



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

February 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.



NAVFAC MIDLANT DoD REC Map

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SPOTLIGHT STORY

Recycled Christmas trees at JEBLCFS prevent beach Erosion

Volunteers from across Joint Expeditionary Base Little Creek-Fort Story came together for a cold, blustery day at the beach Jan. 11, 2024.

They weren't there for a picnic or game of volleyball; their mission was to protect the dunes that enable training, recreation, and wildlife on Little Creek and Fort Story beaches. They were also keeping piles of discarded Christmas trees out of landfills by using them to shore up the dunes and prevent beach erosion.

The dunes are an essential natural feature that provides a barrier against erosion, said Dylan Freeman, JEBLCFS's natural resources officer. "It works similar to sand fencing in that it blocks the wind, and the branches and needles collect the sand."

The natural resources staff monitors the integrity of the dunes on the installation regularly. Dunes damaged by human activity, storm surges and high winds are designated for the annual restoration project, now in its 17th year. Past restoration efforts have proven very successful.

Carefully placing the trees along the dunes is the culmination of an annual project that begins right after Christmas. Service members and civilian staff are encouraged to bring their trees to collection locations. Community members and local tree retailers also donate.

Freeman said healthy dunes provide important ecosystems for shore birds and other animals, but they also protect the beaches that allow expeditionary and special warfare units to conduct training in a realistic environment so their skills stay sharp. This project is what "allows the Navy, Army and Marine Corps to continue conduct training on our beaches," he said.

For more information:

https://www.militarynews.com/norfolk-navy-flagship/news/top_stories/recycled-christmas-trees-at-jebclfs-prevent-beach-erosion/article_3fa7e7e2-b549-11ee-ab27-57ccd0dd8f4b.html

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

The Federal Environmental Symposium: The Federal Environmental Planning Committee is happy to announce that the new dates for the Federal Environmental Symposium are March 11-14, 2024. This Symposium will now be a fully virtual event, so all presenters and participants can enjoy from the comforts of their own home. The Federal Environmental Symposium Agenda has been posted to the Symposium website.

<https://www.fedcenter.gov/calendar/conferences/symposium2023/>

AIR

Recent Postings of Broadly Applicable Alternative Test Methods: The U.S. Environmental Protection Agency (EPA) is announcing the broadly applicable alternative test method approval decisions in support of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) in the year 2023. Source owners and operators may voluntarily use the broadly applicable alternative test methods in lieu of otherwise required test method or related testing procedures. The five approved alternative test methods are for the following:

- EPA Method 3A as an alternative to EPA Method 3B
- Certification of candidate Method 9 observers through use of a virtual reality headset
- EPA Method 3A as an alternative method for EPA Method 3B integrated bag analysis
- ASTM E-2515 filter gravimetric pre/post-test filter mass assessments per method direction in section 9.4.4.
- ASTM E-2515 dilution tunnel minimum velocity requirement as stated in section 9.2.1.

<https://www.federalregister.gov/documents/2024/01/25/2024-01495/recent-postings-of-broadly-applicable-alternative-test-methods>

New Compliance Advisory for Federal Facilities: The EPA has published a new compliance advisory titled Federal Facility Compliance with the Asbestos NESHAP. The Asbestos NESHAP requirements protect the public by minimizing the release of asbestos fibers during building renovations and demolitions. This compliance advisory reminds federal facilities of their compliance obligations under the Asbestos NESHAP and the Clean Air Act (CAA) during building renovations and demolitions, even when those activities are performed by contractors.

https://www.fedcenter.gov/Announcements/index.cfm?id=41854&pge_id=1854

WASTE

Hazardous Waste Portal: This portal is intended to help generators find hazardous waste compliance assistance resources. The portal includes both federal and state information and it covers most industrial and commercial business sectors. The portal catalogs over 800 hazardous waste compliance resources, including guidebooks, fact sheets, reports, checklists, web sites, contacts, and regulations. Various features are available to assist users in finding the best guidance materials and answers to specific questions.

https://www.fedcenter.gov/Announcements/index.cfm?id=41814&pge_id=1854

WATER

Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants under the Safe Drinking Water Act; Analysis and Sampling Procedures: This action announces the EPA's approval of alternative testing methods for use in measuring the levels of contaminants in drinking water to determine compliance with national primary drinking water regulations. The Safe Drinking Water Act (SDWA) authorizes EPA to approve the use of alternative testing methods through publication in the Federal Register. EPA is using this streamlined authority to make 93 additional methods available for analyzing drinking water samples. This expedited approach provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection. This action was effective Jan. 30, 2024.

<https://www.federalregister.gov/documents/2024/01/30/2024-01530/expedited-approval-of-alternative-test-procedures-for-the-analysis-of-contaminants-under-the-safe>

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, 2023.

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



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

FINAL LEGISLATION

Maine LD 2034: This act addresses identified gaps in the laws governing the Erosion Control and the Natural Resources Protection Act. Effective July 16, 2024.

<https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0862&item=3&snum=131>

Maine LD 2059: This act is regarding processing of applications under the Natural Resources Protection Act to ensure consistency with shoreland zoning laws. Effective July 16, 2024.

<https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1321&item=3&snum=131>



MASSACHUSETTS

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

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



NEW HAMPSHIRE

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 HB 7439: This act is related to PFAS in drinking water, groundwater, and surface water.

<https://webserver.rilegislature.gov/BillText24/HouseText24/H7439.htm>

Rhode Island HB 7619: This act would update the existing Toxic Packaging Act by delaying the ban on PFAS in processing agents, until July 1, 2027, and also expands the law by banning PVC and polystyrene in packaging.

<https://webserver.rilegislature.gov/BillText24/HouseText24/H7619.htm>

Rhode Island SB 2152: This act would enact the Comprehensive PFAS ban act of 2024, prohibiting the intentional addition of PFAS in products offered for sale or manufactured in the state as of Jan. 1, 2027.

<https://webserver.rilegislature.gov/BillText24/SenateText24/S2152.htm>

Rhode Island SB 2292: This act would establish the first green justice zone, a model that may be replicated in future years to ensure that all communities throughout the state have clean air and clean water.

<https://webserver.rilegislature.gov/BillText24/SenateText24/S2292.htm>

FINAL REGULATION

Rhode Island Operation of Air Pollution Control Systems: The Department of Environmental Management Office of Air Resources has adopted rulemaking to remove language allowing variances for excess emissions during malfunctions. Specifically RIDEMOAR is proposing to remove § 16.3 which currently allows sources to petition for a variance from air pollution control requirements in the event of a malfunction of its air pollution control that is expected to last more than 24 hours. Effective Feb. 18, 2024.

<https://rules.sos.ri.gov/Regulations/part/250-120-05-16>



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.



Note: The New Jersey Legislature convened on Jan. 9, 2024 and will adjourn on Jan. 13, 2026.

FINAL LEGISLATION

New Jersey AB 4729 (SB 3279): This act revises method for appraisals of farmland to be acquired for farmland preservation purposes. Effective Jan. 8, 2024.

<https://www.njleg.state.nj.us/bill-search/2022/A4729>

PROPOSED LEGISLATION

New Jersey AB 1923 (SB 252): This act requires owner or operator of certain trains to have discharge response, cleanup, and contingency plans to transport certain hazardous materials by rail and requires the Department of Environmental Protection (DEP) to request bridge inspection reports from the U.S. Department of Transportation.

https://pub.njleg.gov/bills/2024/A2000/1923_I1.HTM

New Jersey AB 3084: This act authorizes certain large food waste generators to send food waste to sanitary landfill facilities for purpose of generating Class I renewable energy or renewable natural gas.

https://pub.njleg.gov/bills/2024/A3500/3084_I1.HTM

New Jersey SB 203: The act establishes statewide targets to reduce disposal of organic waste in landfills and requires the DEP to adopt regulations to achieve targets. https://pub.njleg.gov/bills/2024/S0500/203_I1.HTM

New Jersey SB 222: This act authorizes regulation of greenhouse gas emissions under "Air Pollution Control Act (1954)" and "Global Warming Response Act.". https://pub.njleg.gov/bills/2024/S0500/222_I1.HTM

OTHER ACTIONS AND OPPORTUNITIES

New Jersey Fiscal Year 2024 Annual Fee Report and Assessment of Fees: The DEP has issued a notice regarding the Fiscal Year (FY) 2024 Annual Fee Report and Assessment of Fees (Report) for the New Jersey Pollutant Discharge Elimination System (NJPDES) program.

https://dep.nj.gov/dwg/permitting_information/permit_and_application_fees/

New Jersey Request for Comments on the Proposed 2022 303(d) List of Water Quality Limited Waters: The DEP has issued a notice announcing that it is seeking public comment on the proposed 2022 303(d) List of Water Quality Limited Waters (303(d) List).

<https://dep.nj.gov/wms/bears/water-quality-assessment/>



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

FINAL LEGISLATION

New York SB 8060 (AB8565): This act directs regulation of closed-loop boreholes installed for the purpose of facilitating a geothermal heating or cooling system by Dec. 31, 2024. Signed Feb. 13, 2024.

assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=S8060

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.



Note: The Council of the District of Columbia convened Jan. 2, 2023 and will adjourn on Dec. 31, 2024.

FINAL REGULATION

District of Columbia Battery Stewardship Infractions: The Department of Energy and Environment has adopted amendments to Chapter 40 (Department of the Environment (DDOE) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions). This rulemaking will schedule fines for violation of rules related to battery stewardship in Chapter 39 (Battery Stewardship) of Title 20 (Environment) of the DCMR. The rulemaking reflects amendments incorporated into the Sustainable Solid Waste Management Amendment Act of 2014 by the Battery and Electronic Stewardship Amendment Act of 2022, effective March 10, 2023 (D.C. Law 24-320, 70 DCR 3551). Effective Feb. 23, 2024. <https://dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=16-4014>



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

FINAL REGULATION

Delaware Underground Storage Tank Systems: The Department of Natural Resources and Environmental Control (DNREC) has adopted rulemaking regarding underground storage tank systems. Effective Jan. 11, 2024. <https://regulations.delaware.gov/AdminCode/title7/1000/1300/Split1351/1351.pdf>



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

PROPOSED LEGISLATION

Maryland HB 729: This act would require the Department of the Environment to adopt regulations to protect and preserve vernal pools and requiring the Department to complete a plan for identifying vernal pools in the State. <https://mgaleg.maryland.gov/2024RS/bills/hb/hb0729F.pdf>

Maryland HB 735 (SB642): This act establishes the Maryland Beverage Container Recycling Refund and Litter Reduction Program to increase the reuse and recycling of beverage containers and reduce the litter, pollution, and costs associated with beverage containers.

<https://mgaleg.maryland.gov/2024RS/bills/hb/hb0735F.pdf>

Maryland HB 1147: This act prohibits, on or after October 1, 2024, a person from using, supplying, selling, soliciting, or offering for sale playground surfacing materials that contain certain concentrations of polycyclic aromatic hydrocarbons (PAH), PFAS, or lead for the construction or renovation of the ground surface of a playground in the State. <https://mgaleg.maryland.gov/2024RS/bills/hb/hb1147F.pdf>

Maryland HB 1153 (SB956): This act establishes the discharge limit for PFAS chemicals in any water, including stormwater, discharged from a significant industrial user to be 4 parts per trillion.

<https://mgaleg.maryland.gov/2024RS/bills/hb/hb1153F.pdf>

Maryland HB 1279 (SB1023): This act requires the Maryland Department of Labor to adopt, on or before certain dates and as part of the Maryland Building Performance Standards.

<https://mgaleg.maryland.gov/2024RS/bills/hb/hb1279F.pdf>

Maryland HB 1296 (SB1161): This act requires the Public Service Commission on June 1, 2024 to open a revised Round 2 proceeding to evaluate certain offshore wind projects.

<https://mgaleg.maryland.gov/2024RS/bills/hb/hb1296F.pdf>

Maryland SB 1086: This act authorizes a resident of a local jurisdiction or an overburdened and underserved community in the State to submit an application to the Department of the Environment to request the designation of a certain area as an environmental justice district in a certain manner.

<https://mgaleg.maryland.gov/2024RS/bills/sb/sb1086F.pdf>

Maryland SB 1088: This act authorizes judicial review of certain environmental permitting and license decisions by the Department of the Environment at the request of certain persons who meet certain federal standing requirements under certain circumstances and require a person applying for a certain permit from the Department to request an EJ Score from the Department for the census tract where the applicant is seeking the permit for purposes of including the score in the permit application.

<https://mgaleg.maryland.gov/2024RS/bills/sb/sb1088F.pdf>



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

PROPOSED LEGISLATION

Pennsylvania SB 589: This act amends the act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act and further providing for penalties and remedies.

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=S&billTyp=B&billNbr=0589&pn=1333>

OTHER ACTIONS AND OPPORTUNITIES

Pennsylvania Availability of the Non-Regulatory Agenda: The Department of Environmental Protection (Department) has issued a notice of the availability of the Non-Regulatory Agenda (Agenda). The Agenda serves as a guide and resource to the regulated community, the public, Department staff and members of the Department's advisory committees regarding the focus of the Department's policy development for the coming year. The types of documents listed in the Agenda include policies and technical guidance documents that provide directives, guidance or other relevant compliance-related information.

greenport.pa.gov/elibrary/GetDocument?docId=1466113&DocName=DEP_NON-REGULATORY_AGENDA.PDF %28NEW%29

Pennsylvania Intent to Submit Pennsylvania State Implementation Plan Revisions to Environmental Protection Agency: The Department has issued a notice to share its intent to submit Pennsylvania State Implementation Plan revisions to the Environmental Protection Agency.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol54/54-8/238.html>

Pennsylvania Suspension of Enforcement of Initial Annual Reports: The Department has issued a notice announcing that beginning Dec. 2, 2023, the Department suspended enforcement of 25 Pa. Code §§ 129.130(k)(1) and 129.140(k)(1) related to recordkeeping and reporting.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol54/54-4/111.html>

Pennsylvania Withdrawal of Technical Guidance: The Department has issued a notice announcing the withdrawal of various technical guidance documents (TGD).

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol54/54-4/112.html>



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

PROPOSED 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. <https://leg1.state.va.us/cgi-bin/legp504.exe?241+ful+HB459ER+hil>

Virginia HB 950: This act provides that neither the Governor nor the Board of Housing and Community Development shall modify any regulation in the Uniform Statewide Building Code prior to the conclusion of the Commonwealth's next triennial code development process. <https://leg1.state.va.us/cgi-bin/legp504.exe?241+ful+HB950H1+hil>

Virginia HB 1085 (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 contaminant level (MCL) exceedances, as defined in the bill.

<https://leg1.state.va.us/cgi-bin/legp504.exe?241+ful+HB1085H2+hil>

Virginia SB 578: This act provides that the purchase by a public utility of energy, capacity, and environmental attributes from offshore wind generation facilities owned by persons other than a public utility and located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth is in the public interest. <https://leg1.state.va.us/cgi-bin/legp504.exe?241+ful+SB578+hil>

Virginia SB 673: This act directs the Department of Environmental Quality and the State Water Control Board to prioritize the preservation of water for human consumption and food production in all permitting and regulatory processes related to groundwater and surface water resources. <https://leg1.state.va.us/cgi-bin/legp504.exe?241+ful+SB673E+hil>

FINAL REGULATION

Virginia Existing Stationary Sources: The State Air Pollution Control Board has adopted rulemaking allowing electronic submissions. Effective April 11, 2024. <https://register.dls.virginia.gov/details.aspx?id=10994>

Virginia Pollutant Discharge Elimination System (VPDES) Permit; Pollution Abatement (VPA) Permit; Water Protection Permit Program; Groundwater Withdrawal; Water Protection General Permit; Sewage Collection and Treatment: The State Water Control Board has adopted rulemaking bringing references to 40 CFR 136 in several State Water Control Board regulations up to date with the federal requirements published in the July 1, 2023, update. Effective March 27, 2024. <https://register.dls.virginia.gov/details.aspx?id=11003>

Virginia Regulation for Low Emissions and Zero Emissions Vehicle Standards: The Department of Environmental Quality has adopted rulemaking regarding Regulation For Low Emissions And Zero Emissions Vehicle Standards. Effective March, 13, 2024. <https://register.dls.virginia.gov/details.aspx?id=10978>



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

PROPOSED LEGISLATION

West Virginia HB 4291: This act is related to Local Energy Efficiency Partnership Act. https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb4291%20intr.htm&yr=2024&sesstype=RS&i=4291

West Virginia HB 4968: This act relates to making West Virginia an agreement state with the United States Nuclear Regulatory Commission and transferring authority and responsibility for sources of radiation from other state agencies to the Department of Environmental Protection. https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb4968%20intr.htm&yr=2024&sesstype=RS&i=4968

West Virginia HB 5018: This act would provide for oversight and authority governing community air monitoring programs. https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb5018%20sub.htm&yr=2024&sesstype=RS&i=5018

West Virginia HB 5090: This act would allow increased civil administrative penalties to be promulgated by legislative rules of by the Department of Environmental Protection.

https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb5090%20intr.htm&yr=2024&sesstype=RS&i=5090

West Virginia HB 5641 (SB678): This act is related to the electrical needs of the premises of the United States Armed Forces or the West Virginia National Guard.

https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb5641%20intr.htm&yr=2024&sesstype=RS&i=5641

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 Jan. 11, 2023 and will adjourn on July 31, 2024.

FINAL REGULATION

North Carolina Coastal Area Management (CAMA) Permit Fees: The Department of Environmental Quality has adopted a rule to increase fees for most Coastal Area Management (CAMA) permit actions, including increasing fees for all General Permits. Effective Jan. 1, 2024.

https://files.nc.gov/oah/documents/2024-02/Volume-38-Issue-15-February-1-2024.pdf?VersionId=Ps_HzmH61af3M9fGF3xe1dDUbaQjGg9Q



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

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.

https://apps.legislature.ky.gov/recorddocuments/bill/24RS/sjr149/orig_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.



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

PROPOSED LEGISLATION

Illinois HB 4612: This act provides that a county may set blade tip height limitations for wind towers in commercial wind energy facilities near a restricted landing area to ensure compliance with specified provisions of the Illinois Administrative Code.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB4612lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=4612&print=true>

Illinois HB 4639 (SB 2960): This act provides that, beginning July 1, 2025, hotels with 50 rooms or more and, beginning Jan. 1, 2026, hotels with less than 50 rooms may not provide small single-use plastic bottles containing personal care products to either (i) a customer of the establishment who is staying in a sleeping room accommodation or any space within the sleeping room accommodation or (ii) a customer of the establishment who is using a bathroom shared by the public or guests.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB4639lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=4639&print=true>

Illinois HB 4702: This act provides that, on or before Dec. 31, 2025, the owner or operator of each community water system, community wastewater system, and nontransient, noncommunity water system shall conduct monitoring for PFAS, using standard laboratory methods established by the EPA in effect at the time of sampling, and shall conduct additional monitoring for the presence of PFAS contaminants under specified circumstances.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB4702lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=4702&print=true>

Illinois HB 4708: This act provides that the public right to access and use navigable waters includes all rights recognized by State or federal law, including the rights set forth in the Northwest Ordinance of 1787 and the federal navigational servitude, and all rights arising under the public trust doctrine, which shall be understood and applied in a manner consistent with the spirit of the Act to maximize the full and free enjoyment of State waters by the public.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB4708lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=4708&print=true>

Illinois HB 4956: This act would ban the sale and use of ester formulations of 2,4-Dichlorophenoxyacetic acid.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB4956lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=4956&print=true>

Illinois HB 5013: This act establishes the Health and Equity Advisory Council.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB5013lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=5013&print=true>

Illinois HB 5042: This act requires, on or before Jan. 1, 2026, a manufacturer of a product sold, offered for sale, or distributed in the State that contains intentionally added PFAS to submit to the EPA specified information.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB5042lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=5042&print=true>

Illinois HB 5068: This act would establish the Low Carbon Standards Program to be administered by the Illinois Environmental Protection Agency.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB5068lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=5068&print=true>

Illinois HB 5075: This act would add 2,4-dichlorophenoxyacetic acid, 3,6-dichloro-2-methoxybenzoic acid, and atrazine to the definition of "Restricted Use Pesticide".

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB5075lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=5075&print=true>

Illinois HB 5241: This act deletes provisions requiring owners of underground storage tanks containing hazardous waste to register the tanks with the Illinois Environmental Protection Agency and provide the Agency with information concerning the contents of the tanks.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB5241lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=5241&print=true>

Illinois HB 5291 (SB 3371): This act provides that, if a leak of petroleum, a petroleum product, a hazardous substance, or a regulated substance occurs from an underground storage tank regulated by the Act and if the leak results in injury to any person or damage to any person's property, then the owner of the underground storage tank is strictly liable in civil damages to the person for the full amount of the injury or property damage proximately caused by the leak.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB5291lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=5291&print=true>

Illinois HB 5323 (SB 3341): This act provides, in a provision concerning the regulation of greenhouse gases, that a specific greenhouse gas emission limit does not apply to black start facilities.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB5323lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=5323&print=true>

Illinois HB 5386: This act provides provisions concerning: exemptions; wetlands delineation, classification, notification, permits and veto; general permits; appeal of final decisions made by the Department of Natural Resources and judicial review; investigation and enforcement; and county authority.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB5386lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=5386&print=true>

Illinois HB 5390: This act would ban the sale and use of 3,6-dichloro-2-methoxybenzoic acid.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB5390lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=5390&print=true>

Illinois HB 5592: This act provides that the definition of "municipal waste" does not include food residual or landscape waste resulting from commercial activities beginning in 2027.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB5592lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=5592&print=true>

Illinois SB 2839: This act requires the EPA to adopt rules to implement the motor vehicle emission standards of the State of California and the advanced clean cars II program. This act permits the rules to incorporate by reference the California motor vehicle standards established in the final regulations issued by the California Air Resources Board pursuant to Title 13 of the California Code of Regulations and adopted under the authority of Division 26 of the California Health and Safety Code.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB2839lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=2839&print=true>

Illinois SB 3160: This act would establish the Low Carbon Standards Program to be administered by the Illinois Environmental Protection Agency.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB3160lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=3160&print=true>

Illinois SB 3342: This act provides that, at least 24 hours before applying a pesticide to a public right-of-way that is located within the corporate boundaries of a municipality, a certified applicator employed or contracted with by the State or a unit of local government to apply the pesticide shall provide notice of the application to all residents whose residences are located within 200 feet of the public right-of-way to be treated.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB3342lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=3342&print=true>

Illinois SB 3352: This act provides that, in exercising its zoning powers, a municipality may regulate the storage of hazardous materials that are to be transported in compliance with the Illinois Hazardous Materials Transportation Act.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB3352lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=3352&print=true>

Illinois SB 3394: This act prohibits governmental entities from entering into contracts with certain prohibited entities that would give those prohibited entities access to an individual's personal identifying information.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB3394lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=3394&print=true>

Illinois SB 3450: This act provides that, as soon as practicable after the effective date of the Act, the Department of Public Health shall propose, and the Illinois Pollution Control Board shall adopt, amendments to the Board rules that establish primary drinking water standards (35 Ill. Adm. Part 611) in order to implement a State-only MCL for carcinogens and toxic chemicals that are likely to pose a substantial health hazard to residents of the State.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB3450lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=3450&print=true>

Illinois SB 3543: This act would prohibit a foreign principal from a foreign adversary country from directly or indirectly owning, having an interest of greater than 25% in, or acquire by purchase, grant, devise, or descent agricultural land or any interest except a de minimis indirect interest. "Foreign adversary" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agent of or any other entity under significant control of such foreign adversary, or any other entity deemed by the Governor in consultation with the Illinois Attorney General.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB3543lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=3543&print=true>

Illinois SB 3669: This act provides provisions concerning: exemptions; wetlands delineation, classification, notification, permits and veto; general permits; appeal of final decisions made by the Department of Natural Resources and judicial review; investigation and enforcement; and county authority.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB3669lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=3669&print=true>

Illinois SB 3766: This act provides that a county board may, by ordinance, establish standards for noise pollution in the unincorporated areas of the county.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB3766lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=3766&print=true>



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

PROPOSED REGULATION

Indiana Civil Penalties: The Department of Environmental Management has proposed rulemaking to add rules at 326 IAC 1-8 concerning civil penalties related to air pollution.

<http://iac.iga.in.gov/iac//20240207-IR-326240046PHA.xml.html>

Indiana Civil Penalties: The Department of Environmental Management has proposed rulemaking to add rules at 327 IAC 1-2 concerning civil penalties related to water pollution.

<http://iac.iga.in.gov/iac//20240207-IR-327240047PHA.xml.html>

Indiana Civil Penalties: The Department of Environmental Management has proposed rulemaking to add rules at 329 IAC 1-3 and 329 IAC 9-11 concerning civil penalties related to solid waste management and underground storage tanks. <http://iac.iga.in.gov/iac//20240207-IR-329240048PHA.xml.html>



MICHIGAN

Note: The Michigan Legislature convened on Jan. 11, 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.



OHIO

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

FINAL LEGISLATION

Ohio HB 201: This act amends sections 4929.16, 4929.161, 4929.162, 4929.163, and 4929.165 and enact section 3704.20 of the Revised Code to prohibit a state agency, county, or township from restricting the sale or use of a motor vehicle based on the energy source used to power the motor vehicle and prohibits a state agency from adopting the California emissions standards for motor vehicles. Effective March, 28, 2024.

<https://www.legislature.ohio.gov/legislation/135/hb201>

FINAL REGULATION

Ohio Beneficial Use Rules: The Environmental Protection Agency has adopted rulemaking to satisfy the requirements of Ohio Revised Code section 106.03. As part of this rulemaking effort, Ohio EPA is proposing to expand the chapter to allow additional solid waste, industrial waste, or other waste materials to be eligible for beneficial use authorization. Effective Feb. 11, 2024. <https://codes.ohio.gov/ohio-administrative-code/3745>



WISCONSIN

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

PROPOSED LEGISLATION

Wisconsin AB 1117: This act is related to requiring fencing and signage at retention ponds.

<https://docs.legis.wisconsin.gov/2023/related/proposals/ab1117.pdf>

Wisconsin AB 1118 (SB 1017): This act is related to safety requirements for storm water retention ponds and granting rule-making authority.

<https://docs.legis.wisconsin.gov/2023/related/proposals/ab1118.pdf>

Wisconsin SB 746 (AB 798): This act is related to petroleum products, storage of dangerous substances, and granting rule-making authority. <https://docs.legis.wisconsin.gov/2023/related/proposals/sb746.pdf>

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