



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

September 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

Navy Demonstrates Per-and Polyfluoroalkyl Substances Removal System

Willow Grove, PA-The Naval Facilities Engineering Systems Command Base Realignment and Closure Program Management Office (NAVFAC BRAC PMO) participated in a PFAS Treatment Demonstration Day held at the former Naval Air Station Joint Reserve Base (NASJRB) Willow Grove and Biddle Air National Guard (ANG) Base Aug. 20, 2024. Technologies were featured to validate remediation of AFFF-impacted groundwater to address associated environmental impacts from per-and polyfluoroalkyl substances (PFAS).

BRAC PMO director Gregory Preston explained the purpose of the technology demonstrations, “We serve as the primary liaison with local communities and redevelopment authorities to ensure that the return of these properties to the community is done safely and within federal guidelines.”

“To date, the Navy has extracted and treated more than 62 million gallons at two sites at Willow Grove. The work and the technologies being implemented are so important to the Navy and the communities we serve,” Preston said.

The Department of Defense, through its Strategic Environmental Research and Development Program (SERDP) and Environmental Security Technology Certification Program (ESTCP), has funded the development and validation of many treatment technologies to address associated environmental risks from PFAS.

For more information:

<https://www.dvidshub.net/news/479606/navy-demonstrates-pfas-removal-system>

GENERAL INTEREST/FEDERAL NEWS

Notice: *With regard to any regulation or legislation, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions, or comments.*

GENERAL

U.S. Environmental Protection Agency (EPA) Launches New Website to Support the Development of Climate Resilient Projects: EPA is announcing the Climate Change Resilience and Adaptation Funding Toolbox (CRAFT). CRAFT is a user friendly resource for technical assistance providers working with federal funding applicants and recipients to develop, apply for and implement climate-resilient investments. The website provides simple, easy to understand resources to help user consider climate adaptation before, during, and after applying for EPA funding opportunities. CRAFT materials include program overviews, climate risk tools, communication materials, engagement resources, and definitions of common terms.

<https://www.epa.gov/newsreleases/epa-launches-new-website-support-development-climate-resilient-projects>

AIR

Reciprocating Internal Combustion Engines and New Source Performance Standards: Internal Combustion Engines; Electronic Reporting: The EPA is finalizing amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE), the New Source Performance Standards (NSPS) for Stationary Compression Ignition (CI) Internal Combustion Engines, and the NSPS for Stationary Spark Ignition (SI) Internal Combustion Engines, to add electronic reporting provisions. The addition of electronic reporting provisions will provide for simplified reporting by sources and enhance availability of data on sources to the EPA and the public. In addition, a small number of clarifications and corrections to these rules are being finalized to provide clarification and correct inadvertent and other minor errors in the Code of Federal Regulations (CFR), particularly related to tables. This final rule was effective on Aug. 30, 2024.

<https://www.federalregister.gov/documents/2024/08/30/2024-18766/national-emission-standards-for-hazardous-air-pollutants-reciprocating-internal-combustion-engines>

Review of Final Rule Reclassification of Major Sources as Area Sources under Section 112 of the Clean Air Act (CAA):

EPA is finalizing requirements for sources that reclassify from major source status to area source status under the NESHAP program. The agency has determined that seven specific, persistent, and bioaccumulative pollutants will remain subject to their original NESHAP even when the source reclassifies from major source to area source. This requirement will ensure that each hazardous air pollutant (HAP) is subject to the correct standards as defined in the CAA. Without this guarantee, there may be a risk to human health and the environment that is preventable. Additionally, EPA is including clarification on notification requirements and submittal of confidential business information. This rule was effective Sep. 10, 2024.

<https://www.federalregister.gov/documents/2024/09/10/2024-20074/review-of-final-rule-reclassification-of-major-sources-as-area-sources-under-section-112-of-the>

NATURAL RESOURCES

EPA Finalizes First-of-its-Kind Strategy to Protect 900 Endangered Species from Herbicides: EPA is releasing its final Herbicide Strategy, a step to protect over 900 federally endangered and threatened species from the potential impacts of herbicides. The final strategy includes more option for mitigation measures, such as cover crops, conservation tillage, windbreaks, and adjuvants. EPA will use the strategy to identify measures to reduce the amount of herbicides exposure to these species. The Final Herbicide Strategy and accompanying support documents are available in docket EPA-HQ-OPP-2023-0365.

<https://www.epa.gov/newsreleases/epa-finalizes-first-its-kind-strategy-protect-900-endangered-species-herbicides>

TOXICS

PFAS Data Reporting and Recordkeeping under the Toxic Substances Control Act (TSCA); Change to Submission Period and Technical Correction: The EPA is taking direct final action to amend the TSCA regulation with reporting and recordkeeping requirements for PFAS. As promulgated in October 2023, the regulation requires manufacturers (including importers) of PFAS in any year between 2011-2022 to report certain data to EPA related to exposure and environmental and health effects. EPA is making a one-time modification to change the beginning of the data submission period from Nov. 12, 2024, to July 11, 2025, with a corresponding change to the end of the submission period. EPA is also making a technical correction to address an error in the regulatory text. There are no other changes to the reporting and recordkeeping requirements in the existing rule under TSCA. This rule is effective Nov. 4, 2024 without further notice.

<https://www.federalregister.gov/documents/2024/09/05/2024-19931/perfluoroalkyl-and-polyfluoroalkyl-substances-pfas-data-reporting-and-recordkeeping-under-the-toxic>

WATER

Final Guidance and Test Method for Antimicrobial Product Efficacy Claims Against Planktonic Legionella Pneumophila in Cooling Tower Water: EPA is announcing the availability of the final guidance and test method for adding efficacy claims to antimicrobial products for use in cooling tower water to reduce the level of planktonic *Legionella pneumophila* (*L. pneumophila*). This guidance does not address bacteria within a biofilm or otherwise attached to a surface; it also ignores any bacteria other than *L. pneumophila* that may be found in the water. EPA received 41 comments on their draft guidance and test method, so they took into account all the information provided and finalized their guidance, test method, and a response to comments document. This guidance was effective Aug. 28, 2024.

<https://www.federalregister.gov/documents/2024/08/28/2024-19306/pesticides-final-guidance-and-test-method-for-antimicrobial-product-efficacy-claims-against>

EPA Upgrades ECHO Database to Add Water Quality Indicators Tool Enhancing Access to Water Quality Data Including Contributors to Pollution: EPA has released the Water Quality Indicators (WQI) tool, the first EPA interface that allows users to compare millions of data records from water monitoring stations. The WQI tool makes it easy to explore nutrient and pathogen data and identify the potential sources that are contributing to water quality problems. The tool allows users to see the pollutant level trends from nearby monitoring stations and compare to stations across the country.

<https://www.epa.gov/newsreleases/epa-upgrades-echo-database-add-water-quality-indicators-tool-enhancing-access-water>

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.

FINAL REGULATION

Maine Part 70 Air Emission License Regulation: The Department of Environmental Protection has adopted rulemaking to amend Chapter 140 to align with changes to Part 70 of the Federal Clean Air Act promulgated by EPA on July 21, 2023. EPA requires affected states to make these changes by August 21, 2024. Additionally, the Department is taking this opportunity to make minor changes that are considered clarifications that correct grammar, that codify longstanding practices, or that are necessary to utilize an expected future electronic application system. Effective July 8, 2024. <https://www.maine.gov/sos/cec/rules/index.html>



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 adjourned on June 30, 2024.

FINAL LEGISLATION

New Hampshire HB 1386: This act is related to prohibiting the disposal of lithium-ion batteries in solid waste landfill facilities, composting facilities, or incinerators. Effective July 1, 2025.

https://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2024&id=1581&txtFormat=html



RHODE ISLAND

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

FINAL REGULATION

Rhode Island Public Drinking Water: The Department of Health has adopted rulemaking for the regulation of PFAS in drinking water. Effective Sep. 18, 2024.

<https://rules.sos.ri.gov/regulations/part/216-50-05-1>



VERMONT

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

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

REGION II

Notice: With regard to any regulation or legislation, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions, or comments.



NEW JERSEY

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

FINAL LEGISLATION

New Jersey SB 3368 (AB 4623): This pertains to a law protecting residential tenants from lead-based paint hazards. Effective Sep. 12, 2024. https://pub.njleg.gov/bills/2024/S3500/3368_R1.HTM

PROPOSED LEGISLATION

New Jersey AB 4781 (SB 3591): This act prohibits ownership of certain protected land adjacent to military facilities in the State by certain foreign governments and persons. https://pub.njleg.gov/bills/2024/A5000/4781_I1.HTM

New Jersey AR 156: This act requests that the federal government offer legal remedies to victims exposed to PFAS and incentivize research into effects of those substances. https://pub.njleg.gov/bills/2024/AR/156_I1.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 9910: This act would prohibit the establishment or enforcement of regulations on the percentage of zero-emission vehicles in manufacturers' sales fleets of medium-duty and heavy-duty vehicles until the availability of charging infrastructure, and the cost and availability of zero-emission medium-duty and heavy-duty vehicles makes the sale of such vehicles more practicable.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=S9910

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.

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



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

FINAL LEGISLATION

Delaware SB 265: This act amends titles 17, 26, and 29 of the Delaware code relating to the Delaware energy solutions act of 2024. The Delaware Energy Solutions Act of 2024 authorizes processes necessary to help meet the net zero goals of the Climate Change Solutions Act of 2023. The bill facilitates a transition to carbon-free energy sources by (i) preparing for offshore wind to be a significant element of Delaware's energy future, if cost is competitive with other potential sources, and (ii) increasing options for interconnecting renewable energy resources to the transmission grid. Effective Sep. 5, 2024.

<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocumentEngrossment?engrossmentId=36511&docTypeId=6>



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

PROPOSED REGULATION

Maryland Advanced Clean Truck Program: The Department of the Environment has proposed rulemaking to extend the lead-time manufacturers are eligible to earn credits under this program by an additional year. The amendment appears in Regulation .04 titled Applicability and Exemptions under COMAR 26.11.43 Advanced Clean Trucks Program. https://dsd.maryland.gov/MDRIssues/5119/Assembled.aspx#_Toc177385328



PENNSYLVANIA

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

OTHER ACTIONS AND OPPORTUNITIES

Pennsylvania Availability of National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Construction Activities (PAG-02): The Department of Environmental Protection has issued a notice informing the public of the availability of the final National Pollution Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Construction Activities (PAG-02) for a new 5-year term. The PAG-02 General Permit will become effective on Dec. 8, 2024, and will expire on Dec. 7, 2029.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol54/54-35/1211.html>



VIRGINIA

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

FINAL REGULATION

Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation: The State Water Control Board has adopted rulemaking regarding the water quality impact assessment to identify the impacts of proposed development on water quality and lands in the Resource Protection Areas consistent with the goals and objectives of the Act, this chapter, and local programs, and to determine specific measures for mitigation of those impacts. The specific content and procedures for the water quality impact assessment shall be established by each local government. Local governments should notify the department of all development requiring such an assessment. Effective Sep. 25, 2024.

<https://register.dls.virginia.gov/details.aspx?id=11224>

Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation: The State Water Control Board has adopted rulemaking which requires sewage treatment works, classified waterworks, and classified water treatment facilities to employ a licensed operator. Effective Sep. 25, 2024.

<https://register.dls.virginia.gov/details.aspx?id=11224>

Virginia Water Protection Permit Program Regulation: The State Water Control Board has adopted rulemaking authorizing the board to utilize and incorporate comprehensive groundwater, surface water, and aquifer data in surface water and groundwater permit decisions. Such data may include information relating to water levels, flow rates, and water quality. The amendments conform regulation to statute. Effective Sep. 25, 2024.

<https://register.dls.virginia.gov/details.aspx?id=11239>

Virginia Regulations Governing Certified Professional Wetland Delineators: The Board of Professional Soil Scientists, Wetland Professionals, and Geologists has adopted rulemaking to reduce to three years (i) the number of years of relevant experience an applicant with a bachelor's degree in a relevant field must have to be certified as a professional wetland delineator and (ii) the required experience that the applicant must have in wetland science research or as a teacher of wetlands curriculum in an accredited institution of higher education in order to be certified. Effective Oct. 1, 2024. <https://register.dls.virginia.gov/details.aspx?id=11217>

PROPOSED REGULATION

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>

OTHER ACTIONS AND OPPORTUNITIES

Virginia Solid Waste Management Permit Action Fees and Annual Fees – Forms: The Virginia Waste Management Board has issued a notice to provide the revised Solid Waste Annual Permit Quarter Payment Form PF001 (rev. 6/2024). <https://register.dls.virginia.gov/details.aspx?id=11268>



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.

PROPOSED REGULATION

North Carolina PM2.5 Particulate Matter: The Environmental Management Commission has proposed rulemaking in response to the final action from the U.S. EPA to revise the primary annual National Ambient Air Quality Standard (NAAQS) for particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (PM2.5).

https://files.nc.gov/oah/documents/2024-09/Volume-39-Issue-05-September-3-2024.pdf?VersionId=JFPf40TZTtUmG7_Hes2govwbvu2J2WfA



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 3601: 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. It also deletes a provision requiring the owners of registered tanks to notify the Agency of any change in registration information or of the removal the tank from service. Effective Jan. 1, 2025. <https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=103-1025>

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 ("USTs"). Effective Aug. 7, 2024.

https://www.ilsos.gov/departments/index/register/volume48/register_volume48_34.pdf

OTHER ACTIONS AND OPPORTUNITIES

Illinois Notice of Public Comment Period and Public Hearing for State Implementation Plan (SIP) Submittals for National Ambient Air Quality Standards (NAAQS): The Pollution Control Board (Board) has issued a notice to share that it is accepting public comments and will conduct a public hearing on a prospective NAAQS SIP submittal to the U.S. EPA. https://www.ilsos.gov/departments/index/register/volume48/register_volume48_38.pdf



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

FINAL REGULATION

Indiana Fees, Fines, Civil Penalties, Financial Benefit Limitations, or other Payment Amounts: The Natural Resources Commission has adopted rulemaking to bring current fees, fines, civil penalties, financial benefit limitations, or other payment amounts set by an agency otherwise qualifying as a rule charged by the divisions of fish and wildlife and nature preserves into compliance with HEA 1623-2023 requiring the amounts to be placed in rule. The proposed rule makes those fees, fines, civil penalties, financial benefit limitations, and other payment amounts transparent for regulated persons under IC 14. Effective Sep. 29, 2024.

<http://iac.iga.in.gov/iac//20240522-IR-312240165RAA.xml.pdf>

PROPOSED REGULATION

Indiana Emergency Affirmative Defense Provisions: The Department of Environmental Management has proposed rulemaking concerning removal of Title V and Federally Enforceable State Operating Permit (FESOP) emergency affirmative defense provisions to be consistent with federal regulations.

<http://iac.iga.in.gov/iac//20240904-IR-326240318FNA.xml.pdf>



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

PROPOSED LEGISLATION

Michigan HB 5923: This act would prohibit the disposal of radioactive waste.

<https://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/htm/2024-HIB-5923.htm>

PROPOSED REGULATION

Michigan Hazardous Waste Management Rules: The Department of Environment, Great Lakes and Energy has proposed updates to these rules to maintain federal authorization to administer the state's Hazardous Waste Management Program (State Program) under the federal Resource Conservation and Recovery Act (RCRA) of 1976, as amended; to improve the overall quality of the rules in terms of consistency, clarification of existing requirements, and areas of program coverage; and to reduce some of the regulatory burdens by providing flexible requirements and additional options for exemption from full management as a hazardous waste.

https://www.michigan.gov/lara/-/media/Project/Websites/lara/moahr/ARD/2024-Michigan-Register/MR13_080124.pdf?rev=9533b99c230648158cc788b37f60052a&hash=50582A55BFC9368D1E5E3930D811B036



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

PROPOSED REGULATION

Ohio Emergency Episode and Air Quality Standards: The Environmental Protection Agency has initiated rulemaking regarding emergency episodes and air quality standards. The amendments are being proposed to adjust the annual PM2.5 ambient air quality standard from 12.0 ug/m3 to 9.0 ug/m3 consistent with U.S. EPA's recent promulgation (89 FR 16202) of the updated standard. Additionally, all rules have been updated to reduce regulatory burden.

https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/27/regs/3745-25/3745-25_PN_Prop.pdf



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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