



REC Review



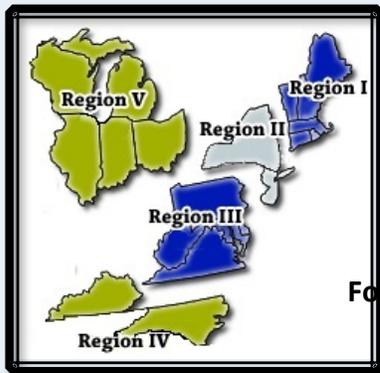
of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

March 2021

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.

To find out more about the Regional Environmental Coordination (REC) Office and browse back issues of the **REC Review** visit <http://denix.osd.mil/rec/home/>. To receive a copy of this electronic publication, send a subscription request to Jessica.m.rodriguez@navy.mil.



NAVFAC MIDLANT DoD REC Map

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Department of Defense
OFFICE OF PREPUBLICATION AND SECURITY REVIEW

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SPOTLIGHT STORY

Fort Detrick recently completed an important stream restoration project at Shookstown Creek, one of the more than 100,000 rivers and streams that make up the Chesapeake Bay watershed. Over time, the creek lost its natural form, resulting in erosion, loss of habitat for plants and animals, and increased pollution. Over an eight month period, 3,624 linear feet of stream were restored, realigned, and stabilized to a more natural state, 13,164 square feet of additional wetlands were created, and approximately 800 native trees were planted.

“Shookstown Creek is located in an interjurisdictional flood hazard watershed and a tributary of Carroll Creek which flows through downtown Frederick. The restoration activities will aid in the reduction of storm flows to Carroll Creek and help alleviate flooding of downtown Frederick,” said Mark Lewis, program manager for environmental sustainment at Fort Detrick. “The restoration further reduces nutrients and pollutants that could be transported to the Chesapeake Bay and its tributaries.”

The project brings Fort Detrick into compliance with its Maryland Department of the Environment stormwater permit requirements, and compliance with the federal Clean Water Act (CWA). It is also an example of a project that can meet multiple objectives by improving water quality and minimizing flooding impacts which provides for a wise-use of limited funds. The Shookstown Creek project is estimated to prevent 272 lbs of nitrogen, 246 lbs of phosphorous, and 163,000 lbs of sediment from entering the Chesapeake Bay annually.

For more information:

<https://www.dvidshub.net/news/388782/fort-detricks-stream-restoration-benefits-run-local-watershed-chesapeake-bay>

GENERAL INTEREST

H.R. 245. New Source Review Permitting Improvement Act (Draft)

A bill to amend sections 111, 169, and 171 of the Clean Air Act to clarify when a physical change in, or change in the method of operation of, a stationary source constitutes a modification or construction.

<https://www.govinfo.gov/content/pkg/BILLS-117hr245ih/pdf/BILLS-117hr245ih.pdf>

Congressional PFAS Task Force Letter to President Biden

On January 29, 2021, the Congressional per- and polyfluoroalkyl (PFAS) Task Force sent a letter to President Biden, signed by 132 members, that urges immediate steps to reduce PFAS releases, phase out non-essential uses of PFAS in everyday products, and clean up legacy PFAS pollution. The letter urges the administration to undertake many actions related to PFAS; including, meeting regularly with members of the bipartisan Congressional PFAS Task Force, with agency participation from EPA, FDA and DOD. The letter specifically urges that the Administration direct the DoD to: 1) accelerate efforts to end the use of fire-fighting foam made with PFAS, to impose a moratorium on the incineration of legacy foam and accelerate PFAS clean-up at DOD and Base Realignment and Closure (BRAC) installations, and to 2) test for PFAS in the blood of all service members.

<https://ewscripps.brightspotcdn.com/26/0c/fe90ba2a4549b44f50e05d320ad8/1-29-20-letter-pfas-tf-priorities-biden.pdf>

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

2021 Federal Environmental Symposium Webinars

This year, the 2021 Federal Environmental Symposium will be hosted as a series of four virtual webinar training sessions which started in January 2021 and will conclude in July. These webinars are intended to help the Federal environmental community continue sharing best practices on environmental issues important to the Federal government during these challenging times. The webinars are open to Federal employees and their support contractors. Advance registration is required for attendee approval and presentations for those webinars that have already occurred are available on the website.

Topics include:

- Environmental Compliance (held in January & February)
- Energy & Water Efficiency (held in February & March)
- Sustainability (May 12 & 13, 2021)
- Environmental Management Systems (July 28, 2021)

<https://www.fedcenter.gov/calendar/conferences/symposium2022/webinars/>

Corps Environment – February 2021 Now Available

This edition highlights proactively considering environmental consequences and acting accordingly, in support of Environmental Operating Principle #2. Content includes commentary from Dr. Edmond Russo, U.S. Army Engineer Research and Development Center (ERDC) Environmental Laboratory Director, and highlights initiatives across the Army environmental community.

Content includes:

- ERDC highlights how permafrost science and engineering efforts are supporting readiness.
- USACE Louisville District discusses how sensor technology advances data collection capabilities at formerly used defense site.
- U.S. Army Environmental Command shares how cradle-to-grave analysis of environmental impacts support modernization efforts.
- USACE Tulsa District highlights how they are monitoring interior least tern populations to ensure compliance with reservoir operations.

<https://www.usace.army.mil/Media/News/NewsSearch/Article/2504543/the-corps-environment-february-2021-issue-now-available/>

EPA Updates EJSCREEN, Community EJ Mapping Tool

EPA released an update of EJSCREEN, the Agency's publicly available award-winning environmental justice screening and mapping tool. EJSCREEN uses high resolution maps and a methodology for combining datasets to identify environmental burdens on vulnerable populations. This update is an important refresh of the environmental and demographic data contained in EJSCREEN and enhances the tool by adding new and improved functionality. This update includes the addition of climate change indicators. Users can now add flood and sea level rise data for the first time. EPA will continue to expand the climate change indicators in upcoming updates. EPA's Risk-Screening Environmental Indicators (RSEI) data is also now an available map layer. To better support states and other technical users of EJSCREEN data, EPA has built an improved data dictionary and created downloadable data at the census tract level. Additional enhancements include improved source data on locations (ex: Superfund sites) and the ability to bring in shape files.

<https://www.epa.gov/ejscreen>

NATURAL AND CULTURAL RESOURCES

Delay of Effective Date of USFWS Regulations Governing Take of Migratory Birds (Final)

On January 7, 2021, the U.S. Fish and Wildlife Service, published a final rule ("MBTA rule") defining the scope of the Migratory Bird Treaty Act (MBTA) as it applies to conduct resulting in the injury or death of migratory birds protected by the MBTA. The USFWS are delaying the MBTA rule's effective date until March 8, 2021, in conformity with the Congressional Review Act (CRA). They also requested public comments to inform their review of this final rule and to determine whether the further extension of the effective date is necessary.

<https://www.federalregister.gov/documents/2021/02/09/2021-02667/regulations-governing-take-of-migratory-birds-delay-of-effective-date>

NEPA

Council on Environmental Quality Rescinds NEPA Guidance on Greenhouse Gases

On February 19, 2021, the Council on Environmental Quality (CEQ) rescinded its 2019 “Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions” consistent with Executive Order (E.O.) 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. The withdrawal of this guidance does not change any law, regulation, or other legally binding requirement. In the interim, agencies should consider all available tools and resources in assessing GHG emissions and climate change effects of their proposed actions, including, as appropriate and relevant, the previous 2016 GHG Guidance.

<https://www.federalregister.gov/documents/2021/02/19/2021-03355/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions>

WATER

EPA Reproposes Two Actions Related to PFAS in Drinking Water

EPA repropose the Fifth Unregulated Contaminant Monitoring Rule (UCMR 5) to collect new data on PFAS in drinking water and the agency is reissuing final regulatory determinations for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) under the Safe Drinking Water Act (SDWA). With the final Regulatory Determinations for PFOA and PFOS, EPA will move forward to implement the national primary drinking water regulation development process for these two PFAS. The Regulatory Determinations also outline avenues that the agency is considering to further evaluate additional PFAS chemicals and provide flexibility for the agency to consider groups of PFAS as supported by the best available science. Additionally, the proposed UCMR 5 would provide new data that is needed to improve EPA’s understanding of the frequency that 29 PFAS are found in the nation’s drinking water systems and at what levels. EPA will accept public comment on the proposed UCMR 5 for 60 days, following publication in the Federal Register. EPA will also hold a virtual stakeholder meeting twice during the public comment period. Engagement on behalf of DoD will be managed through the Office of Secretary of Defense.

<https://www.epa.gov/pfas/epa-actions-address-pfas>

EPA Issues Final 2021 Multi-Sector General Permit for Stormwater Discharges Associated With Industrial Activity

EPA is issuing this permit for five years to provide permit coverage to operators of eligible facilities in areas of the country where EPA is the NPDES permitting authority including:

- Four states: Massachusetts, New Hampshire, New Mexico, and Idaho
- The District of Columbia
- Puerto Rico
- All U.S. territories except for the Virgin Islands
- Federally operated facilities in Colorado, Delaware, Vermont, and Washington
- Most Indian country lands, and
- Other designated activities in specific states (e.g., oil and gas activities in Texas and Oklahoma)

The final permit became effective on March 1, 2021. The 2021 Multi-Sector General Permit (MSGP) includes:

- a new requirement that operators must post a sign of permit coverage at a safe, publicly accessible location in close proximity...
- requires that operators consider implementing enhanced stormwater control measures for facilities that could be impacted by major storm events, such as hurricanes, storm surge, and flood events,
- a new provision that requires certain operators (sectors) to conduct quarterly indicator analytical monitoring for three parameters—pH, Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD). Indicator monitoring is “report-only” and does not have a threshold or trigger level,

- a new provision that requires certain operators to conduct report-only indicator analytical monitoring for polycyclic aromatic hydrocarbons (PAHs) bi-annually,
- updates (resets start of) the benchmark monitoring schedule; applicable operators conduct benchmark monitoring quarterly in their first and fourth years of permit coverage,
- updating benchmark values. EPA updated the benchmark monitoring thresholds in the 2021 MSGP for aluminum, copper for discharges to freshwater, selenium for discharges to freshwater, and cadmium based on revised current CWA section 304(a) national recommended aquatic life water quality criteria and suspended the benchmark monitoring thresholds for magnesium and iron ...,
- additions to the Additional Implementation Measures (AIM) requirements for benchmark monitoring exceedances, and
- annual monitoring for discharges of certain pollutants to impaired waters that do not have an EPA approved TMDL.

<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>

REGION I



Note: The Connecticut Legislature convened January 6, 2021 and will adjourn on June 3, 2021.

PROPOSED LEGISLATION

Connecticut SB 837 An act concerning the use of PFAS substances in Class B firefighting foam. Its purpose is to prohibit the use of firefighting foam containing PFAS for training purposes and establish a take-back program for such products.

https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2021&bill_num=SB837

Connecticut SB 884 An act requiring the Commissioner of Energy and Environmental Protection to adopt regulations that cap and reduce greenhouse gas emissions from transportation.

http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2021&bill_num=SB884

FINAL REGULATION

Connecticut Remediation Standards Adopted The Department of Energy and Environmental Protection has adopted amendments to the Remediation Standards Regulations (RSRs) to streamline the site remediation process. Effective February 16, 2021.

<https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={E0B8AC77-0000-C915-8E06-FB210332994A}>

Connecticut Environmental Use Restriction Amendments The Department of Energy and Environmental Protection has adopted amendments to the Environmental Land Use Restrictions process. Effective February 16, 2021.

<https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={10D8AB77-0000-C817-A0A7-4AC328BEB10F}>



Note: The Maine Legislature convened on December 2, 2020 and will adjourn on June 17, 2022.

PROPOSED LEGISLATION

Maine LD 256 (HP177) An act to adjust Sewer and Wastewater Lien Fees from \$13 to \$25 paid by a delinquent sewer or wastewater ratepayer.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0177&item=1&snum=130>

Maine LD 363 An act establishing a 6-year statute of limitations for injuries or harm caused by a PFAS. This is 3 times longer than for other chemicals.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0261&item=1&snum=130>

Maine LD 436 An act that makes changes to fees, permits and penalties issued by the Department of Environmental Protection. This includes providing when the department may use discretion to accept or refuse to accept an application, the determination that a notice of violation is not a final agency action and is not appealable, and increases to the cap on civil penalties.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0178&item=1&snum=130>

FINAL REGULATION

Amendments to Maine’s Air Program Definitions The Department of Environmental Protection has amended the definition of “Ozone Transport Region” in ch. 100 to eliminate a conflict with the Clean Air Act section 176A Petition pending before the EPA. Effective February 9, 2021.

<https://www.maine.gov/sos/cec/rules/notices/2021/021021.html>

Amendments to Maine’s Solid Waste Management Rules The Department of Environmental Protection has amended ch. 400, Maine Solid Waste Management Rules, to “clarify requirements for Public Benefit Determinations” relating to approval of waste facilities, by ensuring that the definition of “waste that is generated within the State” accurately describes the sources of waste materials disposed in the State, and by requiring “Public Benefit Determinations to include consideration of the impacts on health and welfare, environmental justice and equal protections for communities where waste facilities operate.” Effective February 9, 2021.

<https://www.maine.gov/sos/cec/rules/notices/2021/021021.html>



MASSACHUSETTS

Note: The Massachusetts Legislature convened on January 6, 2021 and will adjourn on January 2, 2023.

PROPOSED LEGISLATION

Massachusetts HD 478 (SD471) This act would restrict the use of pesticides containing the herbicide substance Glyphosphate, unless the individual is appropriately licensed or authorized by the department. Glyphosphate is the main active ingredient in Roundup (among other herbicide products).

<https://malegislature.gov/Bills/192/HD478>

Massachusetts HD 903 (SD2362) An act that would require a licensed hazardous waste site cleanup professional to provide written notification to the City or Town Clerk in the municipality where the site is located and requires the City or Town Clerk to maintain a database of all locations of which they have received notification.

<https://malegislature.gov/Bills/192/HD903>

Massachusetts HD 1951 This act would limit toxic release inventory facilities in environmental justice communities.

<https://malegislature.gov/Bills/192/HD1951>

Massachusetts HD 2335 This act would direct the Department of Environmental Protection to outline the best practices and recommended regulations for the proper disposal of products containing PFAS.

<https://malegislature.gov/Bills/192/HD2335>

Massachusetts HD 2464 This act requires carbon monoxide alarms in all residential, governmental and commercial structures.

<https://malegislature.gov/Bills/192/HD2464>

Massachusetts HD 3200 This act would require state funded projects to meet clean energy workforce standards and accountability requirements. This would potentially impact Air Force and Army National Guard facilities that receive state funding.

<https://malegislature.gov/Bills/192/HD3200>

Massachusetts HD 3551 (SD2205) An act transitioning the Commonwealth of Massachusetts to 100 percent clean energy for electricity by 2035 and 100 percent clean energy for the building sector and transportation sector by 2045.

<https://malegislature.gov/Bills/192/HD3551>

Massachusetts SD 260 This act would establish notice requirements for hazardous waste releases with the Massachusetts registry of deeds or the registry district of the land court of the county in which the property is located not later than 30 days.

<https://malegislature.gov/Bills/192/SD260>

Massachusetts SD 1056 This act would increase funding and enhance the mission of the Massachusetts Clean Energy Center by including a mandatory charge of 14.65 mill per therm for all natural gas customers.

<https://malegislature.gov/Bills/192/SD1056>

Massachusetts SD 1448 This act would require the Department of Environmental Protection to establish performance standards for the reduction of municipal solid waste on the basis of pounds per capita of solid waste disposed. The standards shall reduce solid waste to not more than 600 lbs per capita by July 1, 2022 and not more than 450 pounds per capita by July 1, 2026.

<https://malegislature.gov/Bills/192/SD1448/Senate/Bill/Text>

Massachusetts SD 1666 This act would include PFAS under the definition of Toxic or Hazardous Substances as defined under 301 CMR 41.02 and 301 CMR 41.03.

<https://malegislature.gov/Bills/192/SD1666>



Note: The New Hampshire Legislature convened on January 6, 2021 and will adjourn on June 30, 2021.

PROPOSED LEGISLATION

New Hampshire HB 399 This act changes the focus of the New Hampshire's energy consumption reduction goal to greenhouse gas emissions, rather than fossil fuels, and requires that each state department identify cost effective measures to reduce greenhouse gas emissions by 25 percent by 2025 in state buildings. This may impact National Guard facilities.

http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2021&id=516&txtFormat=html

New Hampshire SB 115 This act establishes the following statewide greenhouse gas reduction goals: at least 20 percent below 1990 levels by 2025, at least 50 percent below 1990 levels by 2035 and net zero by 2050. It also establishes a climate action plan and requires state agencies with jurisdiction over activities that impact greenhouse gas emissions to incorporate the above goals into their project planning, rulemaking, and funding determinations.

http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2021&id=1059&txtFormat=html

New Hampshire SB 146 This act involves adoption of multiple environmental actions including, of note: 1) Establishment of a coastal program administered by the Department of Environmental Services, 2) Establishment of statewide solid waste disposal reduction goals, and 3) A prohibition of incineration of PFAS in New Hampshire.

http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2021&id=252&txtFormat=html



RHODE ISLAND

Note: The Rhode Island Legislature convened on January 5, 2021 and will adjourn on June 30, 2021.

PROPOSED LEGISLATION

Rhode Island HB 5133 This act would require businesses and educational facilities that produce fifty-two (52) tons of organic-waste yearly and are located within thirty (30) miles of an authorized composting facility to use authorized methods of recycling.

<http://webserver.rilin.state.ri.us/BillText21/HouseText21/H5133.htm>

Rhode Island HB 5523 (SB 107) This act would direct the RI Department of Health to take action to establish Maximum Contaminant Levels (MCL) for PFAS in drinking water and set interim standards for six PFAS contaminants in drinking water of 20 parts per trillion until final drinking water standards become effective. It also requires adoption of groundwater quality standards and surface water quality action levels. This act would also define PFAS as hazardous substances.

<http://webserver.rilin.state.ri.us/BillText21/HouseText21/H5523.pdf>



VERMONT

Note: The Vermont Legislature convened on January 6, 2021 and will adjourn on May 28, 2022.

PROPOSED LEGISLATION

Vermont HB 108 The bill proposes to amend the Vermont Water Quality Standards (VWQS) to clarify that the standards apply to wetlands and discharges to wetlands. It also requires that any federal Clean Water Act (CWA) section 401 certification include an evaluation of water quality impacts on waters and wetlands, an evaluation of alternative means of accomplishing the proposed action, and a cumulative impact analysis of the water quality impacts.

<https://legislature.vermont.gov/Documents/2022/Docs/BILLS/H-0108/H-0108%20As%20Introduced.pdf>

Vermont HB 120 This act would make multiple changes to state land use laws to incorporate strategies to address and mitigate climate change.

<https://legislature.vermont.gov/Documents/2022/Docs/BILLS/H-0120/H-0120%20As%20Introduced.pdf>

REGION II



NEW JERSEY

Note: The New Jersey Legislature convened on January 14, 2020 and will adjourn on January 11, 2022.

OTHER ACTIONS AND OPPORTUNITIES

FY21 Annual Fee Report and Assessment of Fees The New Jersey Department of Environmental Protection has issued its FY2021 Annual Fee Report and Assessment of Fees for the New Jersey Pollutant Discharge Elimination System (NJPDES) program.

<https://www.nj.gov/dep/dwq/njpdessfees.html>



NEW YORK

Note: The New York State Legislature convened on January 6, 2021 and will adjourn on January 1, 2023.

PROPOSED LEGISLATION

New York AB 1794 This act directs the Department of Environmental Conservation to promulgate standards for emissions of regulated air contaminants from small electric generating sources 10kW or larger; specifies criteria therefor; provides for a permitting requirement and an alternative permitting mechanism involving a registration process.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A01794&term=2021&Summary=Y&Actions=Y&Text=Y

New York AB 2045 (SB 2996) This act would prohibit the idling of any passenger vehicle, with certain exceptions, for more than 3 consecutive minutes. The first violation is a warning, subsequent violations of such section are traffic infractions punishable by a fine of \$150.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A02045&term=2021&Summary=Y&Actions=Y&Text=Y

New York AB 3283 (SB1484) This act establishes that if lethal methods are used to capture or dispose of nuisance wildlife, the lethal method used and the reason why a non-lethal method was not used shall be submitted in an annual report; requires that a list of enforcement actions taken against any nuisance wildlife control operator for violations of the law and applicable regulations be annually updated.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A03283&term=2021&Summary=Y&Actions=Y&Text=Y

New York AB 3541 (SB4712) This act requires the department of health and department of environmental conservation to establish a maximum contaminant level of 0.35 parts per billion for the presence of 1,4-Dioxane in public supplies of potable water, ground water and runoff water from a wastewater treatment plant or water supply treatment plant.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A03541&term=2021&Summary=Y&Actions=Y&Text=Y

New York AB 4087 (SB4794) The act makes provisions regarding environmental benefit projects in lieu of civil penalties including establishing conditions for their acceptance and criteria for such projects. It also authorizes the attorney general to review and approve the settlement or administrative order.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A04087&term=2021&Summary=Y&Actions=Y&Text=Y

New York AB 4117 This act relates to declaring the goal of the state of New York to source reduce, reuse, recycle, or compost no less than eighty-five percent of the solid waste generated by the year 2032.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A04117&term=2021&Summary=Y&Actions=Y&Text=Y

New York AB 4239 This act requires the establishment of a one hundred percent clean energy system by two thousand thirty; requires the adoption of a climate action plan; establishes the renewable energy revolving fund; and provides for legal standing to sue for enforcement of the state clean energy plan.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A04239&term=2021&Summary=Y&Actions=Y&Text=Y

New York AB 4456 Establishes the governor's military council for purposes of growing and protecting major military activities in the state, to leverage such military activities into creating additional defense-related jobs, and to help local units of government improve the quality of life of members of the armed forces and their families in New York state.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A04456&term=2021&Summary=Y&Actions=Y&Text=Y

New York AB 5541 (SB 914) This act would establish environmental standards for ambient lead and lead contamination in soils and on floors and window sills. It would limit lead in ambient air to a 3 month average of 0.075 micrograms/cubic meter which is more stringent than current lead NAAQS of 0.15 micrograms/cubic meter.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A05541&term=2021&Summary=Y&Actions=Y&Text=Y

New York SB 2908 For any public water supply to which a fluoride compound is added, the optimal fluoride target level is set at 0.7 mg/L and the fluoride level cannot exceed 0.8 mg/L.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=S02908&term=2021&Summary=Y&Actions=Y&Text=Y

New York SB 3211 Requires applicants for major projects located near an environmental justice community to submit an enhanced public participation plan.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=S03211&term=2021&Summary=Y&Actions=Y&Text=Y

New York SB 4011 Authorizes the Department of Health to establish maximum levels for perfluoroalkyl carboxylic acids (PFCAs) and (PFSA)s perfluoroalkyl sulfonic acids in public drinking water.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=S04011&term=2021&Summary=Y&Actions=Y&Text=Y

New York SB 4754 (AB3418) Enacts the New York state excess food act which provides for mandatory donation of consumable food products; provides mandatory composting of appropriate materials; establishes the New York state excess food fund which will be funded by fines collected from violations of the New York state excess food act.

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=S04754&term=2021&Summary=Y&Actions=Y&Text=Y

FINAL REGULATION

New York Stationary Combustion Installations The Department of Environmental Conservation has adopted rules regarding permit references, rule citations, monitoring, recordkeeping, reporting requirements, and lower emission standards for stationary combustion installations. Effective February, 25, 2021.

https://services.statescape.com/RegsText/StaticDownloads/158198_341884.pdf#page=14

New York Sulfur-In Fuel Limitations The Department of Conservation has revised 6 NYCRR Subpart 225-1, “Fuel Composition and Use - Sulfur Limitations”. Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. Effective February 4, 2021.

<https://www.dos.ny.gov/info/register/2021/012021.pdf#page=11>

New York Registration and Classification of Pesticides The Department of Environmental Conservation has proposed to amend the State's existing 6 NYCRR Part 326 pesticide registration regulations. The proposed regulation will add chlorpyrifos to the section 326.2(c) list of pesticide active ingredients that are no longer allowed to be distributed, sold, purchased, possessed, or used for any purpose.

<https://www.dec.ny.gov/chemical/121988.html>

REGION III



DISTRICT OF COLUMBIA

Note: The Council of the District of Columbia convened January 2, 2021 and will adjourn on December 31, 2022.

FINAL REGULATION

District of Columbia Critical Areas – Wetlands and Streams (21 DCMR Chs. 25, 26) The Department of Energy and Environment has renewed adopted emergency rulemaking to add new Chapters 25 (Critical Area - General Rules) and 26 (Critical Area - Wetlands and Streams) to Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR). Emergency Rules become effective on January 15, 2021 and will expire on July 2, 2021.

http://services.statescape.com/ssu/Regs/ss_8585884520236679541.docx



DELAWARE

Note: The Delaware General Assembly convened on January 12, 2021 and will adjourn on June 30, 2022.

PROPOSED LEGISLATION

Delaware SB 63 This Act prohibits the use of Class B foams containing intentionally-added PFAS chemicals unless the use is for fire prevention or emergency firefighting. Further, this Act permits the use of such foam for training and testing only if the facility in which the training or testing occurs has implemented containment, treatment, and disposal measures to prevent releases of Class B foams containing PFAS chemicals.

<https://legis.delaware.gov/BillDetail?LegislationId=48377>



Note: The Maryland General Assembly convened on January 13, 2021 and will adjourn on April 12, 2021.

PROPOSED LEGISLATION

Maryland HB 583 (SB 414) Requiring the State to reduce statewide greenhouse gas emissions by 60% from 2006 levels by 2030; requiring the State to achieve net-zero statewide greenhouse gas emissions by 2045; requiring the Maryland Department of Labor to adopt regulations establishing certain energy conservation requirements for certain buildings by July 1, 2022 and establishing a goal of planting and helping to maintain in the State 5,000,000 sustainable trees of species native to the State by the end of 2030

<http://mgaleg.maryland.gov/mgawebiste/Legislation/Details/hb0583?ys=2021RS>

Maryland HB 889 Providing that certain provisions of law regarding chemical warfare material requirements under a controlled hazardous substance facility permit do not apply to the incineration of chemical warfare materials at a research facility if the incineration is done for research, development, or demonstration purposes.

<http://mgaleg.maryland.gov/mgawebiste/Legislation/Details/sb0889?ys=2021RS>

FINAL REGULATIONS

Maryland Development Standards for Solar Projects (COMAR 27.01.01) The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has adopted rulemaking to provide development standards for minor and major solar projects in the Critical Area on private lands, state lands, and lands owned by local jurisdictions. Effective March 8, 2021.

<http://www.dsd.state.md.us/MDR/4805.pdf#page=24>

Maryland Threatened and Endangered Species (08.03.08) The Department of Natural Resources has added four new species of animals to the lists of endangered, threatened or in need of conservation, and reclassify 56 species by changing the status of 12 species and removing 44 species. One insect is proposed to be added to the list as endangered. One mollusk and one bird species are proposed to be added to the list as threatened, and one mollusk species is proposed to be added to the list as in need of conservation. Effective February 8, 2021.

<http://www.dsd.state.md.us/MDR/4803.pdf#page=23>

PROPOSED REGULATION

Maryland Disposal of Controlled Hazardous Substances The Department of the Environment has proposed rulemaking to modify Maryland's hazardous waste regulations to incorporate federal provisions that modify the hazardous waste listing for nicotine and revise requirements for hazardous waste treatability studies.

http://www.dsd.state.md.us/MDR/4803/Assembled.htm#_Toc62556350



Note: The Pennsylvania General Assembly convened on January 5, 2021 and will adjourn on November 30, 2022.

PROPOSED LEGISLATION

Pennsylvania HB 573 An act establishing an erosion and sediment control permit, compliance requirements and an annual report produced by the Department of Environmental Protection.

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2021&sind=0&body=H&type=B&bn=573>

Pennsylvania HB 590 An Act amending the Municipal Waste Planning, Recycling and Waste Reduction Act by establishing a recycling fee for municipal waste landfills and resource recovery facilities.

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2021&sind=0&body=H&type=B&bn=590>

Pennsylvania SB 205 An Act providing for testing for dangerous levels of radon and remediation measures in school buildings, residential buildings, residential homes and commercial buildings; and imposing penalties.

<http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2021&sind=0&body=S&type=B&bn=205>



Note: The Virginia General Assembly convened on January 13, 2021 and adjourned on February 8, 2021. A special session was held from February 10, 2021 to March 1, 2021.

PROPOSED LEGISLATION

Virginia SB 1291 Requires that any application for a permit to withdraw surface water or ground water include a water auditing plan and a leak detection and repair plan that comply with regulations adopted by the State Water Control Board pursuant to the provisions of the bill.

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=212&typ=bil&val=SB1291>

PROPOSED REGULATION

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 [9 VAC 25 - 820] The Department of Environmental Quality has proposed rules to amend and reissue the existing general permit which expires on December 31, 2021. The general permit governs facilities holding individual VPDES permits that discharge or propose to discharge total nitrogen or total phosphorus to the Chesapeake Bay or its tributaries.

<https://townhall.virginia.gov/L/ViewStage.cfm?stageid=9194>

Chesapeake Bay Preservation Areas: (1) preservation of mature trees and (2) coastal resilience and adaptation to sea-level rise and climate change. This bill requires the State Water Control Board (Board) to amend the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) to encourage and promote: 1) the preservation of mature trees, or planting of trees, as a water quality protection tool and as a means of providing other natural resource benefits, and 2) coastal resilience and adaptation to sea-level rise and climate change.

<https://townhall.virginia.gov/L/viewmandate.cfm?mandateid=1154>

OTHER ACTIONS AND OPPORTUNITIES

Virginia Chesapeake Bay TMDL Special Condition Guidance Pertains to the issuance of special condition guidance regarding the Chesapeake Bay TMDL to ensure compliance with 9VAC890-40 Part II A.9 related to the following conditions:

- a) The permittee claimed credit for septic system disconnections that occurred prior to January 01, 2006
- b) The permittee is relying on the previous mass loading or qualified lane miles street sweeping annual practices to help meet their Chesapeake Bay TMDL pollution reduction goals
- c) The permittee updates or changes any of the proposed TMDL action plan activities found in their final Chesapeake Bay TMDL action plan.

In the event that a permittee updates their Chesapeake Bay TMDL action plan because of any of the situations found above, the entire action plan should be reviewed to ensure that all proposed activities meet the criteria set by 9VAC890-40 Part II .A.9.

https://services.statescape.com/RegsText/StaticDownloads/200389_341911.pdf

2021 Environment Virginia Symposium, March 23rd-25th The 31st Annual Environment Virginia Symposium will be held virtually for 2021. This event brings together environmental professionals throughout Virginia from all sectors: government, non-profits, academia and industry. Information on the schedule, registration, and the cost to attend the virtual event is included in the below website.

<https://www.vmi.edu/about/conferences/eva/>



Note: The West Virginia Legislature convened on February 10, 2021 and will adjourn on April 10, 2021.

PROPOSED LEGISLATION

West Virginia HB 2102 Would require specific forms of notice to the public before an air quality permit may be issued.

http://www.wvlegislature.gov/Bill_Status/Bills_history.cfm?input=2102&year=2021&sessiontype=RS&btype=bill

West Virginia HB 2131 The bill would allow each county or regional solid waste authority to impose a solid waste assessment fee not to exceed 50 cents per ton for the disposal of solid waste in that county or region provided that the county or regional solid waste authority that may impose and collect that solid waste assessment fee is the county or region where the waste originates.

http://www.wvlegislature.gov/Bill_Status/Bills_history.cfm?input=2131&year=2021&sessiontype=RS&btype=bill

West Virginia HB 2234 Requires public hearings on air quality permits for large facilities to be held in the county where the facility is to be located.

http://www.wvlegislature.gov/Bill_Status/Bills_history.cfm?input=2234&year=2021&sessiontype=RS&btype=bill

West Virginia HB 2722 Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals.

http://www.wvlegislature.gov/Bill_Status/Bills_history.cfm?input=2722&year=2021&sessiontype=RS&btype=bill

PROPOSED REGULATION

West Virginia Assessment Methodology for the Biological Component of the Narrative Criteria for Wadeable Streams (47-02B) The WV Department of Environmental Protection has proposed rulemaking regarding the aquatic life component of the narrative water quality standard and its thresholds.

<http://apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=17375>

REGION IV



Note: The North Carolina General Assembly convened on January 13, 2021 and will adjourn on June 30, 2022.

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



Note: The Kentucky Legislature convened on January 5, 2021 and will adjourn on March 30, 2021.

PROPOSED LEGISLATION

Kentucky HB 508 This bill does the following: 1) sets a single excise tax on gasoline and special fuels initially at 24.6 cents per gallon (cpg), subject tax to annual adjustments, 2) eliminates references to taxation based on the average wholesale price of gasoline and the supplemental tax on gasoline and special fuels, 3) requires annual notification to motor fuel dealers of the adjusted rate of the excise tax on gasoline and special fuels for each upcoming fiscal year and annual notification to county clerks of the adjusted rate of highway user fees for electric and hybrid vehicles.

<https://apps.legislature.ky.gov/record/21rs/hb508.html>

Kentucky HB 559 Requires the Energy and Environment Cabinet on or before January 1, 2022, to promulgate administrative regulations establishing maximum PFAS chemical limits and monitoring requirements for drinking water provided by public and semi-public water systems. Also requires the Energy and Environment Cabinet on or before January 1, 2022, to promulgate administrative regulations establishing maximum PFAS chemical limits and monitoring requirements for discharges into the waters of the Commonwealth.

<https://apps.legislature.ky.gov/record/21rs/hb559.html>

REGION V



Note: The Illinois General Assembly convened on January 13, 2021 and will adjourn on January 11, 2023.

PROPOSED LEGISLATION

Illinois HB 3093 Amends the Environmental Protection Act and establishes a goal of the State to reduce by 50% the amount of food waste generated annually by 2030. Provides that the goal include reducing the amount of edible food that is wasted. Provides that, by October 1, 2022, the Environmental Protection Agency, in consultation with the Department of Agriculture and the Department of Public Health, must develop and adopt a State Wasted Food Reduction and Food Waste Diversion Plan designed to achieve the goal.

<https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3093&GAID=16&DocTypeID=HB&SessionID=110&GA=102>

Illinois HB 3370 Amends the Illinois Pesticide Act so that no person shall distribute, sell, offer for sale, or use glyphosate or any products containing glyphosate within Illinois. (The main herbicide in Roundup is glyphosate.) Provides that the Department of Agriculture may adopt any rules it deems necessary to implement the provisions.

<https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3370&GAID=16&DocTypeID=HB&SessionID=110&GA=102>

Illinois HB 3635 Creates the Firefighting Foam Act. Provides that, after June 30, 2021, a person, unit of local government, or State agency: (1) shall not use for training purposes a Class B firefighting foam that contains an intentionally added PFAS chemical and may use only training foam that does not contain such chemicals; and (2) shall not use for testing purposes a Class B firefighting foam that contains intentionally added PFAS chemicals unless the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent releases of the Class B firefighting foam to the environment. Provides an emergency firefighting operation or an emergency fire prevention exemption.

<https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3635&GAID=16&DocTypeID=HB&SessionID=110&GA=102>

OTHER ACTIONS AND OPPORTUNITIES

EPA Final Determination of Illinois State Hazardous Waste Management Program Revisions EPA granted Illinois final authorization for changes to its RCRA hazardous waste program effective February 9, 2021. Areas where Illinois rules are more stringent include:

- Illinois requires more manifest copies than the federal rules,
- Illinois requires an annual report instead of the biennial report,

- Illinois prohibits all liquids in landfills; whereas the federal rules allow for exceptions in 40 CFR 265.314(f)(1) and (2).

These requirements would become part of Illinois' authorized program and would be federally enforceable. The proposed rule contains an extensive list of the Illinois regulatory sections analogous to federal hazardous waste rule checklist items, including:

- Checklist 156: Military Munitions Rule: Hazardous Waste Identification and Management; Explosives Emergencies; Manifest Exemption for Transport of Hazardous Waste on Right-of-Ways on Contiguous Properties,
- Checklist 175: Hazardous Remediation Waste Management Requirements (HWIR-Media),
- Checklist 194: Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-From Rules,
- (various) Revisions to the Definition of Solid Waste, and several others, see the proposed rule for additional details.

<https://www.federalregister.gov/documents/2021/02/09/2021-02427/illinois-final-authorization-of-state-hazardous-waste-management-program-revisions>



Note: The Indiana General Assembly convened on January 4, 2021 and will adjourn on April 23, 2021.

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



Note: The Michigan Legislature convened on January 13, 2021 and will adjourn on December 31, 2022.

PROPOSED LEGISLATION

Michigan SB 58 Would require cleanup to residential and safe drinking water standards unless technically infeasible.
[http://www.legislature.mi.gov/\(S\(ks0lobxihqcvap2soheexvex\)\)/mileg.aspx?page=getobject&objectname=2021-SB-0058&query=on](http://www.legislature.mi.gov/(S(ks0lobxihqcvap2soheexvex))/mileg.aspx?page=getobject&objectname=2021-SB-0058&query=on)

Michigan HB 4170 Would amend the Natural Resources and Environmental Protection Act to increase penalties and reporting requirements for unlawful discharge into the waters of the state.
[http://www.legislature.mi.gov/\(S\(3fcaxphlwrzkw5j1w3egakm\)\)/mileg.aspx?page=getobject&objectname=2021-HB-4170&query=on](http://www.legislature.mi.gov/(S(3fcaxphlwrzkw5j1w3egakm))/mileg.aspx?page=getobject&objectname=2021-HB-4170&query=on)



Note: The Ohio General Assembly convened on January 4, 2021 and will adjourn on December 31, 2022.

FINAL REGULATION

Ohio Radiation Control (3701:1-40-16 – 3701:1-58-104) The Department of Health has adopted rulemaking regarding requirements for the possession and use of radioactive material for medical use. Effective August 15, 2021.

<https://codes.ohio.gov/oac/3701:1-40-16v2>

<http://codes.ohio.gov/oac/3701:1-58-104v2>



Note: The Wisconsin Legislature convened on January 4, 2021 and will adjourn on December 31, 2022.

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

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