



REC Review

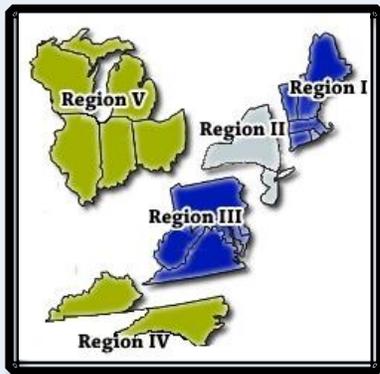


of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

July 2022

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

**CLEARED
For Open Publication**

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Department of Defense
OFFICE OF PREPUBLICATION AND SECURITY REVIEW

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SPOTLIGHT STORY

DoD Participates in Clean the Bay Day

Clean the Bay Day is an annual event founded by the Chesapeake Bay Foundation. Each year, military and civilian personnel throughout the Chesapeake Bay watershed participate in clean up events in support of Clean the Bay Day. This year, installations held clean-up events between March 22 and June 9 collecting over 22,000 pounds of trash from the Chesapeake Bay shoreline and runoff areas. More than 1,000 volunteers joined in this year's Clean the Bay Day event in cleaning 63 miles of shoreline.

Clean the Bay Day has been a Virginia tradition since inception 34 years ago. For the Department of Defense, Clean the Bay Day has spread beyond Virginia to installations and facilities in Maryland, Pennsylvania, and the District of Columbia.



A team of Sailors and civilians collected 46 bags of trash, tires, and metal debris totaling 1,270 lbs. in support of Commander, Navy Region MID-ATLANTIC and the Chesapeake Bay Foundation Clean the Bay Day. <https://www.dvidshub.net/image/7156326/naval-weapons-station-yorktown-sailors-and-civilians-participate-clean-bay-day-event>

Clean the Bay Day 2022 has been a positive display of DoD teamwork and demonstrated strong leadership and commitment to the protection and restoration of the Chesapeake Bay. With volunteers ranging from DoD employees, civilians, military personnel, and their families, Clean the Bay Day serves as a way for DoD installations to play a vital role in making the Chesapeake Bay more beautiful by preventing and picking up litter.



Approximately 75 personnel spent the morning picking up trash during Clean the Base Day at Naval Support Activity Hampton Roads-Headquarters Annex on April 22.

<https://www.dvidshub.net/image/7159555/naval-support-activity-hampton-roads-personnel-participate-clean-base-day>



Volunteers from Naval Facilities Engineering Systems Command (NAVFAC) Atlantic clean debris as part of NAVFAC Atlantic's observance of Clean the Bay Day 2022.

<https://www.dvidshub.net/image/7262957/220609-n-n2125-1065>

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

2022 Chesapeake Bay Commanders' Conference Commander, Navy Region Mid-Atlantic (CNRMA), with support from the Department of Defense (DoD) Chesapeake Bay Program (CBP), will host a gathering of military leaders, including secretariat-level participation, from multi-service installations throughout the watershed, to include the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia, in attending the 2022 Chesapeake Bay Commanders' Conference (CBCC), Aug. 17-18. The focus on this year's virtually-held event will be on integrating partnerships and leveraging assets to build resilience and drive progress in Chesapeake Bay protection and restoration. CNRMA is requesting high-level leadership participation from all services and jurisdictions throughout the watershed to attend this event with the support of their key environmental, planning, and climate resilience support staff. The purpose of the conference is to provide leadership with background on DoD responsibilities under the 2014 Chesapeake Bay Watershed Agreement and Executive Orders (EOs) 13508 (Chesapeake Bay Restoration), 14008 (Tackling the Climate Crisis), and 14057 (Clean Energy), as well as explain how DoD CBP activities support mission sustainment. Additionally, the conference will feature break-out sessions so leaders can meet with their state, federal agency, and non-government partners to discuss collaborative approaches to meet installation needs. Contact your installation environmental program director for invitation information.

2022 National Public Lands Day Department of Defense Awards In commemoration of this year's National Public Lands Day (NPLD), the DoD, through the Office of the Deputy Assistant Secretary of Defense for Environment and Energy Resilience, and the Legacy Resource Management Program, will fund NPLD projects on military lands that are open for recreation. The 2022 NPLD DoD Awards will provide up to \$20,000 to selected installations to implement pollinator protection projects; climate adaptation/resilience habitat restoration projects; or natural and cultural resources management, restoration, or enhancement projects on or around this year's National Public Lands Day on Sept. 24, 2022. <https://www.neefusa.org/resource/2022-national-public-lands-day-department-defense-awards>

EPA Releases Initial List of Programs Covered under the Justice40 Initiative EPA released an initial list of 72 programs covered under the Justice40 Initiative, which aims to deliver 40 percent of the overall benefits of climate, clean energy, affordable and sustainable housing, clean water, and other investments to disadvantaged communities. This commitment is part of the Executive Order 14008 signed by President Biden. <https://www.whitehouse.gov/environmentaljustice/justice40/>
<https://www.epa.gov/system/files/documents/2022-06/Justice40%20Initiative%20Covered%20Programs%20List%20for%20the%20Environmental%20Protection%20Agency.pdf>

2023 REPI Challenge RFP Released The Readiness and Environmental Protection Integration (REPI) Program is excited to launch the 2023 REPI Challenge process. The REPI program will provide up to \$40 million toward projects, with the primary focus on advancing efforts that preserve key mission capabilities of strategic importance to DoD, and enhance installation and range resilience to climate change and severe weather events (e.g., drought, increased wildfires, thawing permafrost). The REPI program will allocate up to \$25 million to projects that apply through the REPI Challenge process and up to \$15 million to projects that apply through the National Fish and Wildlife Foundation National Coastal Resilience Fund. More information on the background, timing, and eligibility of the 2023 REPI Challenge can be found in the request for proposals and the pre-proposal form. <https://www.repi.mil/Buffer-Projects/REPI-Challenge/>

AIR

NESHAP: Gasoline Distribution Technology Review and Standards of Performance for Bulk Gasoline Terminals Review (Draft) The EPA is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Gasoline Distribution facilities and the Standards of Performance for Bulk Gasoline Terminals. The EPA is proposing to revise NESHAP requirements for storage tanks, loading operations, and equipment leaks to reflect cost-effective developments in practices, process, or controls. The EPA is also proposing New Source Performance Standards (NSPS) to reflect best system of emissions reduction for loading operations and equipment leaks. In addition, the EPA is proposing revisions related to emissions during periods of startup, shutdown, and malfunction; to add requirements for electronic reporting of performance test results, performance evaluation reports, and compliance reports; to revise monitoring and operating requirements for control devices; and to make other minor technical improvements. It is estimated that these proposed amendments would reduce emissions of hazardous air pollutants from this source category by 2,220 tons per year (tpy) and would reduce emissions of volatile organic compounds by 45,400 tpy. Engagement on behalf of DoD will be managed through the Office of Secretary of Defense. <https://www.federalregister.gov/documents/2022/06/10/2022-12223/national-emission-standards-for-hazardous-air-pollutants-gasoline-distribution-technology-review-and>

NATURAL RESOURCES

Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat The U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) rescind the final rule titled “Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat” that was published on Dec. 16, 2020, and became effective on Jan. 15, 2021. This rescission removes the regulatory definition of “habitat” established by that rule. This final rule was effective Jul. 25, 2022.

<https://www.federalregister.gov/documents/2022/06/24/2022-13368/endangered-and-threatened-wildlife-and-plants-regulations-for-listing-endangered-and-threatened>

TOXICS

EPA Finalizes Scope for Part Two of Asbestos Risk EPA is releasing the final scope document for the Toxic Substances Control Act (TSCA) Risk Evaluation for Asbestos Part 2: Supplemental Evaluation Including Legacy Uses and Associated Disposals of Asbestos. The final scope document explains EPA's plan for part 2 of the risk evaluation for asbestos, including the conditions of use, hazards, exposures, and the potentially exposed or susceptible subpopulations EPA will consider in the risk evaluation. EPA determined that the risk evaluation for asbestos would be issued in two parts. EPA completed part 1 of the risk evaluation for the ongoing uses of chrysotile asbestos in December 2020. EPA is evaluating legacy uses and associated disposals, other types of asbestos fibers in addition to chrysotile, and conditions of use of asbestos-containing talc in a supplemental effort that is the focus of part 2 of the risk evaluation for asbestos. Legacy uses are those uses for which there is no ongoing or prospective manufacturing, processing, or distribution for use.

<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-asbestos-part-2-supplemental-evaluation>

Lead Paint Regulations at Federal Facilities: Lead Disclosure Rule and RRP Rule (Web-based, On Demand)

This webinar addresses the Lead Paint Disclosure and Renovation, Repair and Painting (RRP) Program rule requirements applicable to DoD housing, other federal facilities and their contractors. The presenters cover the critical regulatory and compliance requirements of these rules, as well as best management practices (BMPs) that help achieve and maintain compliance.

https://www.fedcenter.gov/_plugins/programs/remotelink/rlnk.cfm?dest=https://www.youtube.com/watch?v=VI-C7MNn1T4

WASTE

Ensuring and Determining Compliance with Land Disposal Restrictions Through RCRA Permits, Waste Analysis Plans and Inspection Sampling Practices This information bulletin is intended to make Resource Conservation and Recovery Act (RCRA) permit writers, inspectors, and the regulated community aware of controls, conditions and sampling practices to ensure and determine compliance with RCRA land disposal restrictions (LDRs). LDRs include testing and recordkeeping requirements, treatment standards, various prohibitions and other conditions that ensure hazardous wastes are adequately treated before disposal, thereby minimizing impact on human health and the environment. This document is based on existing regulatory requirements, longstanding guidance, and formal policy, and provides an overview of the basis of LDR requirements. It focuses on strategies that permit writers and facilities can use to improve RCRA permits and Waste Analysis Plans (WAPs), as well as provides inspectors with tools to better determine compliance with LDRs https://www.epa.gov/system/files/documents/2022-05/LDR_InformationBulletin_4-29-22.pdf

WATER

Water System Partnerships: Regionalization Solutions for Drinking Water and Wastewater (Web-based): Aug. 31, 2022 1:00 PM to 2:00 PM Water system partnerships are an effective cross-program tool for increasing technical, managerial, and financial (TMF) capacity. This webinar will provide an introduction to TMF capacity, the broad spectrum of water system partnerships, and how partnerships can improve TMF Capacity and increase compliance. Wastewater case studies will be discussed to illustrate the use of partnerships in this sector.

https://www.fedcenter.gov/Events/index.cfm?id=39704&pge_id=1854

EPA Announces New Drinking Water Health Advisories for PFAS Chemicals EPA released four drinking water health advisories for per- and polyfluoroalkyl substances (PFAS) in the latest action under President Biden's action plan to deliver clean water and Administrator Regan's PFAS Strategic Roadmap. EPA also announced that it is inviting states and territories to apply for \$1 billion from the Infrastructure Law grant funding, to address PFAS and other emerging contaminants in drinking water, specifically in small or disadvantaged communities. These actions build on EPA's progress to safeguard communities from PFAS pollution and scientifically inform upcoming efforts, including EPA's forthcoming proposed National Primary Drinking Water Regulation for PFOA and PFOS, which EPA will release in the fall of 2022.

<https://www.epa.gov/newsreleases/epa-announces-new-drinking-water-health-advisories-pfas-chemicals-1-billion-bipartisan>

Clean Water Act Section 401 Water Quality Certification Improvement Rule (Draft) The EPA is publishing for public comment a proposed rule revising and replacing the Agency's 2020 regulatory requirements for water quality certification under Clean Water Act (CWA) section 401. This proposed rule would update the existing regulations to be more consistent with the statutory text of the 1972 CWA; to clarify, reinforce, and provide a measure of consistency with respect to elements of section 401 certification practice that have evolved over the 50 years since the 1971 Rule was promulgated; and to support an efficient and predictable certification process that is consistent with the water quality protection and cooperative federalism principles central to CWA section 401. The Agency is also proposing conforming amendments to the water quality certification regulations for EPA-issued National Pollutant Discharge Elimination System permits. Engagement on behalf of DoD will be managed through the Office of Secretary of Defense.

<https://www.federalregister.gov/documents/2022/06/09/2022-12209/clean-water-act-section-401-water-quality-certification-improvement-rule>

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. 9, 2022 and adjourned on May 4, 2022.

FINAL LEGISLATION

Connecticut SB 238 This act is concerning revisions to certain environment related statutes. Its purpose is to make revisions to various programs administered by the Department of Energy and Environmental Protection. Signed May 31, 2022. <https://www.cga.ct.gov/2022/ACT/PA/PDF/2022PA-00143-R00SB-00238-PA.PDF>



Note: The Maine Legislature convened on Dec. 2, 2020 and adjourned on May 9, 2022.

FINAL LEGISLATION

Maine LD 1911 This act prohibits the contamination of clean soils with so-called forever chemicals. Effective Aug. 8, 2022. <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1417&item=8&snum=130>

Maine LD 2019 This act requires the registration of adjuvants in the state and to regulate the distribution of pesticides with PFAS. Effective Aug. 8, 2022.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1501&item=4&snum=130>

Maine LD 2020 This act implements recommendations regarding the regulation of firefighting or fire-suppressing foams to which PFAS have been intentionally added. Effective Aug. 8, 2022.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1502&item=3&snum=130>

FINAL REGULATION

Maine Degassing of Petroleum Storage Tanks, Marine Vessels, and Transport Vessels The Department of Environmental Protection has adopted a new rule to establish requirements to minimize emissions from the degassing of certain petroleum storage tanks, marine vessels, and transport vessels, and to ensure that these operations do not negatively impact air quality or public health. The standards and requirements adopted are based on, and consistent with, control requirements in other jurisdictions. Effective Jun. 27, 2022.

<https://www.maine.gov/sos/cec/rules/notices/2022/062922.html>



MASSACHUSETTS

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

PROPOSED LEGISLATION

Massachusetts HB 4898: This act is related to liability for release of hazardous materials.

<https://malegislature.gov/Bill/192/H4898/House/Bill/Text>

Massachusetts HD 478 (HB 929) This act governs the use of pesticides containing the herbicide substance glyphosate in the Commonwealth. <https://malegislature.gov/Bills/192/H929/House/Bill/Text>

Massachusetts SB 2869 This act provides for the establishment of sustainable water resource funds.

<https://malegislature.gov/Bills/192/S2869/Senate/Bill/Text>

Massachusetts SD 471 (SB 575) This act governs the use of pesticides containing the herbicide substance glyphosate in the Commonwealth. <https://malegislature.gov/Bills/192/S575/Senate/Bill/Text>

Massachusetts SD 1458 (SB 606) This act is to ensure consistency in climate adaptation management planning.

<https://malegislature.gov/Bills/192/S606/Senate/Bill/Text>

Massachusetts SD 3128 This act is related to liability for release of hazardous materials.

<https://malegislature.gov/Bills/192/SD3128/Senate/Bill/Text>

PROPOSED REGULATION

Massachusetts Distribution of Motor Vehicle Fuel The Department of Environmental Protection has proposed rulemaking that will update the lists of California Air Resources Board (CARB) certified Stage I Enhanced Vapor Recovery (EVR) systems to include new systems certified by CARB since Jun. 16, 2017, or previously approved systems, whose Executive Orders have been updated since Jun. 16, 2017.

<https://www.mass.gov/doc/310-cmr-7243-stage-i-enhanced-vapor-recovery-evr-amendments/download>

OTHER ACTIONS AND OPPORTUNITIES

2022 Massachusetts Clean Community Award Nominations The Massachusetts Clean Community Awards recognize volunteers, nonprofit leaders, government leaders, businesses, and municipal partners for exceptional environmental protection and community cleanup efforts. The deadline for 2022 nominations is Sept. 15, 2022.

<https://keepmassbeautiful.org/news-events/massachusetts-clean-community-awards.html>



NEW HAMPSHIRE

Note: The New Hampshire Legislature convened on Jan. 5, 2022 and adjourned on Jun. 30, 2022.

FINAL LEGISLATION

New Hampshire HB 1420 This act prohibits the issuance of new landfill permits until the state's solid waste plan is updated. Effective Jun. 17, 2022.

http://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2022&id=1742&txtFormat=html

New Hampshire HB 1546 This act enables the Commissioner of the Department of Environmental Services to adopt rules relative to airborne PFAS in certain circumstances. Effective Jan. 1, 2023.

http://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2022&id=1273&txtFormat=html

New Hampshire SB 429 This act pertains to the site evaluation committee and to various fees. Signed Jun. 7, 2022.

http://gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2022&id=2059&txtFormat=html

FINAL REGULATION

New Hampshire Ambient Air Quality Standards The Department of Environmental Services has adopted rulemaking to readopt and amend Env-A 300, Ambient Air Quality Standards. The purpose of this rule is to establish state ambient air quality standards for various types of pollutants emitted in or transported into New Hampshire, in accordance with RSA 125-C:1 and Section 110 of the federal Clean Air Act (CAA). In this rulemaking, changes to the standards for particulate matter and ozone are proposed to make them consistent with recently revised national ambient air quality standards, as required by The CAA. Effective May 25, 2022.

[http://www.gencourt.state.nh.us/rules/register/2022/0609/13382%20\(NN%202022-5\).pdf](http://www.gencourt.state.nh.us/rules/register/2022/0609/13382%20(NN%202022-5).pdf)

New Hampshire Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air

Pollutants The Department of Environmental Services has adopted rulemaking to amend Env-A 500, Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants. The existing rule incorporates by reference certain federal New Source Performance Standards (NSPS), NESHAP, State Plans for Designated Facilities and Pollutants, and NESHAP for specific source categories (also known as MACT, for Maximum Achievable Control Technology). These four groups of federal standards, codified at 40 CFR 60, 61, 62 and 63, respectively, are currently in effect and applicable to numerous state sources. Effective May 25, 2022.

[http://gencourt.state.nh.us/rules/register/2022/0609/13381%20\(NN%202022-6\).pdf](http://gencourt.state.nh.us/rules/register/2022/0609/13381%20(NN%202022-6).pdf)



RHODE ISLAND

Note: The Rhode Island Legislature convened on Jan. 4, 2022 and adjourned on Jun. 23, 2022.

FINAL LEGISLATION

Rhode Island HB 7233 and SB 2298 This act is related to PFAS in drinking water, groundwater and surface waters and provides for the Department of Health to take action to establish maximum contaminant levels for PFAS in drinking water and set interim standards. Effective Jun. 27, 2022.

<http://webserver.rilin.state.ri.us/BillText22/HouseText22/H7233A.htm>

<http://webserver.rilin.state.ri.us/BillText22/SenateText22/S2298A.htm>

PROPOSED LEGISLATION

Rhode Island SB 2866 This act would prohibit, beginning Jan. 1, 2024, any compact fluorescent lamp or linear fluorescent lamp to be offered for final sale, sold at final sale, or distributed in the state as a new manufactured product. <http://webserver.rilin.state.ri.us/BillText22/SenateText22/S2866.htm>

FINAL REGULATION

Rhode Island Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast The Coastal Resources Management Council has adopted rules to new freshwater wetlands in the vicinity of the coast rules in accordance with R.I. Gen. Laws §§ 46-23-6 and 2-1-18 through 2-1-20.1 to strengthen the protection of freshwater wetlands in the vicinity of the coast and to provide clarity, predictability and streamlining of the regulatory framework. Effective Jul. 1, 2022.

<https://rules.sos.ri.gov/Regulations/part/650-20-00-9>

PROPOSED REGULATION

Rhode Island Rules and Regulations Governing Migratory Bird Control Permits The Department of Environmental Management has proposed rulemaking to establish standards and procedures for the issuance of Migratory Bird Depredation Control Permits and Nest Control Permits for the taking, handling, and/or possession of any species of migratory bird, or their nests or eggs. <https://rules.sos.ri.gov/regulations/part/250-60-00-11>

Rhode Island Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act The Department of Environmental Management has proposed rulemaking to eliminate the variance fee and improve clarity in the fee table for applications, and correct the Rhode Island Code of Regulations (RICR) reference number referring to the Coastal Resources Management Council (CRMC) regulations in the definition section of the rules. <https://rules.sos.ri.gov/Promulgations/Part/250-150-15-3>



VERMONT

Note: The Vermont Legislature convened on Jan. 6, 2021 and adjourned on May 12, 2022.

FINAL LEGISLATION

Vermont SB 148 This act is related to environmental justice in Vermont. Effective May 13, 2022.

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT154/ACT154%20As%20Enacted.pdf>

REGION II

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NEW JERSEY

Note: The New Jersey Legislature convened on Jan. 11, 2022 and will adjourn on Jan. 9, 2024.

PROPOSED LEGISLATION

New Jersey AB 4064 This bill would direct the Board of Public Utilities (BPU) to adopt rules and regulations concerning the construction and operation of small modular nuclear reactors in the State.

https://www.njleg.state.nj.us/Bills/2022/A4500/4064_I1.HTM

New Jersey AB 4125 (SB 2712) This act would prohibit the sale, manufacture, distribution, and use of firefighting foam containing intentionally added PFAS.

https://pub.njleg.gov/bills/2022/A4500/4125_I1.HTM

https://pub.njleg.gov/bills/2022/S3000/2712_I1.HTM

New Jersey SB 2486 (AB 3484) This act would allow active duty members of United States military to carry firearm at all times. https://pub.njleg.gov/bills/2022/S2500/2486_I1.HTM

FINAL REGULATION

New Jersey Greenhouse Gas Monitoring and Reporting The Department of Environmental Protection has adopted new rules and amendments as part of a comprehensive strategy to implement the provisions of the Global Warming Response Act (GWRA), N.J.S.A. 26:2C-37 et seq. The GWRA requires New Jersey to reduce greenhouse gas emissions and short-lived climate pollutants. Effective Jun. 6, 2022.

<https://www.nj.gov/dep/rules/adoptions/adopt-20220606a.pdf>

New Jersey Permit and Reporting Requirements for Fumigants and Other Hazardous Air Pollutants The Department of Environmental Protection has adopted rulemaking regarding Permit and Reporting Requirements for Fumigants and Other Hazardous Air Pollutants. Effective Apr. 4, 2022.

<https://www.nj.gov/dep/rules/adoptions/adopt-20220404a.pdf>

PROPOSED REGULATION

New Jersey Environmental Justice The Department of Environmental Protection has initiated rulemaking establish the requirements for applicants seeking permits for certain pollution-generating facilities located, or proposed to be located, in overburdened communities, including the analysis of relevant environmental and public health stressors, as each are defined in the Act, as well as requirements intended to ensure applicants' meaningful engagement with members of host overburdened communities, and community members' participation in the Department's decision-making process. <https://www.nj.gov/dep/rules/proposals/proposal-20220606a.pdf>

OTHER ACTIONS AND OPPORTUNITIES

New Jersey Notice of Availability of Annual Site Remediation Reform Act (SRRA) Program Fee Calculation Report for Fiscal Year (FY) 2023 The Department of Environmental Protection has issued a notice to advise it is adjusting the Site Remediation Reform Act (SRRA) Program's annual remediation fee and the fees associated with annual remedial action permits. <https://www.nj.gov/dep/srp/fees/>



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

PROPOSED LEGISLATION

New York AB 10081 This act would prohibit the incineration of PFAS as a means of disposal. https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=A10081

New York AB 10314 This act would allow certain parties of releases and covenants involving PFAS to seek contribution from other responsible parties. https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=A10314

New York AB 10582 (SB9291) This act would enacts the lead pipe right to know act requiring public water systems to take service line inventories and make such information available to the public. https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=A10582

New York AB 10620 This act would prohibit the sale of certain products that contain intentionally added PFAS on and after Jan. 1, 2024. It would also require manufacturers of products containing PFAS to provide notice of such fact to persons that offer the products for sale or distribution; provides penalties for violations. https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=A10620

New York SB 8763 (AB9824) This act relates to the statute of limitations for public water suppliers to commence an action for injury to property; provides that any action, civil claim, or cause of action involving an emerging contaminant that is barred as of the applicable period of limitation has expired is hereby revived, and such action thereon may be commenced and prosecuted provided such action is commenced either before or in accordance with certain time periods. https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=S8763

New York SB 8764 This act would establish the maximum contaminant level goals (MCLGs) for emerging contaminants and provide that the commissioner of health shall by regulation establish a maximum contaminant level goal (MCLG) for each emerging contaminant for which such commissioner has established.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=S8764

New York SB 8766 (AB9514) This act would require applications for licenses granted by certain entities to include specific information to enable such entities to evaluate such license applications for compliance with the goals set forth in the New York state climate leadership and community protection act.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=S8766

New York SB 8857(AB9445) This act would enacts the water bill fairness act by authorizing local water and sewerage authorities to charge fees for surface runoff.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=S8857

New York SB 9352 (AB2194) This act relates to requiring notice to neighboring landowners within one thousand feet of intention to develop in wetland areas and would require a public hearing on a wetland application.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=S9352

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.



DISTRICT OF COLUMBIA

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

FINAL REGULATION

District of Columbia Pavement Sealant Regulations The Department of Energy and Environment has adopted rulemaking to implement the Low Polycyclic Aromatic Hydrocarbons (PAH) Amendment Act, which mandates that no person shall sell, offer for sale, use, or permit to be used on property he or she owns, a high-PAH sealant product, which includes products containing coal tar, coal tar pitch, coal tar pitch volatiles, refined tar, steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, ethylene cracker residue, or PAH concentrations greater than 0.1% by weight (1000 ppm). Effective Apr. 1, 2022.

<https://www.dcregs.dc.gov/Common/DCR/Issues/IssueCategoryList.aspx?CategoryID=7&IssueID=975>

OTHER ACTIONS AND OPPORTUNITIES

District of Columbia Draft Consolidated Total Maximum Daily Load Implementation Plan The Department of Energy and Environment issued a notice to solicit comment on the draft Consolidated Total Maximum Daily Load Implementation Plan (TMDL IP).

<https://doee.dc.gov/release/draft-consolidated-total-maximum-daily-load-implementation-plan>

District of Columbia Draft Stormwater Management Plan The Department of Energy and the Environment has invited public comment on the draft Stormwater Management Plan (SWMP).

<https://doee.dc.gov/release/notice-public-comment-period-draft-stormwater-management-plan>



Note: The Delaware General Assembly convened on Jan. 12, 2021 and adjourned on Jul. 15, 2022.

PROPOSED LEGISLATION

Delaware HB 485 This act would amend Title 16 of the Delaware code relating to childhood lead poisoning prevention. The Act also establishes requirements making blood lead level data available to school nurses and special education coordinators.

<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=129746&legislationTypeId=1&docTypeId=2&legislationName=HB485>

PROPOSED REGULATION

Delaware Lead Based Paints Hazards The Division of Public Health has proposed rulemaking regarding standards for regulation of lead-based paint activities, including the training and certification of companies and workers engaged in lead-based paint activities, the establishment of work standards for lead-based paint activities, the accreditation of lead-based paint activities training programs, and the establishment of procedures for enforcement.

<https://regulations.delaware.gov/documents/May2022c.pdf>



Note: The Maryland General Assembly convened on Jan. 12, 2022 and adjourned on Apr. 11, 2022.

FINAL LEGISLATION

Maryland HB 275 (SB273) This act prohibits, on or after Jan. 1, 2024, a person from using, manufacturing, or knowingly selling or distributing Class B fire-fighting foam that contains intentionally added PFAS chemicals in the State. This act also prohibits, on or after Jan. 1, 2024, a person from manufacturing, selling, or distributing a certain rug or carpet in the State and a manufacturer or distributor from manufacturing, selling, or distributing certain food packaging intended for direct food contact in the State; etc. Effective Jul. 1, 2022.

https://mgaleg.maryland.gov/2022RS/chapters_noln/Ch_138_hb0275E.pdf

Maryland HB 649 (SB492) This act establishes inspection and reporting requirements for certain permit holders; requiring the Department of the Environment to maintain on its website a list of certain noncompliant permit holders and provide certain Senators and Delegates with a link to the list by monthly e-mail. It also establishes administrative penalties for certain permit holders determined to be in significant noncompliance of certain State or federal water quality standards, effluent limitations, or other requirements. Effective Jul. 1, 2022.

https://mgaleg.maryland.gov/2022RS/chapters_noln/Ch_22_hb0649E.pdf

Maryland HB 1200 (SB818) This act requires a person applying for a certain permit from the Department of the Environment to include in the application the EJ Score from the Maryland EJ tool for the census tract where the applicant is seeking the permit. It also requires the Department, on receiving a certain permit application, to review the EJ Score for the census tract where the applicant is seeking a permit using the Maryland EJ tool to verify the applicant's information. Effective Oct. 1, 2022.

https://mgaleg.maryland.gov/2022RS/chapters_noln/Ch_588_hb1200T.pdf

Maryland SB 528 This act requires the state to reduce statewide greenhouse gas emissions by altering statewide greenhouse gas emissions goals, establishing of a net-zero statewide greenhouse gas emissions goal, developing certain energy efficiency and emissions reduction requirements for certain buildings, requiring electric companies to increase their annual incremental gross energy savings, establishing certain zero-emission vehicle requirements for the State fleet, and establishing an electric school bus pilot program. Effective Jun. 1, 2022.

https://mgaleg.maryland.gov/2022RS/chapters_noln/Ch_38_sb0528E.pdf

FINAL REGULATION

Maryland Oil Pollution Control and Storage Tank Management The Department of Environment has adopted rulemaking to repeal and replace the existing chapters in COMAR 26.10 and add two new chapters to comprehensively modernize the state's oil pollution control and storage tank management regulations. Effective Jun. 13, 2022.

https://mde.maryland.gov/programs/land/OilControl/Documents/Compliance_Guide_for_COMAR26.10_Oil_Pollution_Control_and_Storage_Tank_Mgmt_%20Regs_June%202022_19pgs.pdf

OTHER ACTIONS AND OPPORTUNITIES

Maryland Public Water System (PWS) Study for PFAS in State Drinking Water Sources – Phase 2 The Department of the Environment has issued a report containing the results of the second phase of the agency's sampling of public drinking water systems for a class of chemical compounds known as PFAS.

https://mde.maryland.gov/PublicHealth/Documents/Phase2Report_Apr2022_Final.pdf



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

PROPOSED LEGISLATION

Pennsylvania HB 2567 This act would update and expand the storm water planning requirements to be undertaken by counties; authorize counties to regulate storm water within a watershed-based planning area; authorize the formation of water resources management authorities; enable counties, municipalities and water resources management authorities to develop integrated water resources management plans; impose duties and conferring powers on the Department of Environmental Protection, the Environmental Quality Board, counties, municipalities and water resources management authorities; provide for financing and for waiver of use for certain grant or loan funds; and making related repeals.

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=H&billTyp=B&billNbr=2567&pn=3081>

OTHER ACTIONS AND OPPORTUNITIES

Pennsylvania Erosion and Sediment Control Permit Fees The Department of Environmental Protection has issued a report regarding the Regulatory Fee Report: Erosion and Sediment Control Program.

https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2022/July%2012,%202022/02_Chapter%20102%20Fee%20Report_FINAL.pdf

Pennsylvania Extension of National Pollutant Discharge Elimination System General Permit for Discharges from Small Flow Treatment Facilities (PAG-04) The Department of Environmental Protection has issued notice of a 12-month extension of the availability of the current National Pollutant Discharge Elimination System General Permit for Discharges from Small Flow Treatment Facilities (PAG-04).

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol52/52-19/664.html>



Note: The Virginia General Assembly convened on Jan. 12, 2022 and adjourned on Mar. 12, 2022. Special Session 1 convened on Apr. 4, 2022 and will adjourn on Sept. 30, 2022.

FINAL LEGISLATION

Virginia HB 919 This act provides that the regulations that the Board of Health is required to adopt under current law establishing maximum contaminant levels (MCLs) in all water supplies and waterworks in the Commonwealth for perfluorooctanoic acid, perfluorooctane sulfonate, and such other PFAS as the Board deems necessary; chromium-6; and 1,4-dioxane. Effective Jul. 1, 2022. <http://leg1.state.va.us/cgi-bin/legp504.exe?221+ful+HB919ER+hil>

Virginia HB 1204 This act prohibits American Electric Power or Dominion Energy Virginia from being required to procure and retire renewable energy certificates to comply with a renewable energy portfolio standard program (RPS Program) prior to Jan. 1, 2025 and (ii) to procure and retire renewable energy certificates to comply with an RPS Program at any time from an eligible generating source with a capacity of one megawatt or lower. This act also removes the authority of the State Air Pollution Control Board to issue, deny, renew, amend, or extend a minor new source review air permit. The bill provides that the Executive Director of the Department of Environmental Quality has such authority to issue, deny, renew, amend, or extend a minor new source review air permit. The bill provides that any other rules or regulations governing such permitting process shall continue to apply. Effective Jul. 1, 2022. <http://leg1.state.va.us/cgi-bin/legp504.exe?221+ful+HB1204ER+hil>

Virginia SB 315 This act establishes the Virginia Military Community Infrastructure Grant Fund to support military communities in the Commonwealth by awarding grants to aid the planning and design, construction, or completion of infrastructure projects that enhance military readiness, installation resiliency, or quality of life for fence line communities. The bill directs the Secretary of Veterans and Defense Affairs to develop guidance and criteria to be used in awarding grants from the Fund and an annual grant application that sets out certain requirements for a grantee. Effective Jul. 1, 2022. <http://leg1.state.va.us/cgi-bin/legp504.exe?221+ful+SB315ER+hil>

Virginia SB 657 This act limits the authority of the Air Pollution Control Board and the State Water Control Board to issuance of regulations and transfers the Boards' existing authority to issue permits and orders to the Department of Environmental Quality. Effective Jul. 1, 2022. <http://leg1.state.va.us/cgi-bin/legp504.exe?221+ful+SB657ER+hil>

PROPOSED LEGISLATION

Virginia HB 516 This act would implement recommendations from the first Virginia Coastal Resilience Master Plan. The bill provides guidelines for the development of a Virginia Flood Protection Master Plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by Dec. 31, 2022, and every five years thereafter. The bill establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents. The bill also requires that the Chief Resilience Officer report every two years, beginning Jul. 1, 2023, on the status of flood resilience in the Commonwealth.

<http://leg1.state.va.us/cgi-bin/legp504.exe?221+ful+HB516ER+hil>

Virginia HB 517 This act would clarify the designation and role of the Chief Resilience Officer by moving the position from under the responsibility of the Secretary of Public Safety and Homeland Security to the Secretary of Natural and Historic Resources and adding provisions related to the role of the Chief Resilience Officer in creating and overseeing the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan.

<http://leg1.state.va.us/cgi-bin/legp504.exe?221+ful+HB517ER2+hil>

FINAL REGULATION

Virginia Certification of Noncommercial Environmental Laboratories The Department of General Services has amended 1VAC30-45, Certification of Noncommercial Environmental Laboratories and 1VAC30-46, Accreditation for Commercial Environmental Laboratories. 1VAC30-46 sets out the requirements to accredit commercial laboratories that analyze environmental samples used to determine compliance with State Water Control Law, Virginia Waste Management Act, and Virginia Pollution Control Law. 1VAC30-46 uses the National Environmental Laboratory Accreditation Conference (NELAC) Institute (TNI) standards for this accreditation. Effective Apr. 1, 2022.

<http://register.dls.virginia.gov/details.aspx?id=10099>

PROPOSED REGULATION

Virginia 2024 Amendment and Reissuance of the VPDES Industrial Stormwater General Permit Regulation The State Water Control Board has proposed rulemaking to amend and reissue the Virginia Pollutant Discharge Elimination System (VPDES) general permit regulation for discharges of stormwater from industrial activity.

<http://register.dls.virginia.gov/details.aspx?id=10195>

Virginia Existing Stationary Sources The Department of Environmental Quality has initiated rulemaking regarding a periodic review of regulations for existing stationary sources.

<https://townhall.virginia.gov/L/viewpreview.cfm?PRID=2127>

Virginia Regulations for Asbestos Emissions Standards for Demolition and Renovation Construction Activities and the Disposal of Asbestos-Containing Construction Wastes The Safety and Health Codes Board has initiated rulemaking to review current regulations to determine whether this regulation should be repealed, amended, or retained in its current form. <https://townhall.virginia.gov/L/ViewChapter.cfm?chapterid=2176>

OTHER ACTIONS AND OPPORTUNITIES

Virginia 2022 Water Quality Assessment Integrated Report The Department of Environmental Quality issued notice of an opportunity to comment regarding the 2022 Water Quality Assessment Integrated Report.

<https://www.deq.virginia.gov/water/water-quality/assessments/integrated-report>

Virginia New and Modified Stationary Sources Periodic Review The Department of Environmental Quality issued notice of an opportunity to comment regarding the periodic review of new and modified stationary sources regulation. <https://townhall.virginia.gov/L/viewpreview.cfm?PRID=2170>

Virginia Revision to the State Implementation Plan: Proposed Second Maintenance Plan for the Hampton Roads 1997 Ozone National Ambient Air Quality Standard Maintenance Area The Department of Environmental Quality (DEQ) is seeking comments and announcing a public comment period on a proposed second maintenance plan for the Hampton Roads 1997 ozone National Ambient Air Quality Standard (NAAQS) Maintenance Area. <http://register.dls.virginia.gov/issue.aspx?voliss=38:22&type=8>

Virginia Virginia's Nonpoint Source Implementation Best Management Practice Guidelines The Department of Environmental Quality has issued guidance clarifying language regarding conditionally eligible watersheds, changes in property ownership, and best management practices. Additional language reflecting changes or clarifications in program contacts, data flow, and reporting are included. https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs_Proposed\440\GDoc_DEQ_6157_20220502.pdf



Note: The West Virginia Legislature convened on Jan. 12, 2022 and adjourned on Mar. 12, 2022.

FINAL REGULATION

West Virginia Ambient Air Quality Standards The Air Quality Board has adopted rulemaking regarding ambient air quality standards for carbon dioxide. Effective Apr. 1, 2022. <https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=55147&Format=PDF>

West Virginia Control of Air Pollution from Combustion of Solid Waste The Air Quality Board has adopted rulemaking to implement by reference federal emission guidelines and compliance times. Effective Apr. 1, 2022. <https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=55149&Format=PDF>

West Virginia Emission Standards for Hazardous Air Pollutants The Air Quality Board has adopted rulemaking to incorporate by reference federal emission standards for hazardous air pollutants. Effective Apr. 1, 2022. <https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=55150&Format=PDF>

West Virginia Standards of Performance for New Stationary Sources The Air Quality Board has adopted rulemaking to incorporate by reference federal standards of performance for new stationary sources. Effective Apr. 1, 2022. <https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=55148&Format=PDF>

PROPOSED REGULATION

West Virginia Air Quality Management Fee Program The Department of Environmental Protection has proposed rulemaking that establishes a program to collect fees for certificates to operate and for permits to construct, modify or relocate sources of statutory air pollution. <https://dep.wv.gov/daq/publicnoticeandcomment/Documents/2023-Proposed-DAQ-Legislative-Rules/45CSR22%20-Proposed%20Rule.pdf>

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. 13, 2021 and adjourned on Jul. 26, 2022.

FINAL LEGISLATION

North Carolina HB 219 This act makes various changes to the environmental laws of the state. Signed Jul. 7, 2022.
<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H219v5.HTML>

PROPOSED LEGISLATION

North Carolina HB 1095 This act pertains to PFAS pollution and polluter liability.
<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H1095v1.HTML>

FINAL REGULATION

North Carolina Lead and Asbestos Inspection, Testing, Abatement and Remediation in North Carolina Public Schools and Licensed Child Care Facilities The Commission for Public Health has adopted temporary rules to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. Temporary Adoption Effective Apr. 29, 2022.

https://files.nc.gov/oah/documents/2022-05/Volume-36-Issue-22-May-16-2022.pdf?VersionId=J.bk4yJYeUgZeh_XSMC01zCHUOWojj0F

PROPOSED REGULATION

North Carolina Regulation of Surface Water Transfers The Department of Environmental Quality has proposed rulemaking to add definitions, statements of purpose, and clarifying language on needed environmental documentation, the settlement/mediation process, and items needed for final determinations.

<https://files.nc.gov/oah/documents/2022-05/Volume-36-Issue-20-April-18-2022.pdf?VersionId=sDf9CCH4VBiUQhjhmcWSLYuGAI9Eq1J>

OTHER ACTIONS AND OPPORTUNITIES

North Carolina DEQ Accepting Public Comment on Updated Public Participation Plan The Department of Environmental Quality invited public comment on a 2022 update to the DEQ Public Participation Plan. The Public Participation Plan includes best practices for community engagement, enhanced outreach methods and additional community resources.

<https://deq.nc.gov/news/press-releases/2022/06/01/deq-accepting-public-comment-updated-public-participation-plan>



KENTUCKY

Note: The Kentucky Legislature convened on Jan. 4, 2022 and adjourned on Apr. 14, 2022.

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.



ILLINOIS

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

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



INDIANA

Note: The Indiana General Assembly convened on Jan. 4, 2022 and adjourned on Mar. 8, 2022.

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



MICHIGAN

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

PROPOSED LEGISLATION

Michigan HB 6115 This act would modify the cleanup criteria for hazardous substances.

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/htm/2022-HIB-6115.htm>

Michigan HB 6314 This act would prohibit the treatment or storage of technologically enhanced naturally occurring radioactive material (TENORM) at hazardous waste facilities.

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/htm/2022-HIB-6314.htm>



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

PROPOSED REGULATION

Ohio Harmful Algal Blooms The Environmental Protection Agency has proposed rulemaking regarding harmful algal bloom monitoring, reporting, analysis, and public notification for public water systems.

<https://epa.ohio.gov/static/Portals/28/documents/rules/proposed/3745-90-01.pdf>

Ohio Operational Requirements The Division of Drinking and Ground Waters has proposed rulemaking to propose revisions to Operational Requirements including adding language to clarify pressure requirements; clarify operational monitoring requirements; update language for using orthophosphate and adjusting pH; add requirements for monitoring silt density; to require oxidation residual monitoring; to define split sample, stabilization, and representative distribution samples; and to update all external references for relevance and consistency.

<https://epa.ohio.gov/static/Portals/28/documents/rules/proposed/3745-81-01.pdf>

Ohio Water Well Standards The Environmental Protection Agency has proposed rulemaking regarding well cap construction/specification for public water system wells, well disinfection, and analyses of six PFAS chemicals within wells by community water systems and non-community, non-transient water systems, among other revisions.

<https://epa.ohio.gov/static/Portals/28/documents/rules/proposed/3745-9-01.pdf>



Note: The Wisconsin Legislature convened on Jan. 4, 2021 and will adjourn on Jan. 2, 2023.

OTHER ACTIONS AND OPPORTUNITIES

Wisconsin Guidance for Management of Contaminated Soil and Other Solid Wastes The Department of Natural Resources has issued guidance for use when excavating contaminated soil and other solid waste that may not warrant disposal at an operating, licensed landfill. <https://dnr.wi.gov/DocLink/RR/RR060.pdf>

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