



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

June 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

Naval Support Activity Annapolis Earth Day 2024

Naval Support Activity (NSA) Annapolis, located at the confluence of the Severn River and the Chesapeake Bay, conducts natural resource conservation and recreation activities on Greenbury Point. For Earth Day, on April 27, 2024, U.S. Naval Academy Midshipmen from the Midshipmen Action Group (MAG) and other NSA Annapolis volunteers conducted clearing of trails and cleanup of trash and debris on Greenbury Point.

Trail clearing, consisting of widening by vegetation removal and cleanup of natural and man-made debris, was conducted on the Bobwhite Trail that winds through dense woods with pine and oak trees offering a cool respite on warm summer days. Teams of midshipmen also picked up trash and debris on the other trails and seawalls around Greenbury Point. In addition, midshipmen helped to plant a pollinator garden that will beautify Greenbury Point while increasing native biodiversity, and increasing pollination and biological control of "pest" insects.

In total, more than 20 midshipmen and a handful of other volunteers collected seven full bags of garbage and various metal scraps and debris. These actions help to keep the area in its natural state while providing a safe area for the public to recreate and enjoy the outdoors.

For more information:

<https://www.dvidshub.net/news/469789/nsa-annapolis-earth-day-2024>



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

The Environmental Protection Agency (EPA) Publishes its 2024-2027 Climate Adaptation Plan: EPA released its 2024-2027 Climate Adaptation Plan, which describes agency actions to address the impacts of climate change and help build a more climate-resilient nation. The plan expands the agency's efforts to ensure its programs, facilities, workforce and operations are increasingly resilient to climate change impacts. EPA plays a central role in the Administration's efforts to tackle the climate crisis and build a climate-resilient nation. The plan builds on work initiated in the 2014 and 2021 EPA Climate Adaptation Plans to incorporate climate adaptation into the agency's programs, policies, rules, enforcement activities and operations. EPA has already made significant strides partnering with other federal agencies, states, Tribes, territories and local governments to promote climate resilience across the nation, placing a particular focus on advancing environmental justice. <https://www.epa.gov/climate-adaptation/climate-adaptation-plans>

Introduction to Resilience: 3 - Identifying Resilience Solutions (Web-based)

This training builds on the two previous "Intro to Resilience" trainings by helping connect stakeholders to resilience solutions based on their hazard exposure and vulnerability. It describes different types of resilience solutions - institutional, operational, and technological - to help attendees understand what is meant by "holistic" resilience planning. Examples of different resilience solutions will be provided, ranging from smaller projects to larger projects. The training also includes a discussion on climate resilience solutions, including nature-based solutions and climate adaptation and mitigation solutions. The training will be held July 17, 2024.

https://www.energy.gov/femp/events/introduction-resilience-part-3-identifying-resilience-solutions?utm_medium=email&utm_source=govdelivery

2024 National Public Lands Day (NPLD) Department of Defense Awards: In commemoration of this year's National Public Lands Day (NPLD), the Department of Defense (DoD), through the Office of the Deputy Assistant Secretary of Defense for Environmental Management and Restoration and the Legacy Resource Management Program, will fund NPLD projects on military lands that are open for recreation. The 2024 NPLD DoD Awards will provide up to \$15,000 to selected installations to implement projects focusing on but not limited to: pollinator protection, climate adaptation and installation resilience, habitat restoration, or natural and cultural resources management, restoration, or enhancement—on or around this year's NPLD on September 28, 2024. Applications for the 2024 NPLD DoD Awards are due by Friday, July 19, 2024, by 11:59 PM PST.

<https://www.neefusa.org/2024-national-public-lands-day-department-defense-awards>

AIR

Protection of Ozone: Significant New Alternatives Policy Program in Commercial and Industrial Refrigeration: EPA is incorporating reference standards that establish requirements for commercial refrigerating appliances, commercial ice machines, safe use of flammable refrigerants, and safe design, construction, installation, and operation of refrigeration systems. This action also exempts propane from the prohibition under the Clean Air Act (CAA) on knowingly venting, releasing or disposing of an appliance or industrial process refrigeration, such it does not pose a threat to the environment. This rule is effective July 15, 2024.

<https://www.federalregister.gov/documents/2024/06/13/2024-11690/protection-of-stratospheric-ozone-listing-of-substitutes-under-the-significant-new-alternatives>

TOXICS

n-Methylpyrrolidone (NMP); Regulation under the Toxic Substances Control Act (TSCA) (Draft): The EPA is proposing to address the unreasonable risk of injury to human health presented by n-methylpyrrolidone (NMP) under its conditions of use as documented in EPA's risk evaluation and risk determination for NMP pursuant to the TSCA. EPA determined that NMP presents an unreasonable risk of injury to health due to the significant adverse health effects associated with exposure to NMP. To address the identified unreasonable risk, EPA is proposing to: prohibit the manufacture, processing, and distribution in commerce and use of NMP in several occupational conditions of use; require worker protections through an NMP workplace chemical protection program (WCPP) or prescriptive controls for most of the occupational conditions of use; require concentration limits on a consumer product; regulate certain consumer products to prevent commercial use; and establish recordkeeping, labeling, and downstream notification requirements. Engagement on behalf of DoD would be managed through the Office of Secretary of Defense.

<https://www.federalregister.gov/documents/2024/06/14/2024-12643/n-methylpyrrolidone-nmp-regulation-under-the-toxic-substances-control-act-tsca>

WATER

Water System Restructuring Assessment Rule (Draft): EPA is proposing a regulatory framework for states and public water systems (PWSs) to identify and assess restructuring alternatives to ensure that every community receives safe, affordable, and reliable drinking water. The proposed regulations would: establish a new mandatory restructuring assessment authority for states; require states with primary enforcement authority (primacy) to develop mandatory restructuring assessment programs and submit primacy revisions for EPA review and approval; establish requirements for states and PWSs that implement system-specific mandatory restructuring assessments; and establish eligibility requirements and limitations for restructuring incentives under state-approved restructuring plans. This proposed rulemaking is required under amendments to the Safe Drinking Water Act (SDWA). By taking this action, the EPA intends to strengthen the ongoing efforts of states and PWSs to protect public health. Engagement on behalf of DoD would be managed through the Office of Secretary of Defense.

<https://www.federalregister.gov/documents/2024/05/30/2024-11687/water-system-restructuring-assessment-rule>

Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation; Correction (Final): The EPA is correcting formatting and entry designations in a final rule that was published in the Federal Register on April 26, 2024. The rule finalized National Primary Drinking Water Regulations (NPDWR) under the Safe Drinking Water Act for five individual per- and polyfluoroalkyl substances (PFAS): perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals). The rule finalized a NPDWR for two or more mixtures of PFNA, PFHxS, HFPO-DA and perfluorobutane sulfonic acid (PFBS). This document corrects formatting and entry designations in the final regulation. Effective on June 25, 2024.

<https://www.federalregister.gov/documents/2024/06/11/2024-12645/pfas-national-primary-drinking-water-regulation-correction>

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 adjourned on May 8, 2024.

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 adjourned on April 17, 2024.

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



MASSACHUSETTS

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

FINAL REGULATION

Massachusetts Hazardous Waste: The Department of Environmental Protection has adopted amendments that address exemptions for nicotine-containing smoking cessation products and airbag wastes, the federal e-manifest rule, and requirements for aerosol cans managed under the universal waste rule. Effective May 24, 2024.

<https://www.mass.gov/regulations/310-CMR-30000-massachusetts-hazardous-waste-regulations>



NEW HAMPSHIRE

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

FINAL REGULATION

New Hampshire Prime Wetlands: The Department of Environmental Services has adopted rulemaking to adopt a new rule Env-Wt 703.07 and readopt with amendment various existing rules in Env-Wt 700 which establish the criteria and methods to be used to designate, map, and document prime wetlands pursuant to RSA 482-A:15, I-b. Effective April 27, 2024.

<https://www.gencourt.state.nh.us/rules/register/viewer.aspx?fileName=F:\Websites\GCNHWeb\Rules\register\2024\No%2019%20May%209%202024.PDF>

New Hampshire Wetlands Definitions: The Department of Environmental Services has adopted rulemaking to readopt with amendment several existing definitions and adopt five new definitions. Effective April 28, 2024.

<https://www.gencourt.state.nh.us/rules/register/viewer.aspx?fileName=F:\Websites\GCNHWeb\Rules\register\2024\No%2019%20May%209%202024.PDF>

PROPOSED REGULATION

New Hampshire Asbestos Management and Control: The Department of Environmental Services has proposed rulemaking to readopt with amendments Env-A 1800, Asbestos Management and Control.

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/env-a-1800-ip.pdf.pdf>



RHODE ISLAND

Note: The Rhode Island Legislature convened on Jan. 2, 2024 and will adjourn on June 30, 2024.

FINAL LEGISLATION

Rhode Island HB 7439 and SB 2809: This act is related to PFAS in drinking water, groundwater, and surface water. Effective June 4, 2024. <https://webserver.rilegislature.gov/BillText24/HouseText24/H7439.htm>
<https://webserver.rilegislature.gov/BillText24/SenateText24/S2809.htm>

Rhode Island HB 7619: This act is related to the Toxic Packaging Reduction Act. This act updates the existing toxic packaging act by delaying the ban on PFAS in food packaging until Jan. 1, 2025, and in processing agents until July 1, 2027. Effective June 17, 2024.
<https://webserver.rilegislature.gov/BillText24/HouseText24/H7619A.htm>

PROPOSED LEGISLATION

Rhode Island SB 3111: This act would require renovation projects of pre-1978 buildings to comply with provisions of chapter 24.6 of title 23 and chapter 21 of title 28, and require presence of lead inspector and supervisor and require lead training.
<https://webserver.rilegislature.gov/BillText24/SenateText24/S3111.htm>



VERMONT

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

FINAL REGULATION

Vermont Investigation and Remediation of Contaminated Properties: The Agency of Natural Resources has adopted amendments to codify the interim polychlorinated biphenyls (PCB) indoor air standards as final prior to their expiration in February 2024. Other changes include updating definitions to be consistent with other rules, including a requirement that the Department of Environmental Conservation be notified prior to conducting any earth disturbance work at an active or closed hazardous site, include updated numerical standards for regulated environmental media, add additional clarity for expected outcomes of site specific risk assessments, additional clarity for allowing partial corrective action plans, and additional requirements for the evaluation of corrective action alternatives (ECAA) report which focus on the objectives of the remediation and detailed justification for the selected remedy. Effective March 9, 2024.

<https://dec.vermont.gov/sites/dec/files/wmp/Sites/02.2024.Final.corrected.IRule.pdf>

OTHER ACTIONS AND OPPORTUNITIES

Vermont 2024 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP), MSGP 3- 9003: The Department of Environmental Conservation has issued a notice to announce the National Pollutant Discharge Elimination System (NPDES) draft 2024 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP), MSGP 3-9003.

<https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/multi-sector-general-permit>

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 AB 4213 (SB 3122): This act requires water supply system testing and compliance with secondary drinking water regulations. https://pub.njleg.gov/bills/2024/A4500/4213_1.1.HTM



NEW YORK

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

PROPOSED LEGISLATION

New York SB 9661: This act establishes maximum contaminant levels in drinking water for certain per- and polyfluoroalkyl substances (PFAS); sets such levels at 4 parts per trillion (ppt) for perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) and 10 parts per trillion (ppt) for perfluorononanoic acid (PFNA), perfluorohexane sulfonate (PFHxS), hexafluoropropylene oxide dimer acid (HFPO-DA), and perfluorobutane sulfonate (PFBS). https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=S9661

New York AB 10098 (SB6298): This act enacts an advanced clean fleet's law to reduce vehicle emissions for medium- and heavy-duty vehicles. https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=A10098

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.

OTHER ACTIONS AND OPPORTUNITIES

District of Columbia Notice of Intent to Issue an Air Quality Permit to the U.S. Naval Research Laboratory: The Department of Energy and Environment has issued a notice to share that it proposes to issue Permit No. 7354 to The U.S. Naval Research Laboratory (NRL) to construct and operate a Donaldson Torit Unimaster® UMA 450 dust collector, designated B49-DstCol, to be located in Building 49 at the U.S. Naval Research Laboratory, 4555 Overlook Avenue SW, Washington, DC.

https://doee.dc.gov/release/notice-public-comment-period-draft-air-quality-permit-7354-us-naval-research-laboratory_0



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

PROPOSED LEGISLATION

Delaware SB 290: This act would amend Title 7 of the Delaware code relating to the protection of wetlands. This Bill institutes a State nontidal wetlands program and leaves intact the current State tidal wetlands program under Chapter 66 of Title 7.

<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=141316&legislationTypeId=1&docTypeId=2&legislationName=SB290>



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

FINAL REGULATION

Maryland Severn River Vessel Management Area: The Department of Natural Resources has adopted 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. This regulation would be in effect through October 15, 2025. The proposed action is required to ensure public safety and protect human life. Without an established speed limit, the construction zone poses safety threats for all waterway users, employees, and contractors. The proposed speed limit will help protect all workers and barges from excessive wake actions. This action will positively support the project and prevent delays. Additionally, this action has been developed in cooperation with the United States Navy. Effective June 10, 2024. <https://dnr.maryland.gov/boating/Documents/regulations/MD-Register-5-31-2024-SMA-08.18.24.01.pdf>

OTHER ACTIONS AND OPPORTUNITIES

Maryland Draft 2024 Integrated Report of Surface Water Quality: The Department of the Environment has issued a notice announcing the availability of the Draft 2024 Integrated Report (IR) for public review and comment. The 2024 IR includes the 303(d) 2025-2032 Vision, which provides a long-term vision for assessment, restoration, and protection under the Clean Water Act Section 303(d). Maryland's 2025-2032 Vision focuses on TMDL prioritization for current impairments. The Vision is being released for public review and comment along with the 2024 IR. <https://mde.maryland.gov/programs/water/TMDL/Integrated303dReports/Pages/2024IR.aspx>



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

OTHER ACTIONS AND OPPORTUNITIES

Pennsylvania Proposed State Implementation Plan Revision for a Noninterference Demonstration under Section 110(l) of The Clean Air Act to Support Decommissioning Stage II Gasoline Vapor Recovery Requirements and Add Requirements for Gasoline Dispensing Facilities: The Department of Environmental Protection has issued a notice to share that it is seeking public comment on a noninterference demonstration required under section 110(l) of The Clean Air Act (act) (42 U.S.C. § 7410(l)). The noninterference demonstration is necessary to support the Department's submittal of a final rulemaking amending 25 Pa. Code Chapter 129 (relating to standards for sources) entitled "Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II)," published at 52 Pa.B. 1875 (March 26, 2022) as a revision to the Commonwealth's State Implementation Plan (SIP) at 40 CFR 52.2020 (relating to identification of plan). <https://greenport.pa.gov/elibrary/GetFolder?FolderID=1170603>

Pennsylvania Reorganization of the Department of Environmental Protection: The Executive Board has issued a notice to share that it approved a reorganization of the Department of Environmental Protection effective June 3, 2024. https://www.pacodeandbulletin.gov/secure/pabulletin/data/vol54/54-24/54_24_sop.pdf



VIRGINIA

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

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



WEST VIRGINIA

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

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.



NORTH CAROLINA

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

PROPOSED LEGISLATION

North Carolina HB 973: This act would ban PFAS in food packaging.

<https://www.ncleg.gov/Sessions/2023/Bills/House/HTML/H973v1.HTML>



KENTUCKY

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

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 Jan. 11, 2023 and will adjourn on Jan. 5, 2025.

PROPOSED REGULATION

Illinois Major Stationary Sources Construction and Modification: The Pollution Control Board has proposed rulemaking that amends 35 Ill. Adm. Code 201, 202, 203, 204, and 232 to make the Board's Non-Attainment New Source Review consistent with the federal Clean Air Act and underlying NA NSR program.

https://www.ilsos.gov/departments/index/register/volume48/register_volume48_18.pdf



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

OTHER ACTIONS AND OPPORTUNITIES

Indiana State Regulated Wetland General Permit: The Department of Environmental Management has issued a notice to announce the State Regulated Wetland General Permit.

https://www.in.gov/idem/files/notice_20240630_iwip_2024-415-0-jbt-a.pdf



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

PROPOSED LEGISLATION

Michigan HB 4188: This act would impose a fee on notifications of demolition or renovation and specify minimum rates of inspection. legislature.mi.gov/documents/2023-2024/publicact/htm/2024-PA-0056.htm

Michigan SB 898: This act is related to zoning exemptions for large scale solar, wind, and energy storage facilities. legislature.mi.gov/documents/2023-2024/billintroduced/Senate/htm/2024-SIB-0898.htm

Michigan SB 899: This act is related to provisions subjecting zoning authority to part 8 of Clean and Renewable Energy and Energy Waste Reduction Act.

legislature.mi.gov/documents/2023-2024/billintroduced/Senate/htm/2024-SIB-0899.htm

OTHER ACTIONS AND OPPORTUNITIES

Michigan Deadline for Public Comment Period for the Draft Water Quality Standard Variance for Mercury: The Department of Environment, Great Lakes and Energy has issued a notice to announce the deadline for the public comment period for the draft water quality standard variance for mercury.

<https://www.michigan.gov/egle/about/organization/water-resources/npdes/rules-and-regulations>



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

FINAL REGULATION

Ohio Canal and Canal Reservoir Waters: The Department of Natural Resources has adopted rulemaking on administrative rules for the Divisions of Canal and Canal Reservoir Waters, Water Advisory Council, Natural Areas and Preserves, Recreational Vehicles, State Parks and Watercraft, and Watercraft and Waterways. Effective June 30, 2024.

<https://codes.ohio.gov/ohio-administrative-code/chapter-1501-7>

OTHER ACTIONS AND OPPORTUNITIES

Ohio Maximum Contaminant Levels and Point-of-Entry Devices Updates: The Environmental Protection Agency had issued notice of an opportunity to comment regarding Maximum Contaminant Levels and Point-of-Entry Devices Updates.

<https://epa.ohio.gov/divisions-and-offices/drinking-and-ground-waters/regulations/interested-party-review/ddagw-interested-party-review>

Ohio Water Quality Standards: The Environmental Protection Agency has invited public comment on a draft contemplated rulemaking to address how Ohio EPA determines if streams and rivers are impaired for the aquatic life use due to excessive nutrients.

<https://epa.ohio.gov/divisions-and-offices/surface-water/regulations/early-stakeholder>



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

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