



# Central Review of Legislative & Regulatory Actions



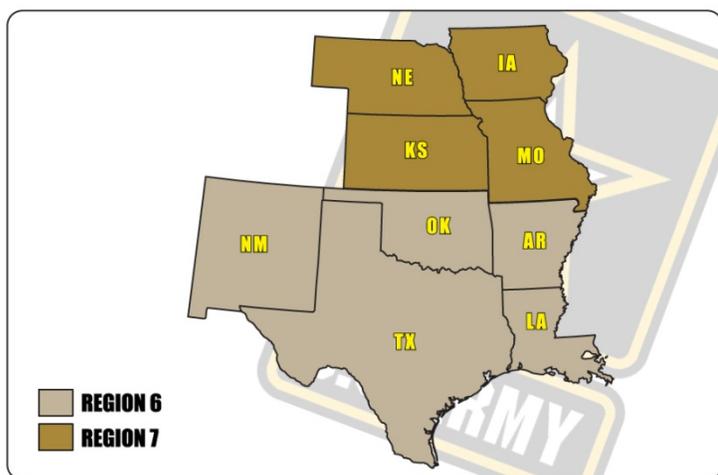
The U.S. Army Regional Environmental & Energy Office

April 2013

The **CENTRAL REGION REVIEW** provides current information on government affairs, energy and environment relevant to Department of Defense interests in the 9 states in Federal Regions 6 and 7. The Review is intended to be a tool useful to DoD and Army leaders, planners, and program managers in carrying out their responsibilities. The Central Region Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. For further information please visit the [ARMY'S REGIONAL ENVIRONMENTAL AND ENERGY OFFICES'](#) website.

### Net Zero Progress Report Due By End of 2013

WASHINGTON (Army News Service, March 4, 2013) -- During [an overview](#) of where the Army is headed in the evolution of its three "Net Zero" programs, the service's Assistant Secretary of the Army for Installations, Energy and Environment said the department will make a progress report on all three programs available by the end of the year.



Additionally, the Army will create a garrison commander's guide to Net Zero -- one that will account for differences in both climate and geography across installations, said Ms. Katherine Hammack, Assistant Secretary of the Army for Installations, Energy and Environment, while speaking before the Atlantic Council, Feb. 27, in Washington, D.C.

"The intent of releasing Net Zero data on our projects is so it can not only be a tool for the Army, but it can also be a tool used by communities, cities and even by large campuses like universities to learn from what we've tried, what's worked, and maybe a little of what hasn't worked," Ms. Hammack said.

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"Our (the Army) bill last year was about \$1.3 billion for utilities in the U.S.," Hammack said. "If you take into account the liquid fuels that we use in theater, we're somewhere around \$5 billion a year. We use a lot of energy, and that's why we looked at Net Zero."

Ms. Hammack said the Army's approach to Net Zero includes energy, water and waste because the three are interconnected.

"An overarching Net Zero plan must address the interconnections between energy, water, and waste. When you use water, it takes energy to pipe that water, to distribute that water, to clean that water and to process that water so we have to take into account water consumption when you're looking at energy consumption," she said. (Byline credit to J.D. Leipold)

**Customer's Corner:** Please send any comments, questions, lessons learned, best practices etc to Dennis Takade.

# Region 6



**NOTICE:** Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

**Legislature convenes 14 Jan 13 and adjourns 6 May 13.**

## PROPOSED LEGISLATION

(NEW) **[HB 1771](#) SEWAGE COLLECTION SYSTEM/SEWAGE WORKS** concerns a municipality operating a sewage collection system or sewage works and contracts with other political subdivisions. Act is amended to read "No such contract shall be made for a period of more than thirty (30) years." Referred to House Committee on City, County and Local Affairs, reported from committee with "Do Pass" recommendation. Passed House, sent to Senate and referred to Senate Committee on City, County and Local Affairs. Returned from committee with "Do Pass" recommendation.

Sponsor: Representative Dan Douglas (R)

(NEW) **[HB 1886](#) HAZMAT EMERGENCY MANAGEMENT.** Each facility required to report to the State Hazardous Materials Emergency Response Commission, under the provisions of 42 U.S.C. §§ 25 11022 and 11023, shall pay the following annual fees to the State Office of Hazardous Materials Emergency Management:

- For each facility required to file one or more hazardous chemical inventory reports, an annual fee of \$50, and an additional fee of \$10 for each report filed annually, with a maximum limit of \$1,000 annually for each reporting facility; and
- For each facility required to file one or more toxic chemical release forms, an annual fee of \$350 and an additional fee of \$50 for each report, with a maximum limit of \$400 annually for each reporting facility.

Referred to House Committee on State Agencies and Governmental Affairs. Returned from committee with "Do Pass" recommendation. Passed House, sent to Senate and referred to Senate Committee on Public Health, Welfare and Labor.

Sponsor: Representative Andrea Lea (R)

(NEW) **[HB 1919](#) INVASIVE SPECIES, FERAL HOGS.** Any person may take, capture, and/or kill a feral hog:

- On public property during any established hunting season but must be taken with a weapon and method allowed for that hunting season;
- On private land if the person is the landowner or lessee or has permission of landowner or lessee; and
- On any land where hunter has legal access unless prohibited by the landowner.

The person must possess a valid state hunting license and comply with state hunting regulations. Referred to House Committee on Agriculture, Forestry and Economic Development, amended and reported engrossed.

Sponsor: Representative Homer Lenderman (D)

(NEW) **[HB 1929](#) PROMULGATION OF WATER QUALITY STANDARDS.** Water quality standards shall comply with the following requirements without precluding evaluation of existing and readily available water quality-related data:

- Development and implementation of standards and criteria for minerals, including without limitation total dissolved solids, chlorides, and sulfates, and the assessment of a stream or stream segment's conformity with or attainment of a standard or criteria for minerals shall be based on the greater of the average flow in the stream

- or stream segment or four cubic feet per second (4 ft<sup>3</sup>/s); and
- Development and implementation of standards or criteria for minerals, including without limitation total dissolved solids, chlorides, and sulfates, to protect use of domestic water supply, and assessment of a stream or a stream segment's conformity with or protection of the use of a domestic water supply.

Introduced and referred to House Committee on Public Health, Welfare and Labor. Reported from committee as "Do Pass" as amended. Passed House, engrossed to Senate and referred to Senate Committee on Public Health, Welfare and Labor. Returned from committee with "Do Pass" recommendation. Passed House, sent to Senate and referred to Senate Committee on Public Health. Returned from committee with "Do Pass" recommendation, passed Senate, but emergency clause failed. Returned to House as passed without emergency clause. Sponsor: Representative Andy Davis (R)

(NEW) **[HB 1932](#) RENTS, FEES, AND CHARGES OF REGIONAL SOLID WASTE MANAGEMENT DISTRICTS/BOARDS** amends provisions of the AR Code relating to rents, fees, and charges of a regional solid waste management district or board. Referred to House Committee on City, County and Local Affairs Committee. Measure amended, amendment adopted and bill ordered engrossed. Sponsor: Representative Dan Douglas (R)

(NEW) **[HB 2019](#) NET-METERING FACILITIES**. An electric utility shall allow net-metering facilities to be interconnected using a standard meter capable of registering flow of electricity in two directions. Following notice and opportunity for public comment, the Public Service Commission shall establish appropriate rates, terms, and conditions for net-metering contracts, including a requirement that net-metering equipment be installed to both accurately measure electricity supplied. Referred to House Committee on Energy. Sponsor: Representative David L. Branscum (R)

(NEW) **[HB 2119](#) SMOKING IN ALL PUBLIC PLACES**. On and after 1 Oct 13, smoking is prohibited in all vehicles and enclosed areas owned, leased, or operated by the state, its agencies and authorities, and any political subdivision of the state, municipal corporation, or local board or authority created by general, local, or special act of the General Assembly or by ordinance or resolution of the governing body of a county or municipal corporation individually or jointly with other political subdivisions or municipalities of the state. Smoking is prohibited in all public places, and enclosed areas within places of employment, including, but not limited to:

- Common work areas;
- Auditoriums;
- Classrooms;
- Conference and meeting rooms;
- Private offices.

Sponsor: Representative John W. Walker (D)

(NEW) **[HB 2196](#) DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) AND OWNER/OPERATOR PROPERTY ACCESS FOR INVESTIGATION, SITE ASSESSMENT, OR CORRECTIVE ACTION** clarifies rights of DEQ and owner or operator to access property for purposes of investigation, site assessment, or corrective action and to prohibit a release from interfering with investigations, site assessments, or corrective actions. Measure also clarifies rights of a property owner or adjacent property owner of site where a release has occurred regarding investigations, site assessments, or corrective actions. Introduced, referred to the Committee on Public Health, Welfare and Labor Committee, returned with "Do Pass" as amended recommendation. Passed House, engrossed and sent to Senate. Sponsor: Representative Greg Leding (D)

(NEW) **[HB 2252](#) WATER QUALITY STANDARDS** amends certain laws concerning water quality standards, to improve process for refining and revising water quality standards; and to create cost-effective attainment strategies.

Sponsor: Representative Greg Leding (D)

(NEW) **[SB 796](#) RESPONSIBILITIES OF DEQ AND AR POLLUTION CONTROL AND ECOLOGY COMMISSION (APCE), STATE IMPLEMENTATION PLANS (SIPs)**. DEQ shall develop SIPs for attainment and maintenance of any applicable National Ambient Air Quality Standard (NAAQS) to include measures necessary for attainment and maintenance of NAAQS in each air quality control region or portion of an air quality control region within the state. NAAQS are not effective until adopted by the APCE Commission under § 8-4-1 311(b). Introduced and referred to Senate Committee on Public Health, Welfare and Labor. Sponsor: Senator Ronald Caldwell (R)

(NEW) **[SB 972](#) WETLANDS** amends AR wetlands mitigation bank act. Referred to Senate Committee on Agriculture, Forestry and Economic Development. Sponsor: Senator Bruce Maloch (D)

(NEW) [SB 1049](#) **SUSTAINABLE ENERGY-EFFICIENT BUILDINGS PROGRAM** is established to promote energy conservation in buildings owned or leased by public agencies and buildings owned by institutions of higher education. For public agencies, the State Energy Office shall develop and issue policies and technical guidelines to establish procedures and methods for compliance with criteria and performance standards for a major facility or a major renovation under § 22-4 3-2004. Referred to Senate Committee on State Agencies and Governmental Affairs. Sponsor: Senator Joyce Elliott (D)

### PROPOSED RULE

(NEW) **DEPARTMENT OF HEALTH PROPOSED REGULATIONS: MANAGEMENT OF MEDICAL WASTE FROM GENERATORS AND HEALTH CARE RELATED FACILITIES (007.05.13-002)** contains [proposed revisions](#) of Rules and Regulations Pertaining to Management of Medical Waste from Generators and Health Care Related Facilities. Hearing scheduled 25 Mar 13, comments due that day. POC: Reginald A. Rogers, [Reginald.Rogers@arkansas.gov](mailto:Reginald.Rogers@arkansas.gov)

### OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

**EPA APPROVES AR GREENHOUSE GAS (GHG) PROGRAM.** EPA is approving the state's program for [permitting new and modified facilities](#) emitting significant amounts of GHG into the atmosphere. DEQ worked with EPA to develop a state program to replace existing federal program and submitted it for EPA review in Nov 12. State's authority to issue air permits for new or modified GHG pollution sources will be effective Apr 13.



**NOTICE:** Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

**Legislature convenes 8 Apr 13 and adjourns 6 Jun 13.**

### PROPOSED LEGISLATION

(NEW ) [HB 143](#) **DRINKING WATER PENALTY POLICY** prohibits filing, creating, or maintaining of false records related to or concerning public water systems. Additionally prohibits intentional altering, substituting, omitting, falsifying, or concealing of a public water system sample or laboratory testing result and prohibits intentional tampering, interfering, modifying, or altering of the operation of a public water system without proper authorization. Violation could result in imprisonment for not more than 10 years, with or without hard labor, or fine not more than \$20,000, or both. Under legislature rules, HB 143 was provisionally referred to House Committee on Administration of Criminal Justice, but withdrawn prior to introduction. Sponsor: Representative Richard T. Burford (R)

### FINAL RULE

**(EFFECTIVE 20 MAR 13) BOARD OF COMMISSIONERS, CAPITAL AREA GROUND WATER CONSERVATION DISTRICT: PUMPAGE FEES (LAC 56:V.1107).** This District (East and West Baton Rouge, East and West Feliciana, and Pointe Coupee Parishes) adopted rulemaking to [increase pumping charges](#) for groundwater users to meet increased costs to fund a comprehensive groundwater modeling study in cooperation with the U.S. Geological Survey, Department of Transportation and Development and East Baton Rouge City Parish. POC: N/A

### PROPOSED RULES

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY: [LEAD NOTIFICATION](#) (LAC 33:III.2801, 2803, 2807, 2811, 2813, 2815, 2817, 2819 AND 2821) (AQ336)** requires inspectors and owners and/or operators of new daycare centers, preschools, or certain elementary schools qualifying as child-occupied facilities to notify DEQ and state health officer within 90 days of receipt of reports of lead hazards, lead abatement activities, or any lead testing performed at a facility or its grounds exceeding applicable standards. Also requires notification to all parents or legal guardians of each child enrolled at the facility of lead standards exceedances either by written or electronic means. Public meeting 25 Apr 13, comments due 5 May 13. POC: Deidra Johnson at (225) 219-3985.

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY: REMOVAL OF RECYCLABLE MATERIAL FROM A NON-PROCESSING TRANSFER STATION (LAC 33:VII.508.C)** revision allows [removal of recyclable materials](#) from non-putrescible commercial solid waste at non-processing transfer stations. DEQ intends to allow recovery of materials resulting in less waste volume disposed to landfills while avoiding risk to human health and environment by direct contact or indirect contact via vector exposure to putrescible solid waste. POC: N/A

### OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY DRAFT WATER DISCHARGE GENERAL PERMIT: DISCHARGES OF TREATED SANITARY WASTEWATER AND/OR OTHER ACCEPTED WASTEWATER.** Coverage under this [general permit](#) limited to facilities discharging treated sanitary wastewater and/or other accepted wastewater types totaling less than 25,000 gallons per day into surface waters of the state. Notification must be made on Notice of Intent (NOI) form WPS-G or an approved equivalent form. Comments due 25 Apr 13. POC: Rachel Davis at (225) 219-3515.



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**Legislature convened 15 Jan 13 and adjourned *sine die* 16 Mar 13.**

### LEGISLATION SIGNED BY GOVERNOR

(Signed 15 Mar 13) **HB 448 REMOVAL OF LANDS FROM WATERSHED DISTRICTS** changes provisions of the Watershed District Act allowing removal of lands from watershed districts or discontinuance of watershed districts. Sponsor: Representative George Dodge (D)

### LEGISLATION PASSED BY LEGISLATURE

(UPDATE) **HB 415 PUBLIC WATER SUPPLY FEE AND CONTAMINANT TESTING.** A "water conservation fund" is created in the state treasury and shall be administered by the Environment Department with funds appropriated to:

- Test public water supplies for contaminants required to be tested pursuant to provisions of federal Safe Drinking Water Act;
- Perform vulnerability assessments to assess a public water supply's susceptibility to those contaminants; and
- Implement new requirements of Utility Operators Certification Act and provide training for all public water supply operators.

Introduced and referred to House Committees on Energy and Natural Resources/Appropriations and Finance. Substituted in committee and passed House. Sent to Senate, referred to Senate Committees on Rules/Conservation. Reported "Do Pass" from committee, report adopted, and passed Senate. Sponsor: Representative George Dodge (D)

(UPDATE) **SENATE JOINT MEMORIAL (SJM) 43 LEGISLATIVE AND REGULATORY INCENTIVES TO ENCOURAGE RENEWABLE ENERGY DEVELOPMENT.** Legislature requests Energy, Minerals and Natural Resources Department convene a working group of representatives of energy-related state offices, including:

- Energy, Minerals and Natural Resources Department;
- Environment Department;
- Renewable Energy Transmission Authority;
- Economic Development Department;
- Public Regulation Commission and the Office of the Governor; and
- Representatives of national laboratories and private and nonprofit sectors in the state.

Working group goal is to compile an inventory of major existing renewable energy storage policies and regulations. Introduced and referred to Senate Committees on Rules and Conservation, reported "Do Pass" as amended, and passed House. Sponsor: Senator William Soules (D)

(UPDATE) [SB 99 DENTAL AMALGAM WASTE ACT](#). A dental office shall install an appropriately sized amalgam separator system and, upon inspection for cause, demonstrate to NM Board of Dental Health Care proper installation, operation, maintenance and amalgam waste recycling or disposal in accordance with manufacturer's recommendations. NM Board of Dental Health Care shall consider noncompliance with Dental Amalgam Waste Reduction Act as unprofessional conduct subject to penalties and discipline of the board pursuant to Uniform Licensing Act and Dental Health Care Act. Referred to Senate Committees on Conservation/Corporations, reported from committee "Do Pass" as amended. Passed Senate and sent to House where it was referred to House Committee on Agriculture and Water Resources. Reported "Do Pass" from committee, report adopted, and passed Senate. Sponsor: Senator Peter F. Wirth (D)

(UPDATE) [SB 160 BIODIESEL AND DEFINITION OF SPECIAL FUEL](#) relates to taxation and defining blended biodiesel, deduction for receipt of biodiesel fuel to rack operators for blending and resale. Introduced and referred to Senate Committees on Conservation/Finance and reported "Do Pass" from committee. Committee report adopted. Passed Senate, sent to House, referred to House Committees on Transportation and Public Works/Taxation and Revenue. Reported from committee as "Do Pass," committee report adopted. Amended on House Floor, amendment adopted, with "Do Pass" recommendation. Passed House, Senate concurred with amendment. Sponsor: Senator Stuart Ingle (R)

### PROPOSED LEGISLATION

(NOTE: Bills listed below were cited in the Review but failed to pass upon *sine die* adjournment)

[HOUSE JOINT MEMORIAL \(HJM\) 8](#) ELECTRIC TRANSMISSION CAPACITY, RENEWABLE AND CONVENTIONAL ENERGY SOURCES

[HB 15](#) ARMED FORCES RETAINER PAY TAX CREDIT

[HB 19](#) WATER RIGHTS UNDER LEASE

[HB 82](#) REPLACEMENT WELLS

[HB 94](#) WATER USE/PLANNING

[HB 259](#) NATURAL RESOURCE DAMAGE

[HB 397](#) INCOMPLETE APPLICATIONS FOR NEW WATER APPROPRIATIONS

[HB 429](#) ENVIRONMENTAL PRIVATE RIGHT OF ACTION

[HB 551](#) SOLID WASTE RECYCLING

[SB 108](#) DENTAL AMALGAM WASTE ACT

[SB 175](#) ELECTRIC GENERATION AND TRANSMISSION FACILITIES

[SB 188](#) WATER RIGHTS UNDER LEASE

[SB 204](#) RENEWABLE ENERGY CERTIFICATES

[SB 404](#) TRANSFER OF PUBLIC LANDS

### OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(EFFECTIVE 10 APR 13) EPA APPROVAL AND PROMULGATION OF SIPs: NEW SOURCE REVIEW (NSR) PRECONSTRUCTION PERMITTING PROGRAM. EPA approves revisions to applicable [NSR State SIP](#):

- Establishment of a new Minor NSR (MNSR) general construction permitting program;
- MNSR Public Participation requirements;
- Establishment of three different types of MNSR Permit Revisions; and
- Addition of exemptions for de minimis emission sources and activities from obtaining a MNSR permit.

EPA finds these revisions to the state SIP comply with the Federal Clean Air Act (CAA) and EPA regulations.

**PROPOSED EPA APPROVAL AND PROMULGATION OF AIR QUALITY SIP: INTERSTATE TRANSPORT OF FINE PARTICULATE MATTER.** EPA proposes to approve a portion of a [SIP submittal](#) from the state to address CAA requirements in section 110(a)(2)(D)(i)(I) prohibiting air emissions contributing significantly to nonattainment or interfering with maintenance in any other state for the 2006 fine particulate matter (PM<sub>2.5</sub>) NAAQS.



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**Legislature convenes 4 Feb 13 and adjourns 31 May 13.**

**PROPOSED LEGISLATION**

(UPDATE) **[HB 1718](#) AUTHORIZATION TO INSPECT COMPRESSED NATURAL GAS FUELING STATIONS.** In addition to other powers and duties prescribed by law, OK Corporation Commission shall have power and duty to issue, renew, deny, modify, suspend, refuse to renew and revoke permits for storage tank systems pursuant to provisions of the OK Storage Tank Regulation Act. Commission may promulgate rules and enter at any reasonable time any public or private property for purpose of inspecting and investigating storage tank system monitoring or remediation equipment and take samples as may be necessary to determine compliance. Referred to House Committee on Energy and Aerospace, reported "Do Pass" as substituted. Passed House, engrossed to Senate and referred to Senate Energy Committee. Reported "do Pass" from committee and referred to Senate Finance Committee. Sponsor: Representative Leslie Osborn (R)

(UPDATE) **[HB 1762](#) OPEN BURNING BANS** makes it unlawful for any person to set fire to any forest, grass, range, crop, or other wildlands, build a campfire or bonfire, burn trash or other material potentially causing a forest, grass, range, crop or other wildlands fire in any county, counties or area within a county where there is gubernatorially proclaimed "extraordinary danger from fire," unless setting of any backfire during drought emergency is necessary for saving life or property. Referred to House Committee on Utility and Environmental, recommended "Do Pass" by committee. Passed House, engrossed to Senate, and referred to Senate Committee on Agriculture and Rural Development. Reported from committee with "Do Pass" recommendation. Sponsor: Representative Tommy Hardin (R)

(UPDATE) **[HB 1768](#) CONSTRUCTION OR OPERATION OF SEWAGE TREATMENT SYSTEMS.** No small public sewage treatment system or individual sewage treatment system shall be constructed or operated unless system complies with requirements prescribed by the Environmental Quality Board as determined by an inspection performed by DEQ or person authorized by DEQ. Referred to House Committee on Utility and Environmental Regulation, recommended as "Do Pass" as substituted. Measure passed, referred for engrossment, sent to Senate and referred to Senate Energy Committee. Sponsor: Representative Todd Russ (R)

(UPDATE) **[HB 1922](#) "SCENIC RIVERS ACT."** Legislature finds some free-flowing streams and rivers possess unique scenic beauty, water conservation, fish, wildlife and outdoor recreational values of present and future benefit to people of the state. Policy dictates these areas be preserved for benefit of the people. For this purpose, there are designated certain "scenic river areas" to be preserved as a part of the state's diminishing resource of free-flowing rivers and streams. Referred to House Committee on Appropriations and Budget. Reported from committee as "Do Pass" as substituted. Passed House and engrossed to Senate. Referred to Senate Committee on Energy. Sponsor: Representative Dale R. DeWitt (R)

(UPDATE) **[SB 33](#) HAZARDOUS WASTE RECYCLING.** Facilities recycling hazardous waste shall be exempt from subsection C of Sections 2-7-113 and Section 2- 7-113.1, and Section 2-7-115 with regard to those units exclusively used in recycling. Off-site hazardous waste recycling facilities are subject to requirements specified by Hazardous Waste Management Act, Environmental Permitting Act, and rules promulgated thereunder, for a permit, and shall also meet design standards as promulgated by the Board. Referred to Senate Committee on Energy, recommended "Do Pass," passed by Senate, engrossed to House, and referred to House Utility and Environmental Regulation Committee. Sponsor: Senator Ron Justice (R)

(UPDATE) **[SB 41](#) ENVIRONMENTAL AGENCY JURISDICTION.** Any rule, interagency agreement or executive order enacted or entered into prior to the effective date conflicting with assignment of specified jurisdictional environmental responsibilities shall be superseded. Introduced and referred to Senate Committee on Tourism and Wildlife. Reported from committee "Do Pass" as amended. Measure passed and referred for engrossment. Engrossed and sent to House. Referred to House

Utility and Environmental Regulation Committee. Withdrawn from Utility and Environmental Regulation Committee and referred to Agriculture and Wildlife Committee. Sponsor: Senator Harry E. Coates (R)

(UPDATE) [SB 489](#) **CONFIDENTIAL INFORMATION RELATING TO RADIATION**. The following information may be kept confidential:

- Investigative evidence of a plan or scheme to commit an act of terrorism;
- Vulnerability assessments of government facilities or public improvements to an act of terrorism and work papers directly related to preparing the assessment of vulnerability;
- Records including details for deterrence or prevention of or protection from an act or threat of an act of terrorism; and
- Records including details for response or remediation after an act of terrorism.

Introduced and referred to Senate Committee on Energy. Reported "Do Pass" from committee, passed Senate and engrossed to House. Referred to House Committee on Utility and, Environmental Regulation, reported from committee with "Do Pass" recommendation. Sponsor: Senator Frank Simpson (R)

(UPDATE) [SB 875](#) **INVASIVE AND NUISANCE SPECIES**. OK Department of Wildlife Conservation (DWC) is authorized to issue permits to landowners, lessees, or designated agents and to any entity of state, county, or local government to control nuisance or damage by any species of wildlife including, but not limited to beaver, coyote, deer, bobcat, raccoon, elk, and crow under rules promulgated by Wildlife Conservation Commission. Introduced and referred to Senate Committee on Tourism and Wildlife, reported from committee as "Do Pass." Passed Senate and engrossed to House. Referred to House Committee on Agriculture and Wildlife. Sponsor: Senator Bryce Marlatt (R)

(UPDATE) [SB 926](#) **RECYCLING INITIATIVE**. Legislature recognizes and declares it is necessary to health and economic welfare to encourage and promote recycling and reuse of recoverable materials. Recycling and reuse substantially reduce disposal costs and flow of solid waste to state's dwindling solid waste sites while preserving, expanding and encouraging economic growth. Introduced and referred to Senate Rules Committee. Withdrawn from Rules Committee and referred to Energy. Reported "Do Pass" as amended, passed Senate, and engrossed to House. Referred to House Committee on Energy and Aerospace. Sponsor: Senator Rob Johnson (R)

### PROPOSED RULE

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY PROPOSED RULE: PERMITS FOR MINOR FACILITIES (OAC 252:100-7)** adds a new [Permit by Rule \(PBR\)](#) for minor facilities and area sources in the oil and natural gas (O&NG) sector streamlining the permitting process for O&NG sources affected by recent changes to federal standards. DEQ proposes changing Appendix E, Primary Ambient Air Quality Standards, to maintain consistency with the NAAQS. Specifically, primary standards for particulate matter less than or equal to 2.5 microns in diameter (PM<sub>2.5</sub>) are modified to reflect recent changes made by EPA. POC: Cheryl Bradley at (405) 702-4100.



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**Legislature convenes 8 Jan 13 and adjourns 27 May 13.**

### PROPOSED LEGISLATION

(NEW) [HB 1241](#) **SPREAD OF AQUATIC INVASIVE SPECIES**. Parks and Wildlife Commission may adopt rules requiring a person leaving public water to drain from a vessel or portable container on board a vessel any water collected from or that has come in contact with public water. An authorized employee may inspect a vessel leaving or approaching public water, including any portable containers on board vessel. Referred to House Committee on Culture, Recreation & Tourism. Recommended measure be sent to Committee on Local and Consent. Reported favorably from committee as substituted. Sponsor: Representative Ryan Guillen (D)

(NEW) **HB 1377 OWNERSHIP AND LOCAL REGULATION OF TREES AND TIMBER.** A landowner owns all trees and timber on their land as real property until cut or otherwise removed from the land, unless otherwise provided by a contract, bill of sale, deed, mortgage, deed of trust, or other legally binding document. A governmental entity may not prohibit a landowner from trimming or removing trees or timber located on the landowner's land. A governmental entity may, if authorized by other state law and subject to limitations of that law, assess a mitigation fee against a landowner for the removal of a mature tree on the landowner's land. Introduced and referred to House Committee on Urban Affairs. Sponsor: Representative Lois W. Kolkhorst (R)

(NEW) **HB 2150 DECLASSIFICATION OF ELK AS EXOTIC ANIMALS.** TX Commission on Environmental Quality (TCEQ) by rule may make a determination that elk are wild animals. Referred to House Committee on Culture, Recreation and Tourism. Sponsor: Representative Poncho Nevarez (D)

(NEW) **HB 2154 INNOVATIVE ENVIRONMENTAL REGULATION PROGRAMS ADMINISTERED BY TCEQ.** This subchapter applies to programs under the jurisdiction of TCEQ under Chapters 26, 27, and 32 of this code and Chapters 361, 375, 382, and 401, Health and Safety Code. It does not apply to occupational licensing programs under jurisdiction of TCEQ and a program for the permitting of desalination facilities, including facilities using reverse osmosis, nanofiltration, or electro dialysis reversal. Referred to House Committee on Natural Resources. Sponsor: Representative William Callegari (R)

(NEW) **HB 2354 STRINGENCY OF ENVIRONMENTAL REGULATIONS.** A major environmental rule adopted by a state agency may not by rule adopt an environmental standard or requirement:

- Exceeding a standard set by federal law, unless the rule is specifically required by state law;
- Exceeding an express requirement of state law, unless the rule is specifically required by federal law;
- Exceeding a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or
- Adopting a rule solely under the general powers of the agency instead of under a specific state law.

Sponsor: Representative James White (R)

(NEW) **HB 2486 SALE OR DISPOSAL OF SCRAP TIRES.** A person may not sell at retail an unsafe tire. An "unsafe tire" means a passenger or light truck tire:

- Having tire tread less than one-sixteenth inch deep;
- Having chunking, bumps, knots, or bulges evidencing cord, ply, or tread separation from the casing or other adjacent material;
- Having exposed tire cords or belting material as a result of damage to the tire;
- Having a repair to the tire in the tread shoulder, sidewall, bead area, or belt edge area;
- Having a puncture that has not been sealed or patched on the inside with a cured rubber stem or plug that extends through to the outside surface; or
- Not clearly showing U.S. Department of Transportation tire identification number located on the sidewall.

Referred to House Committee on Environmental Regulation. Sponsor: Representative Allan B. Ritter (D)

(NEW) **HB 2517 OPEN BURNING.** Commissioners court of a county by order may require a person to notify the fire department that provides firefighting services in an area of the county before starting an outdoor fire in the area. A person commits an offense if the person knowingly or intentionally violates an order adopted under Subsection (b). Referred to House Committee on County Affairs. Sponsor: Representative Drew Springer (R)

(NEW) **HB 2615 IMPOUNDING, DIVERTING, OR OTHERWISE USING STATE WATER.** A person who fails to file an annual report as required by Subsection (a) or fails to timely comply with a request to make information available under Subsection (d) is liable for a penalty and state may sue to recover the penalty. Each person who has a water right issued by commission or who impounds, diverts, or otherwise uses state water shall maintain water use information required under Subsection (a) on a monthly basis during the months a water rights holder uses permitted water.

Sponsor: Representative Eric Johnson (D)

(NEW) **HB 2674 ENERGY EFFICIENT BUILDINGS AND STANDARDS.** The state energy conservation office shall prepare guidelines for preparation of the plan described in Subsection (a)(3) and develop a template for state agencies and institutions of higher education to use in creating the plan. Each state agency and institution of higher education shall set percentage goals for reducing the agency or institution's use of water, electricity, gasoline, and natural gas and include those goals in the agency or institution's comprehensive energy and water management plan. A state agency or an

institution of higher education that occupies a building not owned by the state shall cooperate with the office in addressing the energy or water management of that building. Sponsor: Representative Trent Ashby (R)

(NEW) **HB 2692 PROMOTE CONSTRUCTION OF SMALL-SCALE ELECTRIC GENERATING FACILITIES.** The governing body of a municipality may establish and provide for the administration of one or more programs, including programs for making loans and grants of public money and providing personnel and services of the municipality, to promote the construction of small-scale electric generating facilities. Referred to House Committee on State Affairs.

Sponsor: Representative Myra Crownover (R)

(NEW) **HB 2695 MUNICIPAL AUTHORITY TO REGULATE WIND TURBINES.** The governing body of a municipality by ordinance may extend to extraterritorial jurisdiction of the municipality, application of municipal ordinances relating to the authorization and development of wind turbines. Referred to House Committee on Urban Affairs.

Sponsor: Representative Yvonne Davis (D)

(NEW) **HB 2701 EDWARDS AQUIFER AUTHORITY (EAA) AND WELLS WITH LIMITED PRODUCTION CAPABILITIES.** EAA's regulation of wells with limited production capabilities is as follows:

- A well serving a subdivision requiring platting does not qualify for an exempt use;
- A well drilled on or before 1 Jun 13, for any purpose authorized under this article is exempt from the requirement to obtain a withdrawal permit provided the well is:
  - Not capable of producing more than 1,250 gallons of water a day; or
  - Metered and does not produce more than 1.4 acre-feet of water in a calendar year.

Sponsor: Representative Doug Miller (R)

(NEW) **HB 2949 PERFORMANCE-BASED PROGRAM FOR PERMITS ISSUED BY TCEQ** by rule may establish a performance-based permit program that makes permit applicants with a history of compliance with environmental laws and regulations eligible for:

- Expedited permit issuance;
- Extended periods before renewal; and
- Automatic renewal of permits.

Rules under Subsection (a) must identify permit applicants eligible for the program. TCEQ shall categorize as a Category A violation a violation of a commission statute, rule, consent order, final order, or agreement resulting in actual harm to human health and the environment. An applicant who is a business entity is considered to have committed a felony criminal violation of an environmental statute if an applicant's officer, director, trustee, partner, or employee who has legal or actual operational control over the installation, facility, or activity for which the permit is being sought committed the violation. Referred to House Committee on Environmental Regulation.

Sponsor: Representative Linda Harper-Brown (R)

(NEW) **HB 2997 LAND APPLICATION OF CLASS B SLUDGE.** A person may not apply Class B sludge on a land application unit unless the responsible person has obtained a registration certificate for land application unit issued by the commission under this section. In each registration permit, TCEQ shall prescribe conditions under which it is issued, including:

- Duration of permit;
- Location of the land application unit;
- Maximum quantity of Class B sludge that may be applied or disposed of under permit; and
- Requirement that permit holder submit quarterly a computer-generated report.

Referred to House Committee on Environmental Regulation. (See HB 3678) Sponsor: Representative Tracy O. King (D)

(NEW) **HB 3013 UNDERGROUND STORAGE OF WATER.** A permit described by Subsection (a) must authorize use of a sufficient quantity of appropriated water to demonstrate feasibility of aquifer storage and recovery. This will provide the commission further opportunity to evaluate storage of appropriated water in target aquifer or aquifers for subsequent retrieval and beneficial use. After considering success of the project, TCEQ shall determine whether to issue a permit or permit amendment authorizing continued storage of appropriated water in the aquifer.

Sponsor: Representative Lyle Larson (R)

(NEW) **HB 3087 CONDEMNATION OF CONSERVATION EASEMENTS.** The application of any law, rule, policy, ordinance or regulation promulgated under Government Code, Local Government Code, Water Code or Natural Resources Code requiring more than 50% of surface area of an owner's private real property to remain in a natural or undeveloped state will require:

- Consent of owner under Chapter 183 of the Natural Resources Code; or
- Exercise of eminent domain under Chapter 183.

Referred to House Committee on Land and Resource Management. Sponsor: Representative Paul Workman (R)

(NEW) **HB 3154 ENVIRONMENTAL OR HEALTH AND SAFETY AUDITS.** Once initiated, an audit, as defined by Section 3(a)(4)(A) of this act, shall be completed within a reasonable time not to exceed six months unless an extension is approved by regulatory authority based on reasonable grounds. If a prospective purchaser becomes an owner of a regulated facility or operation and an ongoing audit continues, it must be completed within a reasonable time not to exceed six months after acquisition closing date unless an extension is approved by governmental entity. Referred to House Committee on Environmental Regulation. Sponsor: Representative Tryon D. Lewis (R)

(NEW) **HB 3222 ADMINISTRATIVE PENALTIES.** In determining amount of an administrative penalty, commission shall consider nature, circumstances, extent, duration, and gravity of the prohibited act, with special emphasis on impairment of existing water rights or hazard or potential hazard created to health or safety of the public such as:

- Impact on regional air quality;
- A receiving stream or underground water reservoir; and
- In-stream uses, water quality, aquatic and wildlife habitat, or beneficial freshwater inflows to bays and estuaries.

For a penalty imposed against a municipality or county, the commission shall develop a penalty schedule taking into account the population of municipality or county and charging all municipalities and counties equal in proportion. Referred to House Committee on Environmental Regulation. Sponsor: Representative Drew Springer (R)

(NEW) **HB 3233 INTER-BASIN TRANSFERS OF STATE WATER.** TCEQ may grant, in whole or in part, an application for an inter-basin transfer only if detriments to basin of origin during proposed transfer period are less than benefits to receiving basin. If transfer of water is based on a contractual sale of water, new water right or amended permit, certified filing, or certificate of adjudication authorizing transfer shall contain a condition for a period not greater than the term of contract, including any extension or renewal of contract. Referred to House Committee on Natural Resources.

Sponsor: Representative Allan B. Ritter (D)

(NEW) **HB 3289 LICENSING OF PROFESSIONALS ENGAGED IN TX POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES)-RELATED STORMWATER.** A person who engages in a TPDES-related stormwater activity must hold a license issued by TCEQ under Chapter 37. TCEQ shall appoint a TPDES-related stormwater professionals advisory board to guide, advise and make recommendations to TCEQ regarding matters related to licensing of TPDES-related stormwater professionals. Referred to House Committee on Natural Resources. Sponsor: Representative Armando Martinez (D)

(NEW) **HB 3509 ENDANGERED SPECIES HABITAT CONSERVATION.** Subject to this subchapter a political subdivision of the state may participate in a study, preparation for and creation of a regional habitat conservation plan.

Sponsor: Representative Dennis Bonnen (R)

(NEW) **HB 3513 LAND USE PLANNING.** The governing body of a municipality shall adopt by resolution or ordinance a comprehensive plan for land use detailing current and future land uses serving as a basis for making planning or zoning decisions under this chapter. The governing body may amend the comprehensive plan for land use from time to time in accordance with this subchapter. Referred to House Committee on Energy Resources.

Sponsor: Representative Ryan Guillen (D)

(NEW) **HB 3538 (COMPANION BILL: SB 1745) EDWARDS AQUIFER, STORMWATER.** TCEQ may not approve use or installation of a new stormwater treatment facility in a water pollution abatement plan unless stormwater treatment facility is capable of removing at least 85 percent of the total suspended solids prior to the discharge of the stormwater into recharge zone of the Edwards Aquifer according to the "Complying with the Edwards Aquifer Rules, Technical Guidance on Best Management Practices," as amended, or by other commission rule. Referred to House Committee on Land and Resource Management. Sponsor: Representative Roland Gutierrez (D)

(NEW) **HB 3678 LAND APPLICATION OF CLASS B SLUDGE.** Health and Safety Code is amended to read "Class B sludge" is sewage sludge, including septage meeting one of the pathogen reduction requirements of 30 T.A.C. 312.82(b).

Sponsor: Representative Marsha Farney (R)

(NEW) **HB 3718 DEVELOPMENT, PROTECTION, AND PRODUCTION OF BRACKISH AQUIFERS.** The highest and best use of brackish aquifers includes production of freshwater through desalination. Development and production of natural resources in brackish aquifers shall be given this priority over all other permitted uses of the brackish aquifer. Referred to House Committee on Natural Resources. Sponsor: Representative Trey Martinez Fischer (D)

(NEW) **HB 3783 STORAGE, TRANSPORTATION, AND DISPOSAL OF TIRES.** A person may not store more than 500 used or scrap tires for any period on any publicly or privately owned property unless person registers storage site with TCEQ. A person may not store more than 500 used or scrap tires unless tires are shredded, split, or quartered as provided by commission rule. Referred to House Committee on Environmental Regulation.

Sponsor: Representative Jason Isaac (R)

(NEW) **HB 3853 POLLUTION PREVENTION.** If a person violates provisions of this title pertaining to safety or prevention or control of pollution or provisions of a rule, order, license, permit, or certificate pertaining to safety or prevention or control of pollution, person may be assessed a civil penalty by the commission not to exceed \$10,000 a day for each violation. Each day a violation continues may be considered a separate violation for purposes of penalty assessments. Referred to House Committee on International Trade and Intergovernmental Affairs.

Sponsor: Representative Rafael Anchia (D)

(NEW) **HB 3879 CERTAIN GROUNDWATER WITHDRAWALS ALLOWED BY EAA.** EAA shall allow a municipally owned water utility to withdraw an amount of groundwater to provide a military installation with potable water or water for infrastructure maintenance or operations of the military installation if installation agrees to reduce its groundwater withdrawals from the same aquifer by that amount. This section applies only to a municipally owned water utility in a municipality with a population greater than one million located inside the authority's boundaries.

Referred to House Committee on Natural Resources. Sponsor: Representative José Menéndez (D)

(UPDATE) **HB 114 VOLUNTARY EMISSIONS INSPECTIONS, BORDER COUNTIES** requires TCEQ to:

- Adopt vehicle emissions inspection and maintenance requirements for certain areas as required by federal law or regulation;
- Adopt vehicle emissions inspection and maintenance requirements for counties not subject to a specific federal requirement in response to a formal request by resolutions adopted by the county and the most populous municipality within the county according to the most recent federal decennial census; and
- Adopt standards and procedures for vehicle emissions inspections equivalent to inspections under the program to be offered and documented on a voluntary basis in counties bordering Mexico and are not described by Subdivision (1) or (2).

TCEQ may assess a fee for a voluntary vehicle emissions inspection under Subsection (c)(3). Referred to House Committee on Environmental Regulation. Substituted by committee, testimony heard, left pending in committee.

Sponsor: Representative Richard Pena Raymond (D)

(UPDATE) **HB 147 REGULATORY ANALYSIS OF RULES** requires TCEQ to conduct a regulatory analysis weighing costs and environmental effects expected to result from implementation of and compliance with the rule before rule adoption. Draft impact analysis, at a minimum, must:

- Identify problem rule is intended to address;
- Identify environmental effects the agency expects to result from implementation of and compliance with the rule, including the projected level of reduction of pollutants or contaminants in air, water, and soil media;
- Identify and describe costs the agency expects state agencies, local governments, the public, and the affected regulated entities, other than small businesses, will incur from implementation of and compliance with the rule; and
- Identify and describe in a separate economic impact analysis costs the agency expects small businesses will incur from implementation of and compliance with the rule.

Referred to House Committee on Environmental Regulation. Testimony heard, measure remains pending in committee.

Sponsor: Representative Cindy Burkett (R)

(UPDATE) [HB252](#) **WATER SHORTAGE REPORTING BY WATER UTILITIES.** TCEQ shall require a retail public utility to:

- Project future period for which the utility's water supply is a reasonably certain source for the volume of water required for the utility's needs; and
- Notify TCEQ when utility's projected water supply is reasonably certain for less than 180 days.

Referred to House Committee on Natural Resources, reported favorably from committee.

Sponsor: Representative Lyle Larson (R)

(UPDATE) [HB 378](#) **CLIMATE ADAPTATION PLAN.** No later than 1 Sep 14 and before end of each successive four-year period after that date, the following entities shall publish a climate adaptation plan assessing entity's role with respect to climate change:

- Department of Agriculture;
- Each independent organization certified under Section 39.151, Utilities Code;
- TX Commission on Environmental Quality;
- General Land Office;
- Department of Housing and Community Affairs;
- Department of Insurance;
- Parks and Wildlife Department;
- Department of Public Safety;
- Public Utility Commission;
- Office of the Comptroller;
- Forest Service; and
- Water Development Board.

A climate adaptation plan is a strategy to identify, minimize, and adequately prepare for effects of climate change on state social, economic, and ecological systems and to manage risks associated with a changing climate. It must be based on current peer-reviewed climate science identifying likely impacts of rising ambient temperatures, rising sea levels, and changes in precipitation patterns on this state. Referred to House Committee on Environmental Regulation. Testimony heard, measure remains pending in committee. Sponsor: Representative Lon Burnam (D)

(UPDATE) [HB 648](#) **ELECTRONIC WASTE DISPOSAL.** A person may not discard or dispose of computer or television equipment at a municipal solid waste facility or waste-to-energy facility. Referred to House Committee on Environmental Regulation. Sponsor: Representative Joe Farias (D)

(UPDATE) [HB 788](#) **GREENHOUSE GAS EMISSIONS.** TCEQ rule shall adopt a program to allow commission to assume authority for issuing permits, including preconstruction and federal operating permits to include regulation of GHG emissions in accordance with federal law. TCEQ shall develop measures to streamline authorization, using general permits, standard permits, and/or presumptive best available control technology TCEQ determines are warranted for certain GHG source categories. Referred to House Committee on Environmental Regulation. Testimony heard, measure reported favorably from committee as substituted. Sponsor: Representative Wayne Smith (R)

(UPDATE) [HB 1714](#) **COMPLIANCE HISTORY PROGRAM.** TCEQ by rule shall establish a procedure to prepare compliance summaries relating to applicant's solid waste management activities (in accordance with method for evaluating compliance history developed by TCEQ [Section 5.754, Water Code]). A compliance summary shall include, as evidence of compliance, information regarding applicant's implementation of an environmental management system at the facility for seeking authorization. "Environmental management system" is described by Section 5.127, Water Code. Referred to House Committee on Environmental Regulation. Testimony heard, measure remains pending in committee.

Sponsor: Representative Wayne Smith (R)

(NEW) [SB 1024](#) **WASTEWATER MANAGEMENT, CONTRIBUTING ZONE BARTON SPRINGS SEGMENT OF THE EDWARDS AQUIFER.** TCEQ shall conduct a study to evaluate:

- Wastewater management in the contributing zone of the Barton Springs;
- Effects of wastewater management on the watersheds of the Barton Springs complex, contributing zone of the Barton Springs segment of the Edwards Aquifer, recharge zone of the Edwards Aquifer, and the Edwards Aquifer;
- Effects of wastewater management on designated uses of receiving streams;
- Potential augmentation of potable groundwater supplies in the Edwards Aquifer; and
- Efficacy and costs of various treatment technologies, disposal methods, and best management practices reliably achieving effectiveness.

Referred to Senate Committee on Natural Resources. Sponsor: Senator Kirk Watson (D)

(NEW) **SB 1200 TX MILITARY PREPAREDNESS COMMISSION (TMPC)** is composed of 13 public members appointed by the governor and the following ex officio members:

- Chair of the committee of the Texas House of Representatives having primary jurisdiction of matters concerning defense affairs and military affairs; and
- Chair of the committee of the Texas Senate having primary jurisdiction of matters concerning defense affairs and military affairs.

TMPC shall act as liaison to improve coordination among the TX Commander's Council and state agencies including:

- TX Veterans Commission;
- Veterans' Land Board;
- Public Utility Commission.

Referred to Senate Committee on Veteran Affairs and Military Installations. Sponsor: Senator Leticia R. Van De Putte (D)

(NEW) **SB 1209 IMPOUNDING, DIVERTING, USING STATE WATER.** Each person issued a water right by TCEQ or who impounds, diverts, or otherwise uses state water shall maintain water use information required under Subsection (a) on a monthly basis during months a water rights holder uses permitted water. A person who fails to file an annual report with TCEQ as required by Subsection (a) or fails to comply in a timely manner with a request by the commission to make information available is liable for a penalty in an amount not to exceed \$5,000 per day for each day the person fails to file the statement or comply with the request after the applicable deadline. The state may sue to recover the penalty. Referred to Senate Committee on Natural Resources. Testimony heard, measure remains pending in committee.

Sponsor: Senator Troy Fraser (R)

(NEW) **SB 1212 TRANSFER OF EXOTIC SPECIES.** A water transfer described by this subsection, without evidence of the introduction of an exotic fish or shellfish, is not a violation of this section. The department may not require a permit under this section for a water transfer described by this subsection. Referred to Senate Committee on Agriculture, Rural Affairs and Homeland Security and reported favorably from committee as substituted. Recommended for local and uncontested calendar, passed Senate and ordered engrossed. Sponsor: Senator Craig Estes (R)

(NEW) **SB 1241 (COMPANION BILL: HB 2701) EDWARDS AQUIFER AUTHORITY AND WELLS WITH LIMITED PRODUCTION CAPABILITIES.** EAA's regulation of wells with limited production capabilities reads as follows:

- A well serving a subdivision requiring platting does not qualify for an exempt use;
- A well drilled on or before 1 Jun 13, for any purpose authorized under this article is exempt from requirement to obtain a withdrawal permit, provided the well:
  - Is not capable of producing more than 1,250 gallons of water a day; or
  - Is metered and does not produce more than 1.4 acre-feet of water in a calendar year.

Referred to Senate Committee on Natural Resources. Testimony heard, recommend for local and uncontested calendar.

Sponsor: Senator Glenn Hegar (R)

(NEW) **SB 1532 INJECTION WELLS TRANSECTING OR TERMINATING IN THE EDWARDS AQUIFER.** This section applies only to the portion of the Edwards Aquifer within a geographic area circumscribed by external boundaries of the Barton Springs-Edwards Aquifer Conservation District but is not in that district's territory or the territory of EAA. TCEQ by rule or permit may not authorize an injection well transecting or terminating the Edwards Aquifer. TCEQ by rule may authorize injection of fresh water withdrawn from the Edwards Aquifer into a well transecting or terminating in the Edwards Aquifer for the purpose of providing additional recharge or injection of rainwater, storm water, flood water, or groundwater into the Edwards Aquifer by means of an improved natural recharge feature such as a sinkhole or cave located in a karst topographic area. Referred to Senate Committee on Natural Resources. Sponsor: Senator Judith Zaffirini (D)

(NEW) **SB 1745 (COMPANION BILL: HB 3538) MINIMUM POLLUTION REMOVAL REQUIREMENTS FOR CERTAIN STORMWATER DISCHARGES IN THE EDWARDS AQUIFER.** The commission may not approve use or installation of a new stormwater treatment facility in a water pollution abatement plan unless stormwater treatment facility is capable of removing at least 85 percent of the total suspended solids prior to the discharge of the stormwater into recharge zone of the Edwards Aquifer according to the "Complying with the Edwards Aquifer Rules, Technical Guidance on Best Management Practices," as amended, or by other commission rule. Sponsor: Senator Carlos I. Uresti (D)

(NEW) **SB 1791 AIR QUALITY FEE.** An affected county with incidents approaching, or monitors incidents exceeding, eight-hour NAAQS for ozone may by order adopt a county air quality fee to be:

- Imposed at the time an emissions-related inspection is performed in the county; and
- Used by the county only for:

- o Low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program under Section 382.209; or
- o Local initiative projects under Section 382.220(b).

Referred to Senate Committee on Natural Resources. Sponsor: Senator Kirk Watson (D)

### FINAL RULE

**(Effective 4 Mar 13) DEPARTMENT OF AGRICULTURE: PROPOSED ADDITION: NOXIOUS AND INVASIVE PLANT LIST (4 TAC 19.300).** TX Department of Agriculture added [Melia azedarach](#) (chinaberry) to the Invasive Species list. : Amendments to the list of noxious and invasive plants add chinaberry as an invasive plant, correct spelling of Chinese tallow tree, and move listing of Japanese climbing fern to place it in alphabetical order. POC: Dr. David Villareal at (512) 463-4075.

### PROPOSED RULES

**(NEW) COMMISSION ON ENVIRONMENTAL QUALITY: PUBLIC DRINKING WATER, RAINWATER (30 TAC 290).** Proposed rules include:

- Allowing a [rainwater harvesting system \(RWHS\)](#) connected to a Public Water System (PWS) to be used for indoor potable purposes;
- Requiring PWS to ensure microbiological quality of the treated water is monitored at least annually; and
- Establishing PWS has authority to require additional levels of treatment at each residence or facility where water from a RWHS is used for indoor potable purposes and where there is a connection to a PWS.

Public hearing 9 Apr 13, comments due 15 Apr 13. POC: Cindy Haynie at (512) 239-3465

**(NEW) COMMISSION ON ENVIRONMENTAL QUALITY: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) AND GENERALLY AVAILABLE CONTROL TECHNOLOGY (GACT) STANDARDS UPDATE (30 TAC 113).** Rulemaking incorporates by reference 25 new area source [MACT and GACT standards](#) into Chapter 113, Subchapter C. Three new major source MACT standards would also be incorporated by reference. Approximately 30 existing MACT standards already in Chapter 113, Subchapter C would be updated to maintain consistency with the corresponding federal regulations. Three existing MACT standards in Chapter 113 would be repealed as a result of court decisions that vacated those standards. Public hearing 9 Apr 13, comments due 15 Apr 13. POC: Michael Wilhoit at (512) 239-1222

**(NEW) HISTORICAL COMMISSION PROPOSED RULE: REPEAL OF RULES CONCERNING PRACTICE AND PROCEDURE (13 TAC §§26.1 - 26.22, 26.24, 26.25, 26.27)** [repeals Chapter 26, §§26.1 - 26.22, 26.24, 26.25, and 26.27](#), concerning Practice and Procedure. A new §26.1 - 26.27 will replace repealed sections. Repeal is proposed as a means of updating and streamlining this chapter that has not been thoroughly revised since 1985. Comments due 31 Mar 13. POC: Mark Wolfe at (512) 463-1858.

**(NEW) HISTORICAL COMMISSION PROPOSED RULE: REPEAL OF RULES CONCERNING THE OFFICE OF THE STATE ARCHEOLOGIST (OSA) (13 TAC §§25.1 - 25.7)** [repeals Chapter 25, §§25.1 - 25.7](#) to eliminate outdated terminology and procedures and replaces them with new sections implementing necessary updates, additions and changes to more precisely reflect programs and procedures of the State Archeological Program, formerly known as OSA. Comments due 31 Mar 13. POC: Mark Wolfe at (512) 463-1858.

**(UPDATE) COMMISSION ON ENVIRONMENTAL QUALITY PROPOSED RULE: GROUNDWATER PROTECTION RECOMMENDATION LETTERS AND FEES – REPEAL.** TCEQ proposed [repealing §§339.1 - 339.3](#) as the Railroad Commission (RRC) adopts concurrent amendments to reflect changes in law made under HB 2694, Article 2. Those rules authorized the executive director to provide groundwater protection letters to RRC for use in various activities and applications and to collect a fee for expedited processing of a request for a groundwater protection recommendation. Because the executive director no longer provides groundwater protection letters to RRC, TCEQ proposes rules in Chapter 339 are no longer necessary and §§339.1 - 339.3 should be repealed in their entirety. Notice of Rule Withdrawal published on 15 Mar 13. POC: Kari Bourland at (512) 239-6137.

# Region 7



**NOTICE:** Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

**Legislature convenes 14 Jan 13 and adjourns 3 May 13.**

## PROPOSED LEGISLATION

(NEW) [HF 522](#) **CONTROL OF AQUATIC INVASIVE SPECIES** prohibits a person from transporting on a public road, or placing or attempting to place into waters of the state, any water-related equipment with aquatic invasive species or aquatic plant attached to or within equipment unless specified exceptions apply. A violation of these provisions is punishable by a scheduled fine of \$500 plus an additional fine of \$500 for each repeat violation within the same 12-month period. Referred to House Committee on Natural Resources. Sponsor: Committee on Natural Resources

(NEW) [SF 355](#) **VEHICLES OF EXCESSIVE SIZE AND WEIGHT.** If a vehicle permitted to transport indivisible loads has a retractable body extension, extension must be reduced to legal dimensions unless vehicle is loaded and extension is in use. Bill allows persons requesting permits to do so in person, through the Internet, by facsimile, or by telephone. Passed Senate. Sponsor: Committee on Transportation

## FINAL RULES

**(EFFECTIVE 13 MAR 13) DEPARTMENT OF NATURAL RESOURCES FINAL RULE: COMPLIANCE AND ENFORCEMENT PROCEDURE (567 IAC CHAPTER 17)** formalizes DNR's current [compliance and enforcement](#) options for use prior to, or in lieu of, assessing administrative penalties specified in IAC 567 - Chapter 10. Final rule meets DNR's responsibility to protect public health and environment and provide regulated entities and public with transparency, clarity, consistency and fairness in addressing potential violations of IA's environmental statutes and rules. POC: Christine Paulson at (515) 242-5154.

**(EFFECTIVE 13 MAR 13) DEPARTMENT OF PUBLIC HEALTH FINAL RULE: RADIATION (641 IAC 38.8(6), 41.1, 41.3(7), CH 42)** amends Chapter 38, "[General Provisions for Radiation Machines and Radioactive Materials](#)," and Chapter 41, "Safety Requirements for Use of Radiation Machines and Certain Uses of Radioactive Materials;" rescinds Chapter 42, "Minimum Certification Standards for Diagnostic Radiographers, Nuclear Medicine Technologists, and Radiation Therapists;" and adopts new Chapter 42, "Permit to Operate Ionizing Radiation Producing Machines or Administer Radioactive Materials," IA Administrative Code. Amendments simplify chapter format, clarify language and move some items from other chapters to make Chapter 42 self-contained. POC: Charlene Craig at (515) 281-0415.

## PROPOSED RULES

(NEW) **DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: PLANTWIDE APPLICABILITY LIMITATION (PALs) (567 IAC 33.3(1), 33.9)** rulemaking adopts recent federal amendments to the [Prevention of Significant Deterioration \(PSD\) program related to GHG emissions](#). Proposed changes will match federal regulations and Iowa's PSD program by providing additional opportunities for PALs for GHGs. Hearing on 23 Apr 13, comments due that day. POC: Christine Paulson at (515)242-5154.

(NEW) **DEPARTMENT OF TRANSPORTATION (DOT): FEDERAL MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS REGULATIONS (761 IAC 520.1(1))**. Commercial vehicles [transporting hazardous materials](#) in interstate commerce or transporting certain hazardous materials intrastate are subject to Hazardous Materials Regulations. Adoption of federal regulations by DOT extends enforcement of regulations to commercial vehicles operated intrastate unless exempted by statute. POC: Tracy George at (515) 239-1358.

(NEW) **WORKFORCE DEVELOPMENT DEPARTMENT: FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS (875 IAC 10.20, 26.1)**. Department's Labor Services Division [proposed amendments to Chapter 10](#), "General Industry Safety and Health Rules," and Chapter 26, "Construction Safety and Health Rules," IA Administrative Code, adopt by reference changes to federal occupational safety and health standards. Changes to federal standards make corrections and technical amendments to general industry and construction standards. Comments due 13 Mar 13. POC: Kathleen Uehling at (515) 281-5387.

### OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

**GOVERNOR BRANSTAD AND THE STATE OF IOWA** invite interested parties to apply for the IA Environmental Excellence Awards, designed to recognize leadership and innovation in managing state natural resources. [Applications due Friday 12 April 13, 11:59 p.m.](#)

**DEPARTMENT OF NATURAL RESOURCES AIR QUALITY BUREAU DISCUSSION OF PROPOSED SO<sub>2</sub> NONATTAINMENT AREA IN MUSCATINE COUNTY**. DNR held two public meetings 28 Mar 13 at the Muscatine County Conservation Board's Environmental Learning Center. Purpose of the meetings was to provide information on [proposed nonattainment area for sulfur dioxide \(SO<sub>2</sub>\)](#) in Muscatine and to seek input from the public, businesses and other affected stakeholders.

EPA recommended Muscatine County be designated nonattainment for the 1-hour SO<sub>2</sub> NAAQS. A nonattainment area is designated when outdoor (ambient) air pollution levels violate the NAAQS. EPA determined the SO<sub>2</sub> monitor located at Musser Park in Muscatine violated the 1-hour NAAQS for SO<sub>2</sub> between 2008 and 2010, and has proposed entire Muscatine County be classified as nonattainment.

EPA has given the DNR until 8 Apr 13 to provide additional information for consideration prior to EPA finalizing the nonattainment recommendation. POC: Jim McGraw at (515) 242-5167.



**NOTICE:** Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

**Legislature convenes 14 Jan 13 and adjourns 29 Apr 13.**

### LEGISLATION PASSED BY LEGISLATURE

(UPDATE) **HB 2051 LIMITED TRANSFER PERMITS**. The chief engineer may grant, upon application, limited transfer permits to authorize use of up to 4 million gallons from an existing water right. The term of such limited transfer permit will be limited to a single calendar year. Each application submitted for a limited transfer permit shall be on a form prescribed by the chief engineer and accompanied by an application fee of \$200. Introduced and referred to House Committee on Agriculture and Natural Resources. Committee report recommends "Do Pass" as substituted. House Committee of the Whole recommends "Do Pass" as substituted. House passed substituted bill and sent to Senate, referred to Senate Committee on Natural Resources. Reported from committee as "Do Pass" as substituted. Senate Committee of the Whole recommended pass as substituted, passed Senate. Sponsor: Committee on Agriculture and Natural Resources

(UPDATE) **HB 2305 UNDERGROUND STORAGE TANK CONTAINMENT**. Each underground storage tank, or piping connected to any such tank, installed or replaced on and after 1 Jul 13 shall be secondarily contained and monitored for leaks. All secondary containment systems:

- Shall be designed, constructed and installed to contain regulated substances released from the tank system until they are detected and removed;
- Prevent release of regulated substances to the environment at any time during the operational life of the underground storage tank system; and
- Be checked for evidence of a release using interstitial monitoring.

Introduced and referred to House Committee on Energy and Environment. Recommended "Do Pass" by committee and by House Committee of the Whole and passed House. Sent to Senate and referred to Committee on Natural Resources. Measure reported "Do Pass" as amended by committee. Senate Committee of the Whole recommended "Do Pass" as amended. Passed Senate as amended, House concurred with amendment. Sponsor: Committee on Energy and Environment

### PROPOSED LEGISLATION

(UPDATE) [HB 2074](#) **SOLID WASTE DISPOSAL AREA RESTRICTIONS**. No city or county shall adopt restrictions for any solid waste disposal area within its boundaries if such restrictions supersede or impair local legislation of another city or county being serviced by the same solid waste disposal area. A city or county may adopt restrictions for a solid waste disposal area if:

- City or county owns the solid waste disposal area;
- City or county receives consent by each governing body of a city or county outside its corporate boundaries that may be affected by such restrictions; or such restrictions apply to residents of such city or county but not to residents of another city or county being serviced by same solid waste disposal area.

Introduced and referred to House Committee on Local Government. Reported from committee as "Do Pass" as amended, passed House and engrossed to Senate. Sponsor: House Committee on Local Government

### FINAL RULE

(EFFECTIVE 29 MAR 13) **DEPARTMENT OF HEALTH AND ENVIRONMENT FINAL RULE: RADIATION SCHEDULE OF FEES (K.A.R. 28-35-147A)**. Amendments [raise fees](#) from approximately 64 percent to approximately 83 percent of the maximum established in K.S.A. 48-1606. Fee adjustment is projected to generate sufficient revenue to operate the radiation control program for at least five additional years. POC: Thomas A. Conley at (785) 296-1565.

### PROPOSED RULES

(NEW) **DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES PROPOSED RULE: MULTI-YEAR FLEX ACCOUNTS (K.A.R. 5-16-1 THROUGH 5-16-7)**. Revised conditions regarding approval and operation of [multi-year flex accounts for water](#) are necessary to implement 2012 statutory change in K.S.A. 82a-736 in S.B. 272. Hearing on 25 Apr 13, comments due on that day. POC: Leslie Garner at (785) 296-4623.

(NEW) **DEPARTMENT OF AGRICULTURE, DIVISION OF WATER CONSERVATION PROPOSED RULE: WATER RIGHTS (K.A.R. 11-12-1 THROUGH K.A.R. 11-12-7)**. Department of Agriculture, Division of Conservation proposed the following regulations:

- K.A.R. 11-12-1 establishes operating definitions for words and terms used in the program implementation;
- K.A.R. 11-12-2 provides additional clarification for those areas where applications will be considered;
- K.A.R. 11-12-3 outlines the timelines, standards and procedures where agency will accept applications;
- K.A.R. 11-12-4 identifies which applications for water right retirement grant applications will be evaluated and prioritized, and methods of payment for approved applications; and
- K.A.R. 11-12-5 provides a mechanism for water rights to be conditioned to provide for a brief period of limited irrigation where lands are being converted to permanent vegetation.

Hearing 25 Apr 13, comments due that day. POC: Leslie Garner at (785) 296-4623.

(NEW) **DEPARTMENT OF HEALTH AND ENVIRONMENT PROPOSED RULE: SIP REVISION - CONFLICT OF INTEREST**. Section 110(a)(2)(E)(ii) requires each state SIP shall include provisions addressing [conflict of interest requirements](#). This proposed SIP revision does not include any rulemaking action as it is administrative in nature, and addresses the Section 128 requirements by reference to specific corresponding state statutes and regulations. KDHE addressed Clean Air Act requirements regarding conflict of interest in a Dec 94, Title V Program submittal, with authorized legal opinion, to EPA demonstrating KS laws provide adequate authority to implement all aspects of the Title V Program including conflict of interest disclosure requirements, specifically, K.S.A. 46-247(c). Comments due 19 Apr 13. POC: Melissa Weide at (785) 291-3272.

## OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

**KDHE [POLLUTION PREVENTION AWARDS](#)** offered annually to businesses, industries and organizations making significant improvement in protecting the environment by preventing pollution. This annual award program recognizes projects eliminating or reducing generation of pollutants or wastes at the source or projects conserving natural resources. Applications must be received by 21 Jun 13 to be considered. Send applications and attachments to Melissa Hammond at [mhammond@kdheks.gov](mailto:mhammond@kdheks.gov). Application submittal may also be completed in hard copy. Please send printed applications and attachments to Melissa Hammond, KDHE – BEFS, 1000 SW Jackson St, Suite 430, Topeka, KS 66612-1367.

**WYANDOTTE COUNTY, KS, AND KANSAS CITY, KS, AGREE TO [IMPROVE SEWER AND STORMWATER SYSTEMS](#).** EPA and U.S. Department of Justice announced the Unified Government of Wyandotte County and Kansas City, KS, agreed to a settlement to address unauthorized overflows of untreated raw sewage and to reduce pollution levels in urban stormwater.

The [settlement](#), lodged 21 Mar 13 in U.S. District Court in Kansas City, KS, requires the Unified Government to implement improved operation and maintenance programs for its sewer system, perform initial work to address sewer overflows, and implement an improved Storm Water Management Plan. The Unified Government will also develop a proposed overflow control plan for the sewer system by Sep 16 for approval by EPA.



**NOTICE:** Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

**Legislature convenes 9 Jan 13 and adjourns 29 Apr 13.**

## PROPOSED LEGISLATION

(NEW) **[HOUSE CONCURRENT RESOLUTION \(HCR\) 18](#) (COMPANION RESOLUTION: [SCR 11](#)) TRANSFER OF AUTHORITY FOR REMEDIATION OF WEST LAKE LANDFILL RADIOACTIVE WASTES TO USACE.** Legislature requests U.S. Congress to transfer authority for remediation of West Lake Landfill radioactive wastes from EPA to U.S. Army Corps of Engineers (USACE's) Formerly Utilized Sites Remedial Action Program (FUSRAP) project with urgent, related request that wastes be excavated from the Missouri River flood plain and be transported to a licensed radioactive waste facility, away from water and away from people. Referred to House Committee on General Laws. Sponsor: Representative Keith English (D)

(NEW) **[HB 328](#) RESIDENTIAL ELECTRONIC PRODUCTS RECYCLING AND REUSE** repeals Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act. Sponsor: Representative Mary Nichols (D)

(NEW) **[HB 417](#) EXISTING WATER STORAGE TANK MAINTENANCE** authorizes certain political subdivisions to enter into a multi-year asset management professional service contract for engineering, repair, sustainability, water quality management, and maintenance of existing water storage tanks and appurtenant facilities that does not change their size or capacity. Contracts must not require political subdivision to make annual payments in excess of its water utility charges less its operating expenses and debt service costs. All work performed under contract must be supervised by a licensed professional engineer who certifies it is performed in compliance with all applicable codes and engineering standards. Sponsor: Representative Rick Stream (R)

(NEW) **[HB 880](#) BOARDS AND COMMISSIONS IN THE DEPARTMENT OF NATURAL RESOURCES.** DNR in conjunction with the State Parks Commission is authorized to accept or acquire by purchase, lease, donation, agreement or eminent domain, any lands, or rights in lands, sites, objects or facilities that in its opinion should be held, preserved, improved and maintained for park or parkway purposes. The Missouri advisory council on historic preservation is hereby transferred to DNR and shall report to the State Parks Commission. Referred to House Agri-Business Committee. Sponsor: Representative Casey Guernsey (R)

(UPDATE) **HB 28 OPEN BURNING BAN** authorizes any municipality or fire protection district to adopt orders, ordinances or resolutions, including burn ban orders, as specifically related to actual or impending occurrence of a natural or man-made disaster of major proportions within county of municipality or fire protection district when safety and welfare of inhabitants are jeopardized. Orders, ordinances, or resolutions may include a penalty for a violation as an infraction or a misdemeanor. Introduced and referred to House Committee on Local Government, reported "Do Pass" from committee. Sponsor: Representative Donna Lichtenegger (R)

(UPDATE) **HB 44 HYDROPOWER**. Bill allows hydropower produced in any quantity to be used to satisfy renewable energy standard of Section 393.1030, RSMo. Hydropower generated from pumped storage remains ineligible to be counted as renewable energy for purposes of standard. Referred to House Committee on Utilities, reported from committee as "Do Pass." Measure perfected as amended. Sponsor: Representative Bart Korman (R)

(UPDATE) **HB 75 PREMIUMS OR FEES CHARGED FOR SEWER OR WASTEWATER TREATMENT**. A city, town, village, sewer district, or water supply district may establish, as provided in the order or ordinance, regulations necessary for administration of collections, claims, repairs, replacements, and all other activities necessary and convenient for implementation of any order or ordinance adopted and approved under this section. Referred to House Committee on Local Government, voted "Do Pass" by committee. Sponsor: Representative Chuck Gatschenberger (R)

(UPDATE) **HB 122 SOLID WASTE TRANSPORTATION**. Any truck, tractor-trailer or other combination engaged in transporting solid waste, as defined by section 260.200, or engaged in transporting recyclable waste between any city and solid waste disposal area or, solid waste processing facility, recycling facility approved by DNR, Department of Health and Senior Services, or Department of Revenue may operate with a weight not to exceed 22,400 pounds on one axle or a weight not to exceed 44,800 pounds on any tandem axle. Introduced and referred to House Committee on Transportation, voted "Do Pass." Sponsor: Representative Tony Dugger (R)

(NEW) **SENATE CONCURRENT RESOLUTION (SCR) 11 (COMPANION RESOLUTION: HCR 18) TRANSFER OF AUTHORITY FOR REMEDIATION OF WEST LAKE LANDFILL RADIOACTIVE WASTES TO USACE**. Members of the Senate, Ninety-seventh General Assembly, House of Representatives concurring therein, hereby request the U.S. Congress to transfer authority for remediation of the West Lake Landfill radioactive wastes from EPA to USACE's FUSRAP project with the urgent, related request wastes be excavated from the MO River flood plain and be transported to a licensed radioactive waste facility, away from water and away from people. Sponsor: Senator Maria N. Chappelle-Nadal (D)

(NEW) **SB 417 PROVISIONS RELATING TO THE DEPARTMENT OF NATURAL RESOURCES**. *Solid Waste* - modifies disclosure requirement statement and expands definition of person to include a limited liability company, trust, or any other legal entity. It also requires, upon request of the director of DNR, a criminal background check for any person involved in the management activities of the solid waste facility. *Hazardous Waste* - repeals DNR's discretion in issuing permits for operation of any hazardous waste facility having multiple violations within a limited period of time and removes ability of the department to not issue permits to persons who have been found to habitually violate solid or hazardous waste laws. *Clean Water Fee Structure* - requires DNR to conduct a comprehensive review of the clean water fee structure. Upon completion of the review, the department must submit recommendations for changes to the fee structure to the Clean Water Commission. *Air Conservation Commission* - gives the Air Conservation Commission authority to adjust the fee structure relating to air and requires DNR to conduct a comprehensive review of the fee structure. Upon completion, DNR must submit recommendations for changes to the fee structure to the Air Conservation Commission. Referred Senate Commerce, Consumer Protection, Energy and the Environment Committee. Sponsor: Senator Brad Lager (R)

(UPDATE) **SB 41 PRIVATE NUISANCE ACTIONS** based on an air emission or water or solid waste discharge, other than placement of nuclear waste, are specifically prohibited if emission or discharge was expressly authorized by and not in violation of a statute or regulation; a license issued by a public body specified in the act; or a court order. However, a person may file suit based on these types of actions if permit or order creates a condition not reasonably foreseeable at the time of issuance or if permit holder fails to disclose certain facts. Referred to Senate Commerce, Consumer Protection, Energy and Environment Committee, voted "Do Pass" by committee, Senate Amendment 1 defeated on Senate floor. Placed on informal calendar for perfection, bill reported "truly perfected," passed Senate. Sent to House and referred to Judiciary Committee. Sponsor: Senator Scott Sifton (D)

(UPDATE) **[SB 361](#) MUNICIPAL WASTEWATER.** Currently, DNR by rule requires wastewater treatment facilities maintain a pH level within a range of 6.5 to 9 standard units. Act requires such facilities to maintain a pH level from 6 to 9 standard units. Referred to Senate Commerce, Consumer Protection, Energy and the Environment Committee.

Sponsor: Senator Scott T. Rupp (R)

(UPDATE) **[SB 363](#) RESIDENTIAL ELECTRONIC PRODUCTS RECYCLING AND REUSE** program is set to begin in 2014, with goals for that year based upon most recent population census, multiplied by 2.5 pounds per capita of covered electronic devices recycled or processed for reuse. Statewide program goals vary for years after 2014. Referred to Senate Commerce, Consumer Protection, Energy and the Environment Committee. Sponsor: Senator Maria N. Chappelle-Nadal (D)

### **PROPOSED RULE**

(NEW) **DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: UNDERGROUND STORAGE TANKS - TECHNICAL RULES (10 CSR 26-2)** describes changes to underground storage tank rules. In 2011, the department [updated technical rules](#) in 10 CSR 26 Chapter 2, including incorporating by reference the 2004 as modified in 2005 Tanks risk-based corrective action, or RBCA, guidance document. The incorporation by reference was made in three rules: 10 CSR 26-2.062, 10 CSR 26-2.078, and 10 CSR 26-2.082. Comments due 1 Mar 13. POC: Tim Chibnall at [tim.chibnall@dnr.mo.gov](mailto:tim.chibnall@dnr.mo.gov).

### **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**[EXECUTIVE ORDER 13-03](#): TRANSFER OF THE DIVISION OF ENERGY.** Governor Jay Nixon issued an executive order transferring the Division of Energy from the Department of Natural Resources to the MO Department of Economic Development.



**NOTICE:** Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

**Legislature convenes 9 Jan 13 and adjourns 30 May 13.**

### **PROPOSED LEGISLATION**

(UPDATE) **[LB 140](#) LAND USE PLANNING, AIRPORT ZONING** provides airport hazard area dimensions, changes provisions relating to airport hazard area zoning regulations, board of adjustment, and judicial review, among others. Referred to Government, Military and Veterans Affairs Committee. Placed on General File AM210. Sponsor: Senator Bob Krist (I)

(UPDATE) **[LB 203](#) SOLID WASTE** changes provisions relating to solid waste under Environmental Protection Act to define and redefine terms relating to solid waste and to repeal original section. Referred to Natural Resources Committee, placed on General File 334 and Advanced to Enrollment and Initial Review. Placed on Select File with ER32 for Enrollment and Review. Sponsor: Senator Jim Scheer (I)

(UPDATE) **[LB 242](#) ADMINISTRATIVE RULES AND REGULATIONS.** An agency shall adopt and promulgate rules and regulations within one year after the public hearing required under subsection (2) of section 84-907. Any agency not adopting and promulgating such rules and regulations as required by this section shall submit electronically an explanation to the Executive Board of the Legislative Council. Referred to Executive Board, placed on general File. Sponsor: Senator Sara Howard (I)

(UPDATE) **[LB 388](#) CONSTRUCTION OF CERTAIN TRANSMISSION LINES.** Any city of first class may apply by ordinance any existing or future zoning regulations, property use regulations, building ordinances, electrical ordinances, plumbing ordinances, and ordinances authorized by section 16-240 to unincorporated areas two miles beyond and adjacent to its corporate boundaries with same force and effect as if such outlying area were within corporate limits of such city, except that no such ordinance shall be extended or applied so as to prohibit, prevent, or interfere with conduct of existing

farming, livestock operations, businesses, or industry. Introduced and referred to Natural Resources Committee. Placed on General File AM454. Sponsor: Natural Resources Committee

# Department of Defense Activity

**DEPARTMENT OF DEFENSE RELEASES CLIMATE CHANGE ADAPTATION ROADMAP.** The Department of Defense (DoD) released a [Climate Change Adaptation Roadmap](#) detailing Department plans for managing effects of climate change on its operations and infrastructure in both the short and long term. This roadmap, a key element of DOD's annual update of its [Strategic Sustainability Performance Plan](#), specifically requires the [Strategic Environmental Research and Development Program](#) to develop climate change assessment tools for DOD installations.

## Federal Activity

### AIR

**ADDITIONAL QUALIFYING RENEWABLE FUEL PATHWAYS.** EPA issued a final rule qualifying camelina oil (*Camelina sativa*) as biomass-based diesel or advanced biofuel, and biofuels from energy cane qualifying as cellulosic biofuel ([78 FR 14190](#)). EPA determined these additional fuels will help meet GHG reduction requirements of the Renewable Fuel Standard (RFS) Program. Inclusion of these fuels creates additional opportunity and flexibility for regulated parties to comply with the advanced and cellulosic requirements of the Energy Independence and Security Act (EISA) and provides certainty necessary for investments to bring these biofuels into commercial production. The rule becomes effective on 6 May 13. EPA POC: [Vincent Camobreco](#), (202) 564-9043.

**POTENTIAL HEALTH RISKS TO DOD FIRING-RANGE PERSONNEL FROM LEAD EXPOSURE.** DOD asked the National Research Council (NRC) to evaluate potential health risks from recurrent lead exposure of firing-range personnel, and specifically, whether current exposure standards for lead on DOD firing ranges protect its workers adequately. In response, NRC convened the Committee on Potential Health Risks from Recurrent Lead Exposure of DOD Firing Range Personnel, which prepared a report summarizing those risks. Review of the epidemiologic and toxicologic data allowed the committee to conclude there is overwhelming evidence the Occupational Safety and Health Administration (OSHA) standard provides inadequate protection for DOD firing-range personnel and for any other worker populations covered by the general industry standard. *Potential Health Risks to DOD Firing-Range Personnel from Recurrent Lead Exposure* will help to inform decisions about setting new air exposure limits for lead on firing ranges, about whether to implement limits for surface contamination, and about how to design lead-surveillance programs for range personnel. Follow the link for [a summary of the report](#). The [entire report](#) can be downloaded for free by registered users on the The National Academies Press website.

**FEMP LAUNCHES WEBSITE TO HELP FEDERAL AGENCIES REDUCE GREENHOUSE GAS EMISSIONS.** This [new website](#) helps agency personnel to evaluate mitigation strategies for different emission sources, including buildings, fleet vehicles, business travel and employee commuting; and prioritize projects to achieve reduction goals in the most cost-effective manner.

### CLIMATE CHANGE

**WATERSHED MODELING FOR 20 WATERSHEDS ASSESSMENT.** EPA issued a draft document titled [Watershed Modeling to Assess the Sensitivity of Streamflow, Nutrient, and Sediment Loads to Climate Change and Urban Development in 20 U.S. Watersheds](#), that characterizes sensitivity of streamflow, nutrient (nitrogen and phosphorus), and sediment loading to a range of plausible mid-21st century climate change and urban development scenarios. Study also provides an improved understanding of methodological challenges associated with integrating existing tools and datasets to assess the potential effects of climate change and urban development on stream flow and water quality. Comments are due by 15 Apr 13. EPA POC: [Thomas Johnson](#), (703) 347-8618.

## ENERGY

**NEW GUIDE FOR FEDERAL AGENCIES DEVELOPING LARGE-SCALE RENEWABLE ENERGY PROJECTS.** The Federal Energy Management Program (FEMP) developed a [new guide](#) providing a framework allowing the federal government, private developers, and financiers to work in a coordinated effort on large-scale renewable energy projects. Guide was developed by FEMP and the National Renewable Energy Laboratory, with contribution and assistance provided by the [Army Energy Initiatives Task Force](#) (EITF) in concert with the EITF's process for large-scale renewable energy project development.

**ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL WATER HEATERS.** Department of Energy (DOE) proposes a process for waiving water heater efficiency requirements applying to certain large-volume electric storage water heaters ([78 FR 12969](#)). The proposal is in response to utility company concerns that water heater efficiency standards would interfere with electric thermal storage programs utility companies administer to manage peak load. DOE POC: [Ms. Ashley Armstrong](#), (202) 586-6590.

**HIGH PERFORMANCE AND SUSTAINABLE BUILDINGS.** A new Unified Criteria Document, *United Facilities Criteria (UFC) 1-200-02, High Performance and Sustainable Building Requirements*, has been signed and posted to the [Whole Building Design Guide website](#). UFC 1-200-02 provides minimum requirements and guidance for DOD components to achieve high performance and sustainable facilities.

**POLICY FRAMEWORK FOR THE 21ST CENTURY GRID: A PROGRESS REPORT.** The White House released [A Policy Framework for the 21st Century Grid: A Progress Report](#), which updates the original *Policy Framework* released in Jun 11. Update contains a section promoting DOD as an appropriate place to promote energy technology innovations, including smart grid and micro-grid technologies.

**RENEWABLE ENERGY PROJECT PERMITTING FOR DEVELOPMENT ON FEDERAL LANDS.** The Government Accounting Office (GAO) released a report addressing permitting process for renewable energy development on federal lands, principally Bureau of Land Management (BLM) and Forest Service (USFS) lands ([GAO-13-189](#)). Since passage of the Energy Policy Act of 2005, federal land management agencies, primarily BLM, have received hundreds of applications for utility-scale renewable energy projects, yet only authorized 25: seven wind, ten solar, and eight geothermal. Applications for the majority of projects were withdrawn by the applicants or denied by BLM because of insufficient information. GAO POC: [Anne-Marie Fennell](#), (202) 512-3841.

## HAZARDOUS CHEMICALS

**ADDITION OF ORTHO-NITROTOLUENE TO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA) 313 CHEMICAL RELEASE REPORTING LIST.** EPA proposes to add ortho-nitrotoluene the list of toxic chemicals subject to reporting under EPCRA Section 313 ([78 FR 15913](#)). O-nitrotoluene has been classified by the National Toxicology Program as "reasonably anticipated to be a human carcinogen." Comments are due 13 May 13. EPA POC: [Daniel R. Bushman](#), (202) 566-0743.

**FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE.** EPA updated the [Hazardous Waste Compliance Docket](#) used to identify federal facilities for evaluation to determine if they pose a threat requiring environmental remediation ([78 FR 16668](#)). This notice replaces a notice published 6 Nov 12 that inadvertently omitted the last page of additions in the Tables section. Additions to the docket include:

- Naval Weapons Station Seal Beach Detachment Corona, Norco, CA;
- Youngstown Naval Reserve Center, Youngstown, OH;
- Mansfield Naval Reserve Center, Mansfield, OH;
- Navy Remediation at Teledyne Turbine Engines, Toledo, OH;
- DRMO Kalaeloa, Kapolei, HI;
- US NAVY Transient Family Accommodation Eastpark, Bremerton, WA;
- USAF ANG Walla Walla Military Department, Walla Walla, WA

EPA POC: [Tim Mott](#), (703) 603-8807.

## WATER

**TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT.** Although EPA did not approve a new test method for oil and grease for nationwide use, thereby changing monitoring requirements for all permit holders, this proposal does allow a permit holder to petition to use the alternative test method ([78 FR 14457](#)). Petitioners would need to request to use the alternative method, along with specific data. EPA grants approval to use the alternative method on a case-by-case basis. EPA POC: [Jan Matuszko](#), (202) 566-1035.

**ARMY CORPS OF ENGINEERS LAUNCHES A FEDERAL SUPPORT TOOLBOX FOR INTEGRATED WATER RESOURCES MANAGEMENT.** The [Federal Support Toolbox](#) is a dynamic, evolving and comprehensive water resources website with direct links to valuable databases, innovative programs and initiatives and state-of-the-art models and tools. The website also serves as a resource for sharing ideas and water resources needs, best management practices, collaborations and partnerships and more for the water resources community in the U.S. and internationally.

**AMENDMENTS TO EXECUTIVE ORDER 12777 - DELEGATION OF AUTHORITIES.** The President issued amendments to [Executive Order 12777](#) to delegate authorities for enforcement of portions of the Oil Pollution Act of 1990 and Clean Water Act to Department of Transportation and Coast Guard.

## OTHER

**MORE EFFICIENT ENVIRONMENTAL REVIEWS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).** The Council on Environmental Quality released [a new handbook](#) encouraging more efficient environmental reviews under NEPA and provides advice to federal agencies, applicants, project sponsors, and consultants on how to take advantage of existing regulatory provisions to align the NEPA process and the National Historic Preservation Act Section 106 review process.

# National Conferences and Symposia

## NONE

# Regional Meetings

**15 MAY 13 KANSAS SMALL BUSINESS ENVIRONMENTAL ASSISTANCE PROGRAM (SBEAP) PERMIT AWARENESS WEBINARS** for Class I or Class II air operating permits explains air operating permit requirements in plain language. The webinar will break down individual components of the permit, and provide linkages to regulatory citations and required KDHE forms. SBEAP will conduct one webinar at 10:00 a.m. for Class I air operating permits and another at 1:00 p.m. for Class II air operating permits.

Class I webinar (10:00 am): <https://www3.gotomeeting.com/register/503452334>.

Class II webinar (1:00 pm): <https://www3.gotomeeting.com/register/432326766>.

**27-29 AUG 13, TOPEKA, KS 2013 KANSAS ENVIRONMENTAL CONFERENCE** provides updates on environmental issues, new technologies, regulatory information, and pollution prevention. Anyone interested in the status of the environment in Kansas is invited to attend.

# Professional Development

**11-13 APR 13, WASHINGTON, DC** [RECLAIM + REMAKE SYMPOSIUM](#) brings together the most innovative practices in education and research for current and future reuse and recycling of material resources in the built environment.

**16-18 APR 13, WASHINGTON, DC** [ESPC COMPREHENSIVE WORKSHOP](#). Open only to federal employees and DOE management and operating contractors, the workshop outlines latest DOE Energy Savings Performance Contracts (ESPC) process. Session is taught by DOE national laboratory experts and other consultants with extensive background in ESPCs.

**8-10 MAY 13, CHICAGO, IL** [INTERNATIONAL SOCIETY OF SUSTAINABILITY PROFESSIONALS CONFERENCE](#) is structured around stories from the field featuring presentations of on-the-ground implementation from organizations worldwide; emerging strategies for building business cases, engaging employees and developing cultures of sustainability; and sustainability tools to demonstrate latest sustainability assessments, reporting standards and more.

**10-13 JUN 13, NEW ORLEANS, LA** [ENVIRONMENT, ENERGY SECURITY & SUSTAINABILITY SYMPOSIUM AND EXHIBITION](#) is focused on providing participants with critical information and interaction on challenges of national security departments and agencies regarding environmental, energy security, and sustainability issues such as acquisition, environmental management, environmental restoration, emerging technologies, partnerships, finance and budgeting, technology, climate change and adaption, sustainable design and construction, stormwater, BRAC, unexploded ordnance recovery, grids and infrastructure security, and contingency base energy. E2S2 provides an opportunity to share ideas and create partnerships to meet and achieve environmental, energy security, and sustainability objectives across government and industry.

**5-6 AUG 13, Washington, DC,** [The American Energy Security Summit](#). Hosted by the [United States Leadership Forum](#), the conference features top government and industry leaders, providing the latest details on federal energy priorities, programs, and contracts, featuring the Departments of Defense, Energy, Agriculture, Veterans Affairs, and other federal agencies. Topics include state government and local government energy priorities, programs, and contracts; energy efficiency priorities, including achieving net zero installations and advanced lighting solutions; and clean energy priorities, including biofuels for jets and electric and natural gas-powered ground transportation.

## VARIOUS DATES AND TIMES ONLINE

**READINESS AND ENVIRONMENTAL PROTECTION INITIATIVE – [WEBINAR SERIES](#)**. REPI Webinar Series is presented by DOD in partnership with the [Land Trust Alliance](#). This online series covers best practices, tutorials and knowledge sharing on REPI partnerships that support military mission and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. For detailed webinar descriptions please visit the [REPI WEBSITE](#).

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS**. U.S. Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules are available on [US ARMY ENVIRONMENTAL COMMAND \(AEC\) WEBSITE](#).

**[EPA NPDES TRAINING COURSES AND WORKSHOPS](#)**. Training courses, workshops, and webcasts explain regulatory framework and technical considerations of the NPDES Permit program. They are designed for permit writers, dischargers, USEPA officials and other interested parties.

**[INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL \(ITRC\) INTERNET BASED TRAINING](#)**. ITRC is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers training courses via the Internet to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. Training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents.

[EPA RCRA TRAINING](#). RCRA-related online courses, seminars, webinars, podcasts, and videos are posted throughout USEPA's waste website. Introductory and advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations and implementation.

[NATIONAL ENFORCEMENT TRAINING INSTITUTE](#). EPA environmental enforcement training opportunities are offered (e-learning, classroom, and webinar) for federal, state, tribal and local government environmental enforcement professionals.

**USACE PROSPECT TRAINING**. USACE announces its FY13 PROSPECT training program. Please see [Course Catalog \(a.k.a. Purple Book\)](#) and [List of Classes and schedule](#) for details. Courses are open to all federal employees, state, county and city employees and contractors. There are different registration processes for each entity.

[NAVY AND ISEERB ENVIRONMENTAL TRAINING FY13](#). The Navy and Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY13 is available. Course topics include environmental overview and management; law planning and sustainability; pollution prevention; restoration; conservation; supplemental and Internet/computer-based training, and more.

[AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY13](#). The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government. Fees vary according to personnel status (i.e., active duty Air Force/civilian, other U.S. government employee, and contractor).



# Internet Resources

## **Region 6 Regulatory & Legislative Internet Sites**

USEPA Region 6

Arkansas Dept of Environmental Quality (ADEQ)

Arkansas General Assembly

Louisiana Department of Environmental Quality (LDEQ)

Louisiana Legislature

New Mexico Environment Department (NMED)

New Mexico Legislature

Oklahoma Department of Environmental Quality (ODEQ)

Oklahoma Legislature

Texas Commission on Environmental Quality (TCEQ)

Texas Legislature

<http://epa.gov/region6/index.htm>

<http://www.adeq.state.ar.us>

<http://www.arkleg.state.ar.us/>

<http://www.deq.state.la.us/>

<http://www.legis.state.la.us/>

<http://www.nmenv.state.nm.us/>

<http://www.nmlegis.gov/lcs/>

<http://www.deq.state.ok.us>

<http://www.lsb.state.ok.us/>

<http://www.tceq.state.tx.us/>

<http://www.capitol.state.tx.us/>

## **Region 7 Regulatory & Legislative Internet Sites**

USEPA Region 7

Iowa Department of Natural Resources (IDNR)

Iowa General Assembly

Kansas Department of Health and Environment (KDHE)

Kansas Legislature

Missouri Department of Natural Resources (MDNR)

Missouri General Assembly

Nebraska Department of Environmental Quality (NDEQ)

Nebraska Legislature

<http://www.epa.gov/region7/index.htm>

<http://www.iowadnr.com/>

<http://www.legis.iowa.gov/index.aspx>

<http://www.kdhe.state.ks.us>

<http://kslegislature.org/li/>

<http://www.dnr.mo.gov/index.html>

<http://www.moga.mo.gov/>

<http://www.deq.state.ne.us>

<http://nebraskalegislature.gov/>

## **Other Federal Agencies Internet Sites**

Department of the Interior, Bureau of Land Management State Offices

Eastern States AR, LA, MO, IA

NM, KS, OK, TX

WY, NE

U.S. Geological Survey Central Region

All Region 6 and 7 states

DOE Office of Environmental Management

All states

U.S. Fish and Wildlife Service

Southwest Region NM, TX, OK

Mountain – Prairie Region KS, NE

Midwest Region IA, MO

Southeast Region AR, LA

<http://www.blm.gov/es/st/en.html>

<http://www.blm.gov/nm/st/en.html>

<http://www.blm.gov/wy/st/en.html>

<http://www.cr.usgs.gov/>

<http://www.em.doe.gov/pages/emhome.aspx>

<http://www.fws.gov/southwest/>

<http://www.fws.gov/mountain-prairie/>

<http://www.fws.gov/midwest/>

<http://www.fws.gov/southeast/>

# Staff Directory

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## How the Regional Offices Work for You

When used within the framework of ISO 14001, the Central Region Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO 14001. Information in the Review is intended for general guidance, and the reader should refer to the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations.

The U.S. Army Regional Environmental and Energy Office, Central (REEO-C) monitors the following actions on your behalf. If a proposed state action has: (1) critical mission impact; (2) conflicts with a federal requirement; and/or (3) a disproportionate effect on the Army or DOD, we coordinate with the potentially affected installations, commands, and/or other military Services to further assess the potential impact. If action is needed on a proposed measure, we work with Army or Service regulatory experts to communicate DA/DoD position, coordinating with the affected installations and commands. Comments are combined from all parties in a single DoD/Army package and formally submitted to the state.

For further information please visit the [Army's Regional Environmental and Energy Offices'](#) website.

Want to comment on a rule or bill in the Review?  
Please contact your Regional Environmental Coordinator listed above.

### **Acronyms used in this document can be found at:**

<http://www.asaie.army.mil/Public/InfraAnalysis/REEO/Central/docs/acronyms.doc>