



# REC Review



## of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

August 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

#### Walter Reed Earns Awards for Environmental Sustainability Efforts

Walter Reed again received the 2024 Greenhealth Partner for Change Award, and the 2024 Greening the OR Recognition Award from Practice Greenhealth.

According to Practice Greenhealth, the Partner for Change Award “recognizes superior performance in environmental sustainability, covering a range of different sustainability programs and activities. Winners have also made substantial progress on mercury elimination.” The Greening the OR Recognition Award “honors facilities that have made substantial progress in reducing the impact of the surgical environment,” Practice Greenhealth explains.

Last year, Walter Reed earned the Greenhealth Partner for Change Award for its “ongoing commitment to improving its environmental performance and efforts to build sustainability and resiliency into the medical center’s operations and culture,” explained Army Maj. (Dr.) Renuka Rees, a pediatrician previously assigned to Walter Reed during last year’s award rating period who was also instrumental in helping to stand up Walter Reed’s diverse sustainability team.

Walter Reed sustainability team includes members from the hospital’s facilities staff consisting of engineering and construction, housekeeping, hazardous materials, regulated waste management, and operations and maintenance. The team also includes individuals from Walter Reed’s Nutrition Services, Operating Room (OR), and other activities. Naval Facilities Engineering Systems Command’s (NAVFAC) utilities and waste management staff members are also on the team.

For more information:

<https://www.dvidshub.net/news/477807/walter-reed-earns-awards-environmental-sustainability-efforts>

# 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

**Environmental Justice Science, Data, and Research Plan:** The Environmental Justice Science, Data, and Research Plan was created to support federal agencies in the advancement of environmental justice. It features high level recommendations for identifying and addressing longstanding gaps, barriers, and missing science, data, and research relevant to environmental justice. The four key recommendations include: 1) Enhancing meaningful involvement and engagement of the public. 2) Fortifying just treatment, equitable access, and protection from environmental injustice. 3) Strengthening work and partnership with non-federal entities. 4) Institutionalizing environmental justice.

<https://www.whitehouse.gov/wp-content/uploads/2024/07/NSTC-EJ-Research-Plan-July-2024.pdf>

**Information Related to Fraudulent Notice of Violation Letters:** The U.S. Environmental Protection Agency (EPA) Office of Inspector General is issuing a fraud alert to highlight an increasingly common phishing scam involving fraudulent EPA Notice of Violation letters. In this scam, a fraudster sends a falsified EPA Notice of Violation letter to a target business and requests that the business respond by phone or email.

<https://www.epa.gov/enforcement/information-related-fraudulent-epa-notice-violation-letters>

## AIR

**National Emission Standards for Hazardous Air Pollutants (NESHAP) from Hazardous Waste Combustors (HWC) Malfunction and Electronic Reporting Amendments:** EPA is proposing to amend the NESHAP from hazardous waste combustors to remove the exemptions and revise other provisions associated with emission standard exemptions for periods of malfunction, to add electronic reporting provisions, to amend emergency safety vent provisions, and to correct other minor provisions. These amendments affect hazardous waste incinerators, Portland cement manufacturing, clay products manufacturing, industrial boilers, and hydrochloric acid production furnaces. The potential benefits include streamlined reporting, further public health protection, and less community burden.

<https://www.federalregister.gov/documents/2024/07/24/2024-15840/national-emission-standards-for-hazardous-air-pollutants-from-hazardous-waste-combustors-malfunction>

**Designations of Areas for Air Quality Planning Purposes; Pennsylvania, New Jersey, Maryland, Delaware; Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE 2015 8-Hour Ozone Nonattainment Area; Reclassification to Serious:** Under the Clean Air Act (CAA), the EPA is granting a request from the Commonwealth of Pennsylvania and the States of New Jersey, Maryland, and Delaware to reclassify the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE ozone nonattainment area from “Moderate” to “Serious” for the 2015 8-hour ozone national ambient air quality standards (2015 ozone NAAQS).

<https://www.federalregister.gov/documents/2024/07/30/2024-16570/designations-of-areas-for-air-quality-planning-purposes-pennsylvania-new-jersey-maryland-delaware>

## NATURAL RESOURCES

**Biden-Harris Administration announces nearly \$220 million for transformational habitat restoration and coastal resilience projects:** The Department of Commerce’s National Oceanic and Atmospheric Administration (NOAA) is recommending nearly \$220 million in funding, and an additional \$66 million in future year funding, to support 32 transformational habitat restoration and coastal resilience projects. These funds will build on decades of habitat work in priority watersheds and support innovative projects that implement cutting-edge restoration techniques and groundbreaking efforts that restore habitat in urban ecosystems to benefit underserved communities. Funding — including future year funding — is going to partners in the following states and territories: Alaska (\$1.5 million), California (\$46 million), Connecticut (\$4 million), Florida (\$29.1), Georgia (\$2.8 million), Hawaii (\$14.8 million), Louisiana (\$10 million), Maine (\$9 million), Maryland (\$10 million), Massachusetts (\$15 million), Michigan (\$15 million), North Carolina (\$23.9 million), Oregon (\$16.6 million), Pennsylvania (\$9.5 million), Puerto Rico (\$5 million), Texas (\$8.2 million), U.S. Virgin Islands (\$2.5 million), Virginia (\$17.5 million), Washington (\$28.5 million), Wisconsin (\$3.2 million), and a multi-state project across Alabama, Florida, Louisiana, Mississippi and Texas (\$12 million). The Yurok Tribe, and the Grand Traverse Band of Ottawa and Chippewa Indians are also receiving funds.

<https://www.noaa.gov/news-release/biden-harris-administration-announces-nearly-220-million-for-transformational-habitat-restoration>

## TOXICS

**EPA Releases Preliminary 2023 Toxics Release Inventory (TRI) Data:** EPA published preliminary TRI data about chemical releases, waste management and pollution prevention activities that took place during 2023 at more than 20,000 federal and industrial facilities across the country. For 2023, 21 chemicals were added to the TRI list, and facilities were required to report on these if the reporting thresholds for each were met. The chemicals included nine per- and polyfluoroalkyl substances (PFAS) added to the TRI chemical list per the requirements of the 2020 National Defense Authorization Act (NDAA).

<https://www.epa.gov/toxics-release-inventory-tri-program/2023-tri-preliminary-dataset>

**Suspending the Registrations of All Pesticide Products Containing Dimethyl Tetrachloroterephthalate:** EPA is issuing an Emergency Order directing the suspension of all registrations issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for pesticide products containing the active ingredient dimethyl tetrachloroterephthalate (DCPA), also marketed under the trade name Dacthal. EPA has determined that continued sale, distribution, or use of DCPA products during the time required to cancel such products would pose an imminent hazard and that an emergency exists that does not permit EPA to hold a hearing before suspending such products. These determinations are based primarily on a risk of thyroid hormone perturbations in the fetuses of female bystanders and workers who apply DCPA or who enter treated fields after application. This Emergency Order is issued and effective immediately upon signature.

<https://www.federalregister.gov/documents/2024/08/07/2024-17431/pesticides-emergency-order-suspending-the-registrations-of-all-pesticide-products-containing>

**Proposed Decisions for Several Pesticides:** EPA is proposing to designate acetaldehyde (CASRN 75-07-0), acrylonitrile (CASRN 107-13-1), benzenamine (CASRN 62-53-3), vinyl chloride (CASRN 75-01-4), and 4,4-methylene bis(2-chloroaniline) (MBOCA) (CASRN 101-14-4) as High-Priority Substances for risk evaluation under TSCA, providing a 90 day comment period for the proposed destinations.

EPA has made these proposals based on the following criteria:

- The chemical substance's hazard and exposure potential;
- The chemical substance's persistence and bioaccumulation;
- Potentially exposed or susceptible subpopulations;
- Storage of the chemical substance near significant sources of drinking water;
- The chemical substance's conditions of use or significant changes in conditions of use;
- The chemical substance's production volume or significant changes in production volume; and
- Other risk-based criteria that EPA determines to be relevant to the designation of the chemical substance's priority.

<https://www.federalregister.gov/documents/2024/07/25/2024-16394/proposed-high-priority-substance-designations-under-the-toxic-substances-control-act-tsca-notice-of>

## WATER

**National Primary Drinking Water Regulations; Announcement of the Results of EPA's Fourth Review of Existing Drinking Water Standards:** The Safe Drinking Water Act (SDWA) requires the EPA or the agency to conduct a review every six years of existing national primary drinking water regulations (NPDWRs) and determine which, if any, are appropriate for revision. The purpose of the review, called the Six-Year Review, is to evaluate available information for regulated contaminants to determine if any new information on health effects, treatment technologies, analytical methods, occurrence, exposure, implementation, and/or other factors provides a basis to support a regulatory revision that would improve or strengthen public health protection. While EPA has recently completed several significant revisions to existing regulations and other regulatory revisions are currently underway, based on this periodic review of all NPDWRs, there are no additional candidates for regulatory revision at this time.

<https://www.federalregister.gov/documents/2024/07/23/2024-15807/national-primary-drinking-water-regulations-announcement-of-the-results-of-epas-fourth-review-of>

## WASTE

**Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections:** EPA is finalizing certain amendments to the hazardous waste manifest regulations, and the hazardous waste electronic manifest (e-Manifest) regulations under the Resource Conservation and Recovery Act (RCRA) to increase utility of the e-Manifest system in delivering benefits to reduce administrative burden and improve tracking of hazardous waste shipments, and to various related regulations. Among other things, EPA is finalizing changes to manifest regulations for shipments of hazardous waste that are exported for treatment, storage, and disposal. EPA is also finalizing regulatory changes to the hazardous waste export and import shipment international movement document-related requirements to more closely link the manifest data with the international movement document data. In addition, EPA is finalizing regulatory amendments to three manifest-related reports (i.e., Discrepancy, Exception, and Unmanifested Waste Reports). EPA is also finalizing conforming regulatory changes to the manifest regulations under the Toxic Substances and Control Act (TSCA) for polychlorinated biphenyls (PCB) wastes to better align these requirements with the RCRA manifest regulations and the e-Manifest program. Lastly, this action makes technical corrections to fix typographical errors in the e-Manifest and movement document regulations.

<https://www.federalregister.gov/documents/2024/07/26/2024-14694/integrating-e-manifest-with-hazardous-waste-exports-and-other-manifest-related-reports-pcb-manifest>

# 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.

## **PROPOSED REGULATION**

**Connecticut Underground Storage Tank Regulations:** The Department of Energy and Environmental Protection has proposed rulemaking to modernize and update the underground storage tank regulations by adding clarity, consistency, and flexibility for certain existing requirements. These updates are consistent with current technologies and will eliminate outdated standards. <https://eregulations.ct.gov/eRegsPortal/Search/RMRView/PR2023-056>



**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.



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

## **PROPOSED LEGISLATION**

**Massachusetts HB 4876:** This act accelerates a responsible, innovative and equitable clean energy transition. It also include environmental justice considerations related to cumulative impacts analysis and certain facility construction. <https://malegislature.gov/Bills/193/H4884/House/Bill/Text>

**Massachusetts HD 5282:** This act facilitates wetland restoration.  
<https://malegislature.gov/Bills/193/HD5282/House/Bill/Text>

**Massachusetts SB 2902:** This act is related to the reduction of certain toxic chemicals in firefighter personal protective equipment. <https://malegislature.gov/Bills/193/S2902/Senate/Bill/Text>



## NEW HAMPSHIRE

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

### **FINAL LEGISLATION**

**New Hampshire HB 1649:** This act is related to prohibiting certain products with intentionally added PFAS and relative to civil actions for PFAS contamination, and relative to settlement of lawsuits against manufacturers of PFAS for impacts to public drinking water systems. Effective Oct. 1, 2024.

[https://gencourt.state.nh.us/bill\\_status/legacy/bs2016/billText.aspx?sy=2024&id=1894&txtFormat=html](https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2024&id=1894&txtFormat=html)

**New Hampshire SB 449:** This act is related to the permit issuance timeline for state air permits and the Department of Environmental Services duty to make annual reports. Effective Sep. 24, 2024.

[https://gencourt.state.nh.us/bill\\_status/legacy/bs2016/billText.aspx?sy=2024&id=2150&txtFormat=html](https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2024&id=2150&txtFormat=html)



## RHODE ISLAND

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

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 Jan. 4, 2023 and adjourned on May 10, 2024.**

### **FINAL REGULATION**

**Vermont Aboveground Storage Tank Rules:** The Department of Environmental Conservation, Agency of Natural Resources, has adopted rulemaking that includes additional requirements for new tank system installations, adds phased in installation requirements for existing tank system, and proposes a new yellow tag provision for addressing noncompliant tanks by allowing limited fuel deliveries to noncompliant tanks that do not pose an immediate threat to the environment. <https://dec.vermont.gov/sites/dec/files/wmp/UST/AST%20Rules%2C%20Effective%2008012024.pdf>

## 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 REGULATION**

**New Jersey Food Waste Recycling:** The Department of Environmental Protection has proposed rulemaking to implement portions of the Food Waste Recycling and Food Waste-to-Energy Production Act, N.J.S.A. 13:1E-99.122 et seq. (the Act). The Act establishes recycling requirements for large food waste generators and requires certain establishments to source separate and recycle their food waste subject to the parameters described by the Act. The Act directs the Department to promulgate rules to implement the recycling requirements.

<https://dep.nj.gov/wp-content/uploads/rules/proposals/proposal-20240805a.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 SB 9877 (AB10577):** This act requires that any rules or regulations related to hydrofluorocarbon substances conform with, and shall not exceed, any applicable rules and regulations set by the United States EPA.

[https://assembly.state.ny.us/leg/?default\\_fld=&Text=Y&term=2023&bn=S9877](https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=S9877)

#### **FINAL REGULATION**

**New York Designations of Areas for Air Quality Planning Purposes; New York, New Jersey, Connecticut; New York-Northern New Jersey-Long Island, NY-NJ-CT 2015 8-Hour Ozone Nonattainment Area; Reclassification to Serious:**

The Environmental Protection Agency has adopted rulemaking granting a request from the States of New York, New Jersey, and Connecticut to reclassify the New York-Northern New Jersey-Long Island, NY-NJ-CT ozone nonattainment area from "Moderate" to "Serious" for the 2015 8-hour ozone national ambient air quality standards (NAAQS). This action does not reclassify any areas of Indian country within the boundaries of this ozone nonattainment area. Effective July 25, 2024.

<https://www.federalregister.gov/documents/2024/07/25/2024-16244/designations-of-areas-for-air-quality-planning-purposes-new-york-new-jersey-connecticut-new>

## **OTHER ACTIONS AND OPPORTUNITIES**

**New York Water Environment Association (NYWEA) Awards and Honors:** NYWEA members are eligible to receive special recognition for professional achievements in the field of water quality and for individual service to the association of a local, state or national level. Awards are presented at the annual meeting each year or the local chapter. The deadline for submissions is Oct. 1, 2024. <http://nywea.org/awards/>

## **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 Proposal to Issue Air Quality Permits - United States Marine Corps:** The Department of Energy and Environment has issued a notice to share that it proposes to issue a set of air quality permits to the United States Marine Corps to operate three (3) existing natural gas-fired boilers, each with a heat input rating of 8.37 MMBTU per hour, identified as Boilers 1, 2, and 3 (serial numbers 15578-1, 15578-2 and 15578-3, respectively), located at the Marine Barracks, Bachelor Enlisted Quarters (BEQ), Building #20, 8th and I Streets SE, Washington DC 20390. <https://doee.dc.gov/release/notice-public-comment-period-draft-air-quality-permits-6321-r3-through-6323-r3-us-marine>



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

## **OTHER ACTIONS AND OPPORTUNITIES**

**Delaware Particulate Emissions from Fuel Burning Equipment:** The Department of Natural Resources and Environmental Control, and the Division of Air Quality have issued a notice to share that they will conduct a public hearing (Dockets #2023-R-A-0024, 0025, 0026 and 0027) on proposed amendments to four sets of air emissions regulations. <https://dnrec.delaware.gov/public-notices/aq20240262/>





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

### ***FINAL REGULATION***

**Maryland Designations of Areas for Air Quality Planning Purposes; Maryland; Baltimore, MD 2015 8-Hour Ozone Nonattainment Area; Reclassification to Serious:** The U.S. Environmental Protection Agency has adopted rulemaking granting a request from the State of Maryland to reclassify the Baltimore, Maryland ozone nonattainment area from “Moderate” to “Serious” for the 2015 8-hour ozone national ambient air quality standards (2015 ozone NAAQS). Effective Aug. 1, 2024.

<https://www.federalregister.gov/documents/2024/08/01/2024-16899/designations-of-areas-for-air-quality-planning-purposes-maryland-baltimore-md-2015-8-hour-ozone>

### ***OTHER ACTIONS AND OPPORTUNITIES***

**Maryland Disposal of Controlled Hazardous Substances:** The Department of the Environment has issued a notice to share that it has scheduled a meeting of the Controlled Hazardous Substance Advisory Council. The main purpose of the meeting is for the Maryland Department of the Environment to discuss with the Council planned modifications to Title 26, Subtitle 13, of the Code of Maryland Regulations (COMAR 26.13), Disposal of Controlled Hazardous Substances. <https://mde.maryland.gov/programs/regulations/air/Pages/reqcomments.aspx>

**Maryland Water Quality Certification 24-WQC-0005 - Patuxent Naval Air Station:** The Department of the Environment has issued a notice concerning its issuance of a Water Quality Certification 24-WQC-0005.

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>



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

### ***PROPOSED LEGISLATION***

**Pennsylvania HB 1541:** This act amends Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, providing for firefighting personal protective equipment and imposing penalties.

<http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=H&billTyp=B&billNbr=1541&pn=1793>

**Pennsylvania SB 1264:** This act prohibits solar radiation modification, cloud seeding and polluting atmospheric activity within the Commonwealth; imposing duties on the Pennsylvania State Police and sheriffs; and imposing penalties.

<http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=S&billTyp=B&billNbr=1264&pn=1740>



## VIRGINIA

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

### **FINAL REGULATION**

**Virginia Ambient Air Quality Standards:** The State Air Pollution Control Board has adopted rulemaking regarding revision to the National Ambient Air Quality Standard for PM<sub>2.5</sub> (particles in the ambient air with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) that set the annual arithmetic mean concentration at 9.0 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), the amendments add a section to 9VAC5-30, which contains the specific criteria pollutant standards set out in 40 CFR Part 50, conforming Virginia's regulation to the federal standard. Effective Sep. 25, 2024. <https://register.dls.virginia.gov/details.aspx?id=11250>

### **PROPOSED REGULATION**

**Virginia General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia:** The State Water Control Board has proposed rulemaking to amend and reissue the existing general permit, which expires on Dec. 31, 2026. This general permit regulation governs facilities holding individual VPDES permits that discharge or propose to discharge total nitrogen, total phosphorus, or both to the Chesapeake Bay or its tributaries. The facilities are authorized to discharge to surface waters and exchange credits for total nitrogen, total phosphorus, or both. Nitrogen and phosphorus are both nutrients. The nutrient load limits, monitoring requirements, and special conditions of the general permit will be reviewed to ensure that the permit is still protective of water quality. <https://register.dls.virginia.gov/details.aspx?id=11196>

**Virginia Medical Waste Management Forms:** The Waste Management Board has issued a notice to advise of revisions to forms related to medical waste management. <https://register.dls.virginia.gov/details.aspx?id=11214>

**Virginia Transportation of Hazardous Materials through Bridge-Tunnel Facilities:** The Department of Transportation has initiated rulemaking to undertake a general review of the regulation in accordance with the regulatory reduction goal of Executive Order 19 (2022). This regulation establishes the rules by which transporters of hazardous materials are governed while traveling through state-owned bridge-tunnel facilities. The intent of this action is to ensure the regulation comports with statute and applicable federal requirements, organize and clarify text, and reduce regulatory burdens. <https://register.dls.virginia.gov/details.aspx?id=11245>



## 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.



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

### **FINAL REGULATION**

**North Carolina Gasoline Service Stations and Dispensing Facilities:** The Environmental Management Commission has adopted rulemaking to increase the annual gasoline throughput limit under which gasoline service stations and dispensing facilities may remain a minor source for Title V permitting. Effective July 1, 2024.

<https://files.nc.gov/oah/documents/2024-08/Volume-39-Issue-03-August-1-2024.pdf?VersionId=pzUw9R4JG3GbIFpEoDdDmaOC7fvQTWFP>



**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.

## **FINAL LEGISLATION**

**Illinois SB 2743:** This act creates the Water Plan Task Force Act and establishes the State Water Plan Task Force. Provides that the Task Force shall be chaired by the Director of the Office of Water Resources of the Department of Natural Resources and composed of the directors, or their designee, from various other State entities. This act requires the Task Force to identify critical water issues, to develop and implement recommendations that address the critical water issues, and to reevaluate critical water issues and needs. It also requires the Task Force to publish a State Water Plan not less than every 10 years. Effective Jan. 1, 2025.

<https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=103-0917>

**Illinois SB 2960:** This act creates the Small Single-Use Plastic Bottle Act and provides that, beginning July 1, 2025, hotels with 50 rooms or more and, beginning January 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. Effective Jan. 1, 2025.

<https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=103-0934>

**Illinois SB 3342:** This act creates the Pesticide Application on Rights-of-Way Notification 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. Effective Jan. 1, 2025.

<https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=103-0976>

**Illinois SB 3481:** This act amends the Environmental Protection Act. This act provides that battery storage sites at which 5,000 kilograms or more of used batteries are stored must register with the Environmental Protection Agency 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. Effective Jan. 1, 2025.

<https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=103-1006>

**Illinois SB 3506:** This act amends the Environmental Protection Act. This act deletes a provision that requires a Clean Air Act Permit Program (CAAPP) permit to contain a provision which creates an emergency-related affirmative defense if certain requirements are met. Effective Aug. 9, 2024.

<https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=103-1008>

## **FINAL 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 adopted rulemaking that will revise the Illinois administrative and technical requirements for underground storage tank systems. Effective Aug. 7, 2024. [https://www.ilsos.gov/departments/index/register/volume48/register\\_volume48\\_34.pdf](https://www.ilsos.gov/departments/index/register/volume48/register_volume48_34.pdf)

**Illinois Technical 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 adopted rulemaking that will update the Illinois technical requirements for underground storage tank systems. Effective Aug. 7, 2024. [https://www.ilsos.gov/departments/index/register/volume48/register\\_volume48\\_34.pdf](https://www.ilsos.gov/departments/index/register/volume48/register_volume48_34.pdf)

## **PROPOSED REGULATION**

**Illinois Nitrogen Oxides (NOx) Emissions:** The Pollution Control Board has proposed rulemaking to address NOx reasonable available control technology (RACT) regulations for moderate nonattainment areas as well as deficiencies identified in USEPA's November 2023 finding. In addition, Illinois Environmental Protection Agency's (IEPA's) proposal also addresses Illinois' obligation to adopt NOx RACT regulations for major stationary sources of NOx in ozone nonattainment areas classified as serious. Based on a review of available ozone monitoring data, IEPA anticipates that the Chicago and Metro East nonattainment areas will fail to attain the 2015 ozone standard by the Aug. 3, 2024 attainment date and that United States EPA will reclassify these areas as serious nonattainment. This imposes additional requirements, including lowering the major source threshold from 100 to 50 tons per year of NOx. IEPA proposes to revise Part 217 to proactively address this expected reclassification. [https://www.ilsos.gov/departments/index/register/volume48/register\\_volume48\\_32.pdf](https://www.ilsos.gov/departments/index/register/volume48/register_volume48_32.pdf)



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

## **PROPOSED REGULATION**

**Indiana Air Pollution Control Division - Rule Readoption and Repeal:** The Department of Environmental Management has proposed rulemaking to readopt and repeal articles in Title 326 Air Pollution Control Division. <https://iga.in.gov/laws/2024/ic/titles/4/#4-22-2.6>

## **OTHER ACTIONS AND OPPORTUNITIES**

**Indiana Permitting for the Placement of Fill Material into Isolated Wetlands:** The Department of Environmental Protection has issued a nonrule policy document (NPD) on permitting for the placement of fill material into isolated wetlands. The Department is receiving comments on this policy until September 16, 2024. <https://www.in.gov/idem/resources/nonrule-policies/>



## MICHIGAN

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

### **PROPOSED LEGISLATION**

**Michigan HB 5901:** This act would establish requirements for the protection of overburdened communities and require EJ impact assessment and public hearing for certain facilities and permits.

<https://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/htm/2024-HIB-5901.htm>



## OHIO

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

### **FINAL REGULATION**

**Ohio Toxic Air Contaminants:** The Environmental Protection Agency has adopted rulemaking to add 1-bromopropane (1-BP) to Table 1. On February 4, 2022 (88 FR 10842), the United States Environmental Protection Agency (U.S. EPA) added 1-BP to the list of hazardous air pollutants regulated under the Clean Air Act (CAA). In response, Ohio EPA conducted their own review of this toxic air contaminant consistent with the requirements of Senate Bill 265. As a result, Ohio EPA proposes to add 1-BP to the list of toxic air contaminants identified in OAC rule 3745-114-01. The purpose of this addition is to be able to regulate emissions of this HAP consistent with the requirements of the CAA. In addition, Ohio EPA reviewed the existing list of toxic air contaminants contained in OAC rule 3745-114-01 and found them to continue to be necessary and without need for change. Effective Aug. 15, 2024.

<https://codes.ohio.gov/ohio-administrative-code/rule-3745-114-01>

### **OTHER ACTIONS AND OPPORTUNITIES**

**Ohio Early Stakeholder Outreach - PFAS:** The Environmental Protection Agency has issued notice of an opportunity to comment regarding drinking water maximum contaminant levels (MCLs) for six PFAS to provide health protection against these individual and co-occurring PFAS in public water systems, as well as the framework for monitoring at public water systems.

[https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/28/documents/rules/proposed/03-Fact-Sheet\\_PFAS\\_Legal.pdf](https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/28/documents/rules/proposed/03-Fact-Sheet_PFAS_Legal.pdf)

**Ohio Interested Party Review – Water Quality Standards Cuyahoga River Drainage Basin Rule:** The Environmental Protection Agency has issued notice of an opportunity to comment regarding Water Quality Standards in the Cuyahoga river drainage basin.

[https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/35/rules/Wave3Rule26\\_IPR\\_FactSheet\\_FinalwTable.pdf](https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/35/rules/Wave3Rule26_IPR_FactSheet_FinalwTable.pdf)



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

### ***PROPOSED REGULATION***

**Wisconsin Drinking Water Standards for PFAS:** The Department of Natural Resources has proposed rulemaking to establish drinking water standards, referred to as Maximum Contaminant Levels (MCLs), based on the new federal standards for certain PFAS including the contaminant compounds perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluorobutane sulfonic acid (PFBS), and hexafluoropropylene oxide dimer acid (HFPO-DA). The impacts of certain PFAS to Wisconsin's surface water and groundwater sources are threats to public health, welfare, and safety in consuming drinking water. Establishing drinking water standards for certain PFAS contaminants in this rule will protect public health by setting MCLs that may not be exceeded at certain public water systems. If MCLs are exceeded, the public water system must take corrective action to protect public health, welfare and safety of the customers it serves.

[https://docs.legis.wisconsin.gov/code/register/2024/824a2/register/ss/ss\\_092\\_24/ss\\_092\\_24#:~:text=As%20part%20of%20a%202022,pursuant%20to%20the%20current%20ch.](https://docs.legis.wisconsin.gov/code/register/2024/824a2/register/ss/ss_092_24/ss_092_24#:~:text=As%20part%20of%20a%202022,pursuant%20to%20the%20current%20ch.)

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