



# REC Update



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March 2016



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## SPOTLIGHT



### Norfolk Naval Sailing Center and Marina *Virginia Green Attraction*

The Norfolk Naval Sailing Center and Marina received recognition on 8 FEB 16 by the Virginia Department of Environmental Quality (DEQ) as a Virginia Green Attraction. Virginia Green is run through a partnership among the DEQ, the Virginia Tourism Corporation (VTC), and the Virginia Hospitality and Travel Association (VHTA). The program seeks to reduce the environmental impacts of the tourism industry and raise environmental awareness. Norfolk Naval Sailing Center and Marina, one of three recognized Green Attraction marinas in the state, is also a designated Virginia Clean Marina partner. The facility recognizes their operations have a direct impact on the marine environment of the lower Chesapeake Bay. Having policies in place that not only help prevent pollution but also raise awareness regarding local ecological issues with their staff and patrons, they aim to make the connection of a healthy environment to a healthy business. Congratulations Norfolk Naval Sailing Center and Marina, your continued dedication to minimize impacts to the environment and increase awareness is an example of Navy's environmental stewardship at its best. See the rest of the story [here](#).

### Homeport Ashore Housing - Willis Manor

The Navy has been rolling out their Homeport Ashore initiative to resolve what is considered a strategic issue – the quality of life of its sailors. One recent project in support of the Homeport Ashore initiative is Willis Manor Bachelor Quarters (BQ), named for the WWII Medal of Honor winner, which was built on Naval Station Norfolk. The Willis Manor BQ is certified by the U.S. Green Building Council as LEED (Leadership in Energy and Environmental Design) Silver. Through the use of Best Management Practices (BMP's) and Low Impact Design components, the requirements of Virginia Stormwater Management Program, LEED, and Energy Independence and Security Act Section 438 were achieved through infiltration, filtration, storage, evaporation, and runoff detention. Read more about the sustainable design features [here](#).



## GENERAL INTEREST

### **EPA Announces National Enforcement Initiatives for Coming Years**

The U.S. Environmental Protection Agency (EPA) has announced its seven [National Enforcement Initiatives](#) for fiscal years 2017-2019, which focus on national pollution challenges where EPA's enforcement efforts will protect public health. For the next cycle starting on 1 OCT 16, EPA will retain four of its current National Enforcement Initiatives, add two new initiatives, and expand one to include a new area of focus. The fiscal year 2017-2019 National Enforcement Initiatives are:

1. Keeping Industrial Pollutants Out of the Nation's Waters (new initiative)
2. Reducing Risks of Accidental Releases at Industrial and Chemical Facilities (new initiative)
3. Cutting Hazardous Air Pollutants (expanded initiative)
4. Reducing Air Pollution from the Largest Sources
5. Ensuring Energy Extraction Activities Comply with Environmental Laws
6. Keeping Raw Sewage and Contaminated Stormwater Out of the Nation's Waters
7. Preventing Animal Waste from Contaminating Surface and Ground Water.

EPA is expanding its initiative focused on reducing toxic air pollution by adding large storage tanks and hazardous waste facilities to its work to address public health threats.

### **FY17 DoD Legacy Resource Management Program Request for Pre-Proposals; N**

The Deputy Assistant Secretary of Defense has posted a [request for Pre-proposals](#) for Fiscal Year 2017 Legacy Program Funding for multi-Service, national, and regional natural and cultural resources projects, including those that enable on-base mission activities by moving at least some of the conservation burden to off-installation locations. Proposals must be submitted via the DoD Legacy Tracker website [www.dodlegacy.org](http://www.dodlegacy.org), and coordinated with appropriate installation and headquarters personnel. Pre-proposals must be submitted via the DoD Legacy Tracker no later than 4 APR 16. Full proposals would be requested by the end of JUN, and due 1 AUG 16. The DoD Legacy Resource Management Program (Legacy Program) provides funding to high priority conservation projects that foster mission sustainment while promoting long-term stewardship.

### **EPA 'Must for USTs'**

Updated to reflect the 2015 revisions to the Underground Storage Tank (UST) regulations, this 36-page [booklet](#) summarizes federal UST requirements for installation, reporting, spill and overflow prevention, corrosion protection, release detection, walkthrough inspections, compatibility, operator training, repairs, financial responsibility, release response, and closure.

### **EPA Releases Scientific Report Showing U.S. Coastal Waters a Mix of Good and Fair Health**

The U.S. Environmental Protection Agency (EPA) has released the [2010 National Coastal Condition Assessment](#) showing that more than half of the nation's coastal and Great Lakes nearshore waters are rated good for biological and sediment quality, while about one-third are rated good for water quality. In almost all coastal waters, however, contaminants in fish tissue pose a threat to sensitive predator fish, birds, and wildlife. The National Coastal Condition Assessment is part of a series of National Aquatic Resource Surveys (NARS) designed to advance the science of coastal monitoring and answer critical questions about the condition of waters in the United States.

**Understanding Climate Change Impacts on Water Resources**

EPA has released a new [online training module](#), "Understanding Climate Change Impacts on Water Resources." This training module is intended to increase water resource professionals' understanding of the causes of climate change, its potential impacts on water resources, and the challenges that water resource professionals face. The module also describes how federal, state, tribal, and local governments and communities are working to make the United States more resilient to the impacts of climate. The 45-minute training is part of the EPA Watershed Academy Web certificate program.

**DoD REC 1 and 3 –NAVFAC MIDLANT Decision on EPA Demand Response Engine Reporting**

The National Emission Standard for Hazardous Air Pollutants for Internal Combustion Engines, 40 CFR 63 Subpart ZZZZ, institutes specific air pollution control, monitoring, and reporting requirements for non-emergency engines. Emergency engine requirements are much less stringent. EPA emergency engine definition allows up to 15 hours of demand response operation. Any demand response operation above 15 hours annually, or contractual obligation for same, results in classification as a non-emergency engine with reporting requirements to EPA by 31 March annually. REC, UEM, and Counsel have determined that NAVFAC MIDLANT is not contractually obligated to operate demand response engines. UEM will not operate demand response engines in excess of 15 hours annually. Therefore, NAVFAC MIDLANT demand response engines meet EPA definition of emergency engines and the 31 Mar report is not required. For more information, contact 757-341-0387.

## 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.***

### AIR

**Greenhouse Gas Reporting Rule: Leak Detection Methodology Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems – Proposed Rule**

The EPA is proposing [revisions](#) and confidentiality determinations for the petroleum and natural gas systems source category of the Greenhouse Gas Reporting Program (GHGRP). In particular, the EPA is proposing to add new monitoring methods for detecting leaks from oil and gas equipment in the petroleum and natural gas systems source category consistent with the leak detection methods in the recently proposed new source performance standards (NSPS) for the oil and gas industry. The EPA is also proposing to add emission factors for leaking equipment to be used in conjunction with these monitoring methods to calculate and report greenhouse gas (GHG) emissions resulting from equipment leaks. Further, the EPA is proposing reporting requirements and confidentiality determinations for nine new or substantially revised data elements. Additional information is available [here](#).

**Energy Sovereignty Act – Proposed Rule**

[H.R. 4544](#) is a bill introduced to the House of Representative on 11 FEB 16. The intent is to repeal section 115 of the Clean Air Act, titled "International Air Pollution."

## WASTE

### **Additions to List of Categorical Non-Waste Fuels – Final Rule**

EPA is adding three materials to the [list of categorical non-waste fuels](#): (1) Construction and demolition (C&D) wood processed from C&D debris according to best management practices, (2) paper recycling residuals generated from the recycling of recovered paper, paperboard and corrugated containers and combusted by paper recycling mills whose boilers are designed to burn solid fuels; and (3) creosote treated railroad ties that are processed and then combusted in the following types of units: units designed to burn both biomass and fuel oil as part of normal operations and not solely as part of start-up or shut-down operations, and units at major source pulp and paper mills or power producers subject to 40 CFR part 63, subpart DDDDD that combust CTRT and had been designed to burn biomass and fuel oil, but are modified (e.g. oil delivery mechanisms are removed) in order to use natural gas instead of fuel oil, as part of normal operations and not solely as part of start-up or shut-down operations.

### **Lead-Based Paint Programs; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements – Final Rule**

EPA is finalizing [revisions](#) to the RRP rule, and the LBP Activities rule. The revisions clarify language for training providers. First, EPA is modifying the requirement that the renovator refresher training for individuals have a hands-on component. Second, the Agency is removing jurisdiction-specific certification and accreditation requirements under the LBP Activities program in States where EPA administers the program. Third, EPA is adding clarifying language to the requirements for training providers under both the RRP and LBP Activities programs.

## WATER

### **DRBC One process/One Permit Program – Final Rule**

The Delaware River Basin Commission ("DRBC") has adopted amendments to its regulations to provide for the [One Process/One Permit Program](#). The Program is intended to promote interagency cooperation and collaboration on shared mission objectives, achieve regulatory program efficiencies, avoid unnecessary duplication of effort, and reduce the potential for confusion on the part of regulated entities and the public regarding regulatory requirements applicable to projects. The rule became effective 4 MAR 16.

### **Improving Notification for Clean and Safe Drinking Water Act of 2016 – Proposed Rules**

[S. 2466](#) and [H.R. 4414](#) are bills to amend the Safe Water Drinking Act to authorize the Administrator of the Environmental Protection Agency to notify the public if a State agency and public water system are not taking action to address a public health risk associated with drinking water requirements. They were introduced in the Senate on 27 JAN 16 and in the House on 1 FEB 16.

### **A Safe Drinking Water Act Improved Compliance Awareness Act – Proposed Rule**

[H.R. 4470](#) is a bill to amend the Safe Water Drinking Act with respect to the requirements related to lead in drinking water, and for other purposes. It was introduced in the House of Representatives on 4 FEB 16 and was referred to the Committee on Energy and Commerce.

## NATURAL RESOURCES

### **Eagle (take) Permits; Removal of Regulations Extending Maximum Permit Duration – Final Rule**

In response to a court decision, the Fish and Wildlife Service is removing regulatory provisions that had extended maximum programmatic permit duration (for permits for non-purposeful take of eagles) to 30 years and reinstating the previous 5-year limit. On 9 DEC 13, the Service published a rule to extend the maximum tenure for programmatic permits for nonpurposeful take of eagles from 5 to 30 years (78 FR 73704). The change was intended to promote the responsible development of projects, including wind-energy facilities, that will be in operation for many decades. In 2014, a lawsuit was filed challenging the 2013 rule on the basis that the Service improperly excluded analysis of any environmental effects of the rule under NEPA, by invoking one of the Department's categorical exclusions. In response to a court decision, [this rule](#) removes only the provisions related to increasing permit tenure and not the other provisions of the 9 DEC 13, final rule. This action became effective 17 FEB 16.

### **Albatross and Petrel Conservation Act – Proposed Rule**

[H.R. 4480](#) is a bill to authorize the Secretary, in consultation with the Secretary of Commerce, as appropriate, to carry out activities to reestablish covered albatrosses and petrels within the range and to carry out activities to prevent the introduction of, eradicate, or control invasive and nonnative species that have or may have an adverse effect on covered albatrosses and petrels. The bill was introduced in the House of Representatives on 4 FEB 16 and referred to the Committee on Natural Resources and the Committee on Foreign Affairs.

## SPCC

### **National Oil and Hazardous Substances Pollution Contingency Plan – Proposed Rule**

EPA proposed [revisions to the National Oil and Hazardous Substances Pollution Contingency Plan](#) to align it with the Department of Homeland Security's National Response Framework and National Incident Management System. The revisions also update the descriptions of federal agency organizational structures and capabilities and how they operate, and recognize the establishment of the Department of Homeland Security.

EPA stated that:

1. The DoD has responsibility to take all action necessary with respect to releases where either the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of DoD. In the event of releases that are unrelated to DoD, DoD may, consistent with its operational requirements and upon request of the OSC, provide appropriate support to other federal agencies. In such event, the following components of DoD may have particular relevance or expertise:
2. U.S. Navy Supervisor of Salvage (SUPSALV) is the DoD component most knowledgeable and experienced in ship salvage, harbor clearance, towing, oil and hazardous spill response, underwater ship repair, and diving. The U.S. Navy has an extensive array of specialized equipment and personnel available for use in these areas as well as specialized containment, collection, and removal equipment specifically designed for salvage-related and open-sea pollution incidents. In addition to the capabilities provided by SUPSALV, DoD may also, consistent with operational commitments, provide locally deployed Navy oil spill response equipment and operating personnel.

Comments are due by 25 MAR 16.

## OTHER

### Draft Pesticide General Permit for Point Source Discharges

EPA released for comment the [draft 2016 National Pollutant Discharge Elimination System \(NPDES\) pesticide general permit \(PGP\)](#). The draft 2016 PGP covers point source discharges from the application of pesticides to waters of the United States. Once finalized, the draft 2016 PGP will replace the existing permit that will expire at midnight on 1 OCT 16. The draft 2016 PGP has the same conditions and requirements as the 2011 PGP and would authorize certain point source discharges from the application of pesticides to waters of the United States - in particular the use patterns of:

- Mosquito and Other Flying Insect Pest Control
- Weed and Algae Pest Control ... in water and at water's edge, including ditches and/or canals,
- Animal Pest Control ... in water and at water's edge. Pests in this use category include fish, lampreys, insects, mollusks, and pathogens,
- Forest Canopy Pest Control ... where a portion of the pesticide unavoidably will be applied over and deposited to water.

EPA proposed to issue this permit for five (5) years in all areas of the country where EPA is the NPDES permitting authority. EPA solicited comment on all aspects of the draft 2016 PGP. Comments are due by 11 MAR 16.

## REGION 1



### CONNECTICUT

**Note: The Connecticut General Assembly convened on 3 FEB 16 and adjourns on 4 MAY 16.**

#### Proposed Legislation

On 18 FEB 16, the Environmental Committee introduced [CT HB 5318](#), which would prohibit commercial buses and trucks from idling for longer than three minutes unless certain circumstances exist and to enable law enforcement officials to enforce such prohibition.

On 18 FEB 16, the Public Health Committee introduced [CT HB 5350](#), which would implement the Department of Public Health's recommendations concerning fluoridation of drinking water.

On 18 FEB 16, the Veterans' Affairs Committee introduced [CT HB 5358](#), which is an act concerning the leasing of military facilities. Its purpose is to (1) require a certificate of insurance or self-insurance prior to the approval of any lease or use of any military facility, (2) permit the Adjutant General to allow the lease or use of any military facility at cost of operation, and (3) provide that proceeds generated from leases of certain military facilities be deposited into the Governor's Guards horse account.

On 25 FEB 16, the General Law Committee introduced [CT HB 5429](#), which is an act concerning pharmacies and collection and disposal of unwanted medication. Its purpose is to establish a voluntary program for the collection and disposal of unused pharmaceuticals by pharmacies.

On 10 FEB 16, the Environmental Committee introduced [CT SB 78](#), which is an act concerning the disposition of dredged materials from certain harbors and ports on long island sound. Its purpose is to establish a preference for not disposing of harbor and port dredged materials through open water placement and to have benthic surveys and studies inform the decision of how to dispose of such dredged materials.

On 24 FEB 16, the Environmental Committee introduced [CT SB 226](#), which is an act concerning single-use carryout bags. Its purpose is to require a phased-in transition to one hundred per cent recyclable single-use carryout bags that contain not less than eighty per cent post-consumer recycled materials and to require the Department of Energy and Environmental Protection to enter into a memorandum of understanding with the grocery and retail industries that provides for a fifty per cent reduction in the distribution of paper bags and plastic single-use carryout bags by 2021.

On 24 FEB 16, the Environmental Committee introduced [CT SB 231](#), which is an act concerning pollinator health. Its purpose is to implement state and private actions that are aimed at protecting pollinator populations through restrictions on the use of neonicotinoids and the increase and preservation of pollinator habitats.

On 25 FEB 16, the Commerce Committee introduced [CT SB 301](#), which is an act modifying the thresholds for mandatory reporting of environmental spills. Its purpose is to modify the standard for the reporting to the Commissioner of Energy and Environmental Protection of an environmental spill and to require the commissioner to adopt regulations defining the thresholds for spills that require reporting.

On 25 FEB 16, the General Law Committee introduced [CT SB 312](#), which is an act requiring the department of energy and environmental protection to study bottle bill beverage container refund values and redemption fees. Its purpose is to require the Commissioner of Energy and Environmental Protection to study the repeal of the refundable bottle bill deposit and the implementation of a nonrefundable four-cent recycling fee, to be used to promote recycling and anti-littering programs in the state.

### **Rules**

No new environmental regulations of significant importance to DoD were identified during this reporting period.



**MAINE**

**Note: The Maine General Assembly convened on 3 DEC 14 and adjourns on 16 JUN 16.**

### **Proposed Legislation**

On 28 JAN 16, Senator Thomas B. Saviello introduced [ME LD 1578](#), which is an act to update Maine's Solid Waste Management Laws.

**Final Rules**

[Administrative Rules USTs](#) - The Board of Underground Storage Tank Installers has adopted revisions to Ch. 1 which reflect a change to the name of the fund that fees are paid into and changes the statutory citation to the fund; both changes are a result of LD 1303 (PL 2015, ch. 319). The rule passed and became effective 21 FEB 16.

**MASSACHUSETTS**

**Note: The Massachusetts General Court convened 7 JAN 15 and adjourns 4 JAN 17.**

**Legislation**

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

**Rules**

No new environmental regulations of significant importance to DoD were identified during this reporting period.

**NEW HAMPSHIRE**

**Note: The NH General Court convened on 6 JAN 16 and adjourns on 30 JUN 16.**

**Proposed Legislation**

On 10 FEB 16, Representative James McConnell introduced [NH HB 1147](#), which would require the commissioner of the department of resources and economic development to make an annual report on federal landholdings within the state and establishes a moratorium on federal land acquisitions.

On 10 FEB 16, Representative Carol McGuire introduced [NH HB 1243](#), which would modify the penalties for violations of municipal ordinances and bylaws concerning sewage or stormwater.

On 11 FEB 16, Representative Jonathan Manley introduced [NH HB 1440](#), which would exempt certain solid waste operators from the certification requirement.

**Final Rules**

[Groundwater Discharge Permits and Registrations](#) - The Department of Environmental Services has adopted rulemaking to readopt with amendments existing rules, Env-Wq 402, which establish standards, criteria, and procedures for groundwater discharge permits, groundwater discharge registrations, and holding tank registrations to prevent pollution and protect groundwater. The focus is to eliminate instances where groundwater is contaminated by the improper disposal of waste and wastewater containing solvents, petroleum products, and other industrial and commercial wastes. The rule passed and became effective 1 MAR 16.



## RHODE ISLAND

**Note: The RI General Assembly convened on 5 JAN 16 and adjourns on 30 JUN 16.**

### Proposed Legislation

On 10 FEB 16, Representative Stephen R. Ucci introduced [RI HB 7511](#), which would grant exclusive authority to the state of Rhode Island to regulate unpiloted aerial vehicles, remotely piloted aircraft, drones, and unmanned aircraft systems.

On 12 FEB 16, Representative Joseph M. McNamara introduced [RI HB 7619](#), which would provide that protections related to the disposal of extremely hazardous wastes generated by the use of toxic, carcinogenic, mutagenic, or teratogenic chemotherapy drugs be implemented by pharmacists, physicians, health care providers, and insurers in the state of Rhode Island.

On 12 FEB 16, Representative Arthur Handy introduced [RI HB 7642](#), which would prohibit the use of containers, or food packaged in containers, that contain bisphenol a.

On 24 FEB 16, Representative Robert Lancia introduced [RI HB 7724](#), which would repeal the imposition of the tax on hard-To-Dispose material.

### Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



## VERMONT

**Note: The Vermont General Assembly convened on 7 JAN 15 and adjourns on 9 MAY 16.**

### Legislation

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

### Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.

## REGION 2



### NEW JERSEY

**The New Jersey Legislature convened 12 JAN 16 and adjourns 9 JAN 18.**

#### **Proposed Legislation**

On 27 JAN 16, Assemblyman Jack Ciattarelli introduced [NJ AB 261](#), which would prohibit installation and sale of wheel weights containing lead or mercury and prohibit sale of new motor vehicles equipped with wheel weights containing lead or mercury.

On 27 JAN 16, Assemblywoman L. Grace Spencer introduced [NJ AB 1354](#), which would 1) authorize creation of stormwater utilities for certain local government entities, 2) authorize a county, county utilities authority, municipality, or municipal utilities authority that holds a combined sewer systems general permit or any other permit required pursuant to the Water Pollution Control Act to regulate combined sewer overflows, to establish, provide and maintain a stormwater utility for the purpose of creating a stormwater management system to manage stormwater runoff, 3) authorize those entities to finance the creation, operation, and maintenance of the stormwater utility system through the imposition of user fees, and 4) require the Department of Environmental Protection (DEP) to create a stormwater utility guidance manual to provide guidance to counties, municipalities and authorities seeking to establish stormwater management systems.

On 27 JAN 16, Assemblywoman L. Grace Spencer introduced [NJ AB 1360](#), which would clarify that certain types of sewage and sewage sludge expelled from a public sewer system or public sewage treatment plant are not hazardous substances for purposes of "Spill Compensation and Control Act."

On 27 JAN 16, Assemblyman John F. McKeon introduced [NJ AB 1509](#), which clarifies that domestic, commercial, or industrial wastewater, sewage, or sewage sludge expelled or released from a public sewer system or a public sewage treatment plant does not constitute a hazardous substance under the 'Spill Compensation and Control Act.'

On 27 JAN 16, Assemblyman Ronald S. Dancer introduced [NJ AB 1696](#), which would establish a process for certifying individuals, and for allowing landowners and lessees, to conduct prescribed burns of forested and other undeveloped lands, to prevent uncontrolled and damaging wildfires, and to accomplish various land management objectives.

On 27 JAN 16, Assemblyman John J. Burzichelli introduced [NJ AB 1777](#), which would prohibit the Department of Environmental Protection (DEP) from requiring external floating roof storage tanks to be equipped with domed roofs unless no alternative emissions reduction methods for emissions of volatile organic compounds can be established.

On 27 JAN 16, Assemblyman John J. Burzichelli introduced [NJ AB 1780](#), which would modify interest rates and accrual of interest on certain unpaid water and sewer utility bills and delinquent municipal taxes, assessments, and other municipal liens and charges.

On 27 JAN 16, Assemblyman John J. Burzichelli introduced [NJ AB 1784](#), which would establish approval process for proposed offshore wind energy projects and certain benefits to facilitate development of offshore wind energy.

On 27 JAN 16, Assemblywoman Eliana Pintor Marin introduced [NJ AB 1964](#), which would require the registration, inspection, testing, cleaning, and disinfection of cooling towers.

On 4 FEB 16, Assemblywoman Valerie Vainieri Huttie introduced [NJ AB 2325](#), which would remove monk parakeet from list of potentially dangerous species.

On 4 FEB 16, Assemblyman John F. McKeon introduced [NJ AB 2396](#), which would provide for the decrease and eventual ban on use of non-Compostable plastic grocery bags at retail stores. Specifically, by November 30, 2016, every operator of a retail store must restrict the use of non-Compostable plastic bags by 50% of the current volume and by December 31, 2018, all non-Compostable plastic bags would be banned from use in this State.

On 4 FEB 16, Assemblyman Timothy Eustace introduced [NJ AB 2417](#), which would require certain generators of solid waste to separate and recycle food waste, and amend the definition of 'Class I renewable energy.'

On 4 FEB 16, Assemblyman Wayne P. DeAngelo introduced [NJ AB 2518](#), which would facilitate coordination of land use planning between civilian and military interests to preserve viability of federal military installations within State. This bill would implement recommendations set forth in the New Jersey Military Installation Growth and Development Task Force Report concerning land use planning in order to minimize civilian encroachment upon military installations, protect against the closure of military installations and mission loss, and encourage the development of compatible uses of land nearby military installations.

On 8 FEB 16, Assemblywoman L. Grace Spencer introduced [NJ AB 2686](#), which would require large volume generators of food waste to send their waste for disposal to an approved recycling center, or recycle food waste using an alternative method, provided that within 35 road miles of the large food waste generator, there is an approved recycling center, or a facility that uses an alternative authorized recycling method, and the recycling center or facility agrees to accept the generator's food waste.

On 8 FEB 16, Assemblywoman L. Grace Spencer introduced [NJ AB 2687](#), which would remove anhydrous ammonia as a substance regulated by the 'Toxic Catastrophe Prevention Act' (TCPA). The bill would also exempt from State Department of Labor and Workforce Development licensing requirements, persons in charge of, or operators of, any refrigerating plant utilizing anhydrous ammonia.

On 16 FEB 16, Assemblyman Bob Andrzejczak and Senator Jeff Van Drew introduced [NJ AB 2949](#) and [NJ SB 1625](#), which would provide the protection afforded by The Endangered and Nongame Species Conservation Act to the diamondback terrapin. The bill designates the diamondback terrapin as a nongame indigenous species subject to the same laws, rules, and regulations governing other nongame indigenous reptiles in the State.

On 16 FEB 16, Assemblyman Patrick J. Diegnan introduced [NJ AB 2962](#), which would amend the Water Supply and Wastewater Operators' Licensing Act to permit professional engineers to take the water supply and wastewater treatment systems operator licensing examination without meeting additional experience or course requirements.

On 16 FEB 16, Assemblyman Ronald S. Dancer introduced [NJ AB 3039](#), which would require the Department of Environmental Protection to obtain legislative approval and authorization before increasing a fee or imposing a new fee, but retains DEP authority to use ordinary administrative procedure when decreasing a fee.

Assemblywoman Marlene Caride prefiled [NJ AB 3400](#), which would require training for pesticide applicators and operators concerning pollinating bees.

On 22 FEB 16, Assemblyman Ronald S. Dancer introduced [NJ AR 112](#), which is a resolution that expresses support for the retention of the Joint Base McGuire-Dix-Lakehurst and memorializes the U.S. Department of Defense (DoD) and Congress to keep the facility open.

On 4 FEB 16, Senator Kevin J. O'Toole introduced [NJ SB 923](#) (AB 1604), which would prohibit a State agency from filing with the Office of Administrative Law a notice of proposal or notice of adoption for any new rule that would exceed federal standards or requirements unless specifically authorized by State law.

On 8 FEB 16, Senator Ronald L. Rice introduced [NJ SB 1127](#), which would extend the current gross income tax deduction for property taxes to include water supply and sewerage charges for direct or indirect connection with, or for the use or services of, a water supply or sewerage system, to the extent that the connection, use or services pertain to the taxpayer's homestead.

On 11 FEB 16, Senator Anthony R. Bucco introduced [NJ SB 1369](#), which would prohibit a municipality from charging an annual fee for a permit or inspection related to implementation of a municipal storm water ordinance adopted in compliance with federal or State law, unless the annual fee is specifically required by federal or State law. However, nothing in the bill would prevent a municipality from charging a fee for a storm water permit or inspection due to a change in conditions or development at a site.

On 16 FEB 16, Senator M. Teresa Ruiz introduced [NJ SB 1466](#), which would require the registration, inspection, testing, cleaning, and disinfection of cooling towers.

On 16 FEB 16, Senator S. Gerald Cardinale introduced [NJ SB 1619](#), which would amend the provisions of the current stream cleaning law that allow a county or municipality, or a designated agency thereof, to undertake certain stream cleaning projects that include sediment removal.

### **Rules**

No new environmental regulations of significant importance to DoD were identified during this reporting period.



## NEW YORK

The New York State Legislature convened 7 JAN 15 and adjourns 4 JAN 17.

### Legislation

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

### Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.

## REGION 3



## DISTRICT OF COLUMBIA

**Note:** The Council of the District of Columbia convened 3 JAN 15 and adjourns 31 DEC 16.

### Legislation

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

### Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



## DELAWARE

**Note:** The Delaware General Assembly convened on 13 JAN 15 and adjourns on 30 JUN 16.

### Legislation

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

### Final Rules

[Solid Waste Management Plan](#) - The Solid Waste Authority (“DSWA”) has adopted amendments to the Statewide Solid Waste Management Plan (the “Plan”) which will address the purposes and impact of changes to DSWA regulations, proposed contemporaneously herewith, that will have the effect of requiring most solid waste generated in the State of Delaware to be delivered to a DSWA facility. The proposed amendments will also briefly update certain matters addressed in the Plan. The rule passed and will become effective 1 JUL 16.

[Underground Storage Tank Systems](#) - The Department of Natural Resources and Environmental Control has adopted revisions to 7 DE Admin. Code 1351 to clarify several issues concerning cleanup liability associated with releases from underground storage tanks resulting from the amendment of 7 Delaware Code Chapter 74, Delaware's Underground Storage Tank Act in October 2014. These changes clarify when the Department will require a responsible party to perform additional corrective actions following the Department issuing a No Further Action letter. Also, the changes establish an All Appropriate Inquiry Standard for residential properties that if completed would exempt a purchaser from liability associated with the cleanup of a release from an underground storage tank discovered after they purchased the property. The rule passed and will become effective 11 FEB 16.



## MARYLAND

**Note: The Maryland General Assembly convened on 13 JAN 16 and adjourns on 11 APR 16.**

### Proposed Legislation

On 8 FEB 16, Delegate Barbara A. Frush introduced [MD HB 862](#), which would establish the Maryland Redeemable Beverage Container Recycling Refund and Litter Reduction Program. The bill would require retail stores to assess a refundable fee for beverage containers.

On 11 FEB 16, Prince George's County Delegation introduced [MD HB 1130](#), which would authorize Prince George's County to impose, by law, a fee on certain retail establishments for use of disposable bags as part of a retail sale of products; limiting the amount of a certain fee; defining certain terms; and generally relating to the authority for Prince George's County to impose a fee for use of disposable bags.

On 11 FEB 16, Prince George's County Delegation introduced [MD HB 1137](#), which would authorize Prince George's County to enact a law that prohibits certain retail establishments from using disposable bags as part of a retail sale of products; defining certain terms; and generally relating to the authority for Prince George's County to prohibit the use of disposable bags.

On 12 FEB 16, Delegate Clarence Lam introduced [MD HB 1328](#), which would prohibit certain persons from using, allowing to be used, or selling certain lead or mercury wheel weights after certain dates.

On 22 FEB 16, Senator Adelaide C. Eckardt introduced [MD SB 1091](#), which would reduce certain application and license fees under the wetlands and waterways program.

### Final Rules

[Maryland Historical Trust African American Heritage Preservation Program](#) - The Department of Planning has adopted rulemaking to repeal existing regulations and adopt new regulations related to the Maryland Historical Trust African American Heritage Preservation Program. The rule passed and became effective 15 FEB 16.

**Proposed Rules/Other Regulatory Activity**

[Regulation of Invasive Plants](#) - The Department of Agriculture has proposed rulemaking to amend Regulation .02, repeal existing Regulation .04, and adopt new Regulations .04, .06, and .07 under COMAR 15.06.04 Regulation of Invasive Plants. The purpose of this action is to establish a list of tier 1 plants and tier 2 plants in accordance with the Department's risk assessment protocol; establish a procedure for the classification or the declassification of an invasive plant as a tier 1 invasive plant or a tier 2 invasive plant; phase in the implementation of the requirements of this chapter; establish a procedure for the disposal of tier 1 plants; designate signage requirements; and provide for the distribution of a list of tier 2 invasive plants to licensed nurseries, plant dealers, and plant brokers on an annual basis. Comment deadline is 7 MAR 16.

**PENNSYLVANIA**

**Note: The Pennsylvania General Assembly convened 6 JAN 15 and adjourns 30 NOV 16.**

**Legislation**

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

**Rules**

No new environmental regulations of significant importance to DoD were identified during this reporting period.

**VIRGINIA**

**The Virginia General Assembly which will convene 13 JAN 16 and adjourn 12 MAR 16.**

**Final Legislation**

On 7 JAN 16, Senator Emmett W. Hanger introduced [VA SB 292](#), which authorizes Municipal Separate Storm Sewer System (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL. The sediment credits cannot be used if they are associated with phosphorus credits used in stormwater nonpoint nutrient runoff water quality criteria. Bill passed and will become effective 1 JUL 16.

On 11 JAN 16, Senator R. Creigh Deeds introduced [VA SB 356](#), which directs the Department of Agriculture and Consumer Services (the Department) to develop and maintain a pollinator protection strategy (the Strategy) to promote the health of and mitigate the risks to pollinator species and ensure a robust apiary industry. Bill passed and will become effective 1 JUL 16.

On 13 JAN 16, Senator William DeSteph introduced [VA SB 557](#), which directs the Department of Environmental Quality to seek an exemption from the federal reformulated gasoline (RFG) program for conventional ethanol-free gasoline sold by a marina for marine use. Bill was approved by the Governor and is effective 1 JUL 16.

On 13 JAN 16, Senator William DeSteph introduced [VA SB 598](#), which clarifies that certain flow rate capacity and velocity requirements for plans approved on and after 1 JUL 14, shall be satisfied by compliance with Virginia Stormwater Management Program (VSMP) Regulations where the land-disturbing activity is conducted in accordance with extended permit coverage regulations. Bill was approved by the Governor and is effective 1 JUL 16.

On 19 JAN 16, Senator Emmett W. Hanger introduced [VA SB 673](#), which combines existing statutory programs relating to soil erosion and stormwater management, directing the State Water Control Board (the Board) to permit, regulate, and control both erosion and stormwater runoff. Bill was approved by the Governor and is effective 1 JUL 16.

#### **Proposed Legislation**

On 19 FEB 16, Delegate Tony O. Wilt introduced [VA HB 1250](#), which would combine existing statutory programs relating to soil erosion and stormwater management, directing the State Water Control Board (the Board) to permit, regulate, and control both erosion and stormwater runoff.

On 12 JAN 16, Senator Frank W. Wagner introduced [VA SB 468](#), which would authorize the creation of public-private stormwater management programs and adds contracting for the construction and operation of stormwater management facilities to the list of activities for which a local stormwater utility is authorized to recover charges.

On 13 JAN 16, Senator Scott A. Surovell introduced [VA SJR 84](#), which requests that the Department of Rail and Public Transportation (the Department) evaluate the level of study necessary to identify and advance potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties, including the feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1.

#### **Final Rules**

[Surface Water Management Area Regulation](#) – The Department of Environmental Quality has issued a fast-track regulation amending 9VAC25-220, Surface Water Management Area Regulation. Citations within the regulation are being updated to reflect current state statute. Updating the citations reduces confusion concerning the requirements that are to be met. Changes are also being made to the regulation to make it consistent with state statute. Reflecting current state statute is necessary for the regulation to appropriately provide a mechanism to protect beneficial uses of the Commonwealth's water resources during periods of drought thereby protecting the health, safety, or welfare of citizens. The rule became effective 25 FEB 16.



## WEST VIRGINIA

The West Virginia Legislature convened on 13 JAN 16 and adjourns on 12 MAR 16.

### Proposed Legislation

On 6 FEB 16, Senator Greg Boso introduced [WV SB 535](#), which would require the Secretary of the Department of Environmental Protection to undertake a review of rules and requirements to determine whether they are more stringent than needed to satisfy the requirements of the federal Clean Water Act and to revise or repeal all requirements that do not meet that statutory mandate.

On 6 FEB 16, Senator Jeffrey Mullins introduced [WV SB 536](#), which would direct WVDEP Division of Air Quality to amend and promulgate a legislative rule relating to air emission permitting by increasing permit thresholds and reduce the time required for air emission permits.

On 8 FEB 16, Senator Chris Walters introduced [WV SB 556](#), which pertains to providing owner of conservation easement be given the right of first refusal to purchase the land upon which it enjoys a conservation easement when a landowner intends to sell land upon which the easement exists.

### Proposed Rules/Other Regulatory Activity

[EO: Virginia Nutrient Credit Exchange Program](#) - The Governor has issued Executive Order Number 52 (2016) - Development of Long-Term, Offsetting Methods within the Virginia Nutrient Credit Exchange Program. The EO directs Secretaries of Commerce and Trade, Natural Resources, and Agriculture and Forestry to convene a work group of interested stakeholders to study and recommend methods to facilitate the acquisition of nutrient allocations and/or credits through the Virginia Nutrient Credit Exchange Program to offset discharges of nutrients by point-source dischargers in the Chesapeake Bay watershed on a long-term (20+ year) basis. The EO was issued by the governor on 22 FEB 16.

## REGION 4



## NORTH CAROLINA

**Note:** The North Carolina General Assembly convened on 14 JAN 15 and adjourns on 1 JUL 16.

### Legislation

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

**Proposed Rules/Other Regulatory Activity**

[Stormwater Management Systems](#) - The Department of Environmental Quality has proposed rulemaking to adopt the rules cited as 15A NCAC 02H .1018, .1019; .1021; .1031; .1040-.1045; .1050-.1062, readopt with substantive changes the rules cited as 15A NCAC 02H .0150-.0154; 02H .1001-.1003; .1005-.1017; .1020, and readopt without substantive changes the rule cited as 15A NCAC 02H .0126. This package of rules has been proposed by the Environmental Management Commission to meet the requirements of G.S. 150B-21.3A "Periodic Review and Expiration of Existing Rules" and Session Law 2013-82 "Fast-Track Permitting for Stormwater Management Systems." Several public hearings will be held in MAR 16 and comments deadline is 15 APR 16.

## REGION 5



### ILLINOIS

**Note: The Illinois General Assembly convened on 14 JAN 15 and adjourns on 30 MAY 16.**

**Proposed Legislation**

On 19 JAN 16, Representative Mike Smiddy introduced [IL HB 4466](#), which appropriates state funds to the Environmental Protection Agency for case processing of leaking underground storage tank permit and claims appeals and contracts for site remediation and for reimbursements to eligible owners/operators of leaking underground storage tanks.

On 4 FEB 16, Representative Michael W. Tryon introduced [IL HB 4688](#), which amends the Public Water Supply Regulation Act and provides that the owners or official custodians of public water supplies shall comply with the recommendations on optimal fluoridation for community water levels as proposed and adopted by the U.S. Department of Health and Human Services.

On 9 FEB 16, Representative Michael J. Madigan introduced [IL HB 5366](#), which amends the Mercury-added Product Prohibition Act making a technical change in a section concerning the short title.

On 10 FEB 16, Representative Jaime Andrade introduced [IL HB 5718](#), which would amend the Environmental Protection Act providing that 1)no person shall discharge oil or hazardous substances from a pipeline into, upon, or so as to threaten waters of the State, and 2)any person who is the owner or operator of any facility, vessel, or pipeline from which oil or a hazardous substance is discharged in violation a specified provision of the Act, shall be subject to a civil penalty in an amount up to \$25,000 per day of violation or an amount up to \$1,000 per barrel (42 gallons) of oil or unit of reportable quantity of hazardous substances discharged.

On 11 FEB 16, Representative Tim Butler introduced [IL HB 6278](#), which would amend the Historic Preservation Agency Act to expand the list of State Historic Sites.

On 18 FEB 16, Senator Julie Morrison introduced [IL SB 3036](#), which would amend the Illinois Solid Waste Management Act repealing a provision that created the informational clearinghouse under the Act.

### Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



## INDIANA

**Note: The Indiana General Assembly convened on 11 JAN 16 and adjourns on 10 MAR 16.**

### Final Legislation

On 5 JAN 16, Representative David A. Wolkins introduced [IN HB 1082](#), which requires the department of environmental management (IDEM) to report annually to the legislative council: (1) any administrative rule adopted by the environmental rules board (board) or proposed by IDEM; (2) any operating policy or procedure instituted or altered by IDEM; and (3) any nonrule policy or statement put into effect by IDEM. Additionally, it provides that, if notice given by IDEM concerning a proposed rule identifies an element of the proposed rule that imposes a restriction or requirement more stringent than a restriction or requirement imposed under federal law, the proposed rule does not become effective until the adjournment sine die of the regular session of the general assembly that begins after IDEM provides the notice. This bill passed in the House and Senate.

### Proposed Legislation

On 12 JAN 16, Representative David A. Wolkins introduced [IN HB 1299](#), which would revise the law concerning the voluntary remediation of hazardous substances and petroleum authorizing the IN DEM to reject an application for participation in the voluntary remediation program on the grounds that the release or threatened release of a hazardous substance or petroleum described in the application was previously subject to a voluntary remediation agreement and the program participation of the applicant under that agreement was terminated.

### Final Rules

[Revised Total Coliform Emergency Rule](#) – The Department of Environmental Management has adopted an emergency rule which temporarily amends 327 IAC 8-2, 327 IAC 8-2.1, 327 IAC 8-2.3, and 327 IAC 8-2.5 to add the federal requirements of the revised total coliform rule found at 40 CFR 141, as amended by the Federal Register on 13 FEB 13, at 78 FR 10346 and 26 FEB 14, at 79 FR 10668. The rule became effective 12 FEB 16 and will expire 12 MAY 16.



## MICHIGAN

**Note: The Michigan Legislature meets convened 14 JAN 15 and adjourns 31 DEC 16.**

### Proposed Legislation

On 2 FEB 16, Representative Stephanie Chang introduced [MI HB 5286](#), which would tie the issuance of permits (new or reissue) to air emissions reductions.

On 16 FEB 16, Representative Gary Glenn introduced [MI HB 5376](#), which would require one full-time military employee stationed at each armory or military facility to be armed with a firearm.

### Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



## OHIO

**Note: The Ohio General Assembly convened 5 JAN 15 and adjourns 31 DEC 16.**

### Legislation

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

### Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



## WISCONSIN

**Note: The Wisconsin Legislature convened 5 JAN 15 and adjourns 4 JAN 17.**

### Legislation

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

### Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.

## MEET THE REC STAFF

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