023 and will adjourn on Jan. 5, 2025.

PROPOSED LEGISLATION

Illinois SB 3481: This act would provide that battery storage sites at which 5,000 kilograms or more of used batteries are stored must register with the IL EPA prior to February 2026 or prior to commencing operation if not in operation in February 2026 and maintain records related to the weight or volume of batteries stored.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB3481v&SessionID=112&GA=103&DocTypeID=SB&DocNum=3481&print=true>

PROPOSED REGULATION

Illinois Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances: The Office of the State Fire Marshall has proposed rulemaking that will revise the Illinois administrative and technical requirements for underground storage tank systems.

https://www.ilsos.gov/departments/index/register/volume48/register_volume48_11.pdf

Illinois Groundwater Quality: The Pollution Control Board has proposed rulemaking concerning standards for 10 new chemicals detected in Illinois groundwater, including five of the six PFAS (PFOS, PFNA, PFBS, PFHxS, HFPO-DA), molybdenum, lithium, aluminum, and 1-methylnaphthalene.

https://www.ilsos.gov/departments/index/register/volume48/register_volume48_13.pdf



INDIANA

Note: The Indiana General Assembly convened on Jan. 8, 2024 and adjourned on March 14, 2024.

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



Note: The Michigan Legislature convened on Jan. 11, 2023 and will adjourn on Dec. 31, 2024.

PROPOSED LEGISLATION

Michigan HB 5657: This act would prohibit the use of PFAS in household products.

<https://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/htm/2024-HIB-5657.htm>



Note: The Ohio General Assembly convened on Jan. 2, 2023 and will adjourn on Dec. 31, 2024.

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



Note: The Wisconsin Legislature convened on Jan. 2, 2023 and will adjourn on Jan. 2, 2025.

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

MEET THE REC STAFF

RADM Wesley McCall

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