



Central Review of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

January 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.

Gas Guzzlers Disappearing from Army's Shrinking Fleet

Over the past few years, the number of Army non-tactical vehicles and fuel-hungry vehicles has declined. In 2009, the Army had 82,860 non-tactical vehicles, according to Edward J. Moscatelli, Chief, Transportation Branch, Office of the Assistant Chief of Staff for Installation Management. His office develops the Program Objective Memorandum requirements and has oversight of all non-Tactical vehicles in the Army.

Non-tactical vehicles include cars, trucks, tractors and special-use vehicles like fire trucks and ambulances not meant for combat operations.

Of those 82,860 vehicles, 10,941 were Army-owned, 70,348 were Government Services Administration-leased, and 1,571 were commercially leased, he said, adding that the commercially leased vehicles are ones not available from GSA and are usually cost-prohibitive for the Army to purchase.

Since the 2009 year, there has been a significant drop in total vehicles. While the final figures are not yet in, Mr Moscatelli projects the current total at approximately 74,000; 10,800 are Army-owned, 1,130 commercially are leased and 63,000 are GSA leased and he believes 5,000 more can soon be eliminated. More at:

http://www.army.mil/article/92380/Gas_guzzlers_disappearing_from_Army_s_shrinking_fleet/. Byline credit to David Vergun.

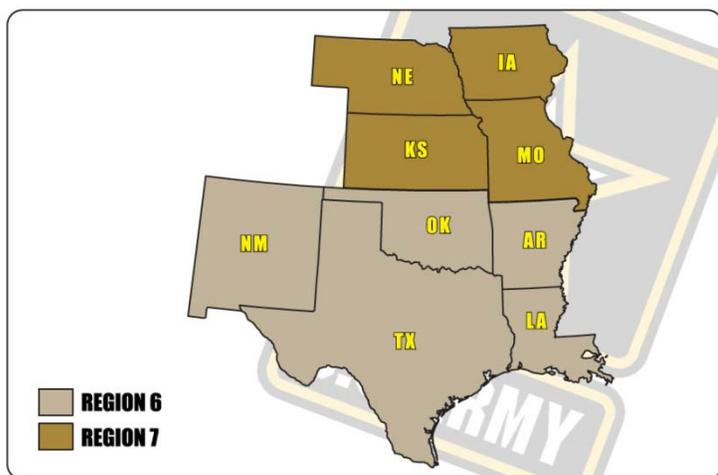


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Customer's Corner: Please send any comments, questions, lessons learned, best practices etc to Dennis Takade.

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.

No significant regulatory or legislative activity this reporting period.



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.

STATE OF LOUISIANA FINAL RULES

(Effective 20 Dec 12) Department of Environmental Quality Final Rules: PM_{2.5} Increments, Significant Impact Levels and Significant Monitoring Concentration (LAC 33:III.509) adopted rulemaking incorporating provisions of EPA's final rule titled "Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5})-Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) - (75 FR 64864, 20 Oct 10) into the state air regulations. Details at:

http://www.statescape.com/RegsText/StaticDownloads/52974_99951.pdf. For more information, please call Perry Theriot (225) 219-3985.

(Effective 20 Dec 12) Department of Agriculture and Forestry Final Rules: Definition for the Advisory Commission on Pesticides (LAC 7:XXIII.103) restores definition of "application" originally published in the LA Register, Volume 35, No. 04, 20 Apr 09 and inadvertently removed in Dec 2011. Details at:

<http://www.doa.louisiana.gov/osr/reg/1212/1212.pdf#page=53>. For more information, please call David Fields at (225) 925-3763.

STATE OF LOUISIANA PROPOSED RULES

(NEW) Board of Commissioners, Capital Area Ground Water Conservation District Proposed Rules: Pumpage Fees (LAC 56:V.1107). District consisting of East and West Baton Rouge, East and West Feliciana, and Pointe Coupee Parishes proposes rulemaking to increase pumping charges for groundwater users. The board determined this increase is necessary to meet increased costs for the district 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. Over

ten years the total cost will be \$2,019,000. This action is in accordance with LA Revised Statutes 38:3076(14) and 38:3079. Hearing scheduled for and comments due by 29 Jan 13. Details at:

<http://www.doa.louisiana.gov/osr/reg/1212/1212.pdf#page=225>. For more information, please call Office of the Governor at (225) 342-0919.

(UPDATE) **Department of Environmental Quality Proposed Rules: Minor Revisions to Water Quality Standards Antidegradation Language (LAC 33:IX.1109, 1119) (1212Pot1)**. DEQ proposed rulemaking to make minor revisions to LAC 33:IX.1109 and 1119. The department has since made substantive changes to address comments received during the public comment period of proposed rule WQ085. The regulation now states additional implementation procedures may be incorporated into the Water Quality Management Plan after appropriate public participation and intergovernmental coordination. Additionally, regulation changed to clarify antidegradation policy applies to both activities and discharges. Finally, language included to address increased wastewater discharges and to clarify permit requirements. Public hearing 29 Jan 13. Details at:

http://www.statescape.com/RegsText/StaticDownloads/59770_99950.pdf. For more information, please call Deidra Johnson at (225) 219-3985.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **Department of Environmental Quality Invitation for Comments: Draft LPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems**. DEQ's Office of Environmental Services invites written comments on a draft LPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems. Coverage under this general permit shall be limited to facilities discharging storm water from regulated small municipal separate storm sewer systems into surface waters of the state. In order to be covered as a permittee under this general permit, notification must be made to this Office by the owner or operator. Notification must be made on Notice of Intent (NOI) form MS4-G or an approved equivalent form. Comments due by 30 Jan 13. Details at:

http://www.statescape.com/ssu/Regs/ss_8588454824085297216.doc. For more information, please call Kimberly Cortis at (225) 219-3208.



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Legislature convenes 15 Jan 13 and adjourns 16 Feb 13.

STATE OF NEW MEXICO PROPOSED LEGISLATION

(NEW) **HB 15 Armed Forces Retainer Pay Tax Credit** states a taxpayer who files an individual state income tax return, who is not a dependent of another individual and who is an armed forces retiree may claim a credit against tax liability imposed by the Income Tax Act. The tax credit provided by this section may be referred to as the "armed forces retainer pay tax credit." The purpose of the armed forces retainer pay tax credit is to encourage armed forces retirees to move to this state and to utilize expertise of armed forces retirees in its work force. Details at:

<http://www.nmlegis.gov/Sessions/13%20Regular/bills/house/HB0015.html>.

Sponsor: Representative Thomas A. Anderson (R)

REEO-C Comment: If passed this would allow a retired military person, based on a graduated scale, to deduct up to \$1,000 a year from NM income tax starting in 2014.

(NEW) **HB 19 Water Rights Under Lease**. An owner may lease to any person all or any part of the water use due owner under owner's water right, and owner's water right shall not be affected by the lease of the use. The beneficial use by a lessee pursuant to Chapter 72, Article 6 NMSA 1978 of any part of the water use due under owner's water right shall constitute beneficial use of that part of owner's water right. Details at:

<http://www.nmlegis.gov/Sessions/13%20Regular/bills/house/HB0019.html>.

Sponsor: Representative Roberto J. Gonzales (D)

STATE OF NEW MEXICO FINAL RULES

(Effective 6 Jan 13) Environment Department Final Rule: Revisions to New Mexico Drinking Water Regulations (20.7.10 NMAC) updates state's incorporation by reference of the National Primary Drinking Water Regulations so future changes will be automatically incorporated into law. Other revisions to the regulations reflect existing implementation where federal regulations allow state discretion or require state interpretation. Details at: <http://www.nmcpr.state.nm.us/nmregister/xxiii/xxiii24/20.7.10amend.htm>. For more information, please call Carmella Casados at (505) 827-2425.

(Effective 31 Dec 12) Department of Game and Fish: List of Threatened and Endangered Species (19.33.6 NMAC) amendments remove language pertaining to "restricted species" and exotic large cats. Miscellaneous changes are also made to the scientific names of various threatened and endangered species. Details at: <http://www.nmcpr.state.nm.us/nmregister/xxiii/xxiii24/19.33.6amend.htm>. For more information, please call Office of the Director at (505) 476-8008.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) Environment Department Water Quality Surface Water Quality Bureau (SWQB) Request for Comments: Water Quality Study of the Lower Pecos Watershed, Sumner Dam to the Texas Border, Including Selected Tributaries to be conducted from Feb - Nov 13 and includes the Pecos River from Sumner Dam to the Texas border. Also included will be the Black and Delaware Rivers, Sitting Bull Creek, Rattlesnake Spring, Brantley Lake, Carlsbad Municipal Lakes, Lea Lake, and possibly others. Survey results will be used to determine water quality status, track water quality improvements, and identify impaired waterbodies. Meeting scheduled 24 Jan 13. Details at: http://www.statescape.com/RegsText/StaticDownloads/66965_101348.pdf. For more information, please call Gary Schiffmiller at (505) 827-2470.



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Legislature convenes 4 Feb 13 and adjourns 31 May 13.

STATE OF OKLAHOMA PROPOSED LEGISLATION

(NEW) SB 41 Environmental Agency Jurisdiction defines jurisdictional areas of environmental responsibility specified shall be in addition to those otherwise provided by law and assigned to the specific state environmental agency provided that any rule, interagency agreement or executive order enacted or entered into prior to the effective date which conflicting with assignment of jurisdictional environmental responsibilities specified by this section is superseded. Details at: http://webserver1.lsb.state.ok.us/cf_pdf/2013-14%20INT/SB/SB41%20INT.PDF.

Sponsor: Senator Harry E. Coates (R)

STATE OF OKLAHOMA PROPOSED RULE

(NEW) Department of Labor Proposed Rule: Abatement of Friable Asbestos Materials Rules (380:50-5-5, 380:50-6-2 through 380:50-6-6). Proposed rule amendment allows licensees to obtain training from EPA or DOL accredited training providers are not affiliated with educational institutions, labor unions, government agencies, or private vocational education providers. The administrative rules have also been amended to require asbestos abatement contractor applicants to provide all required documentation within the 120 day waiting period. Hearing scheduled for and comments due 4 Feb 13. Details at: http://204.87.112.100/register/Volume-30_Issue-08.htm#a29731. For more information, please call Tiffany J. Wythe at (405) 521-6186.



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Legislature convenes 8 Jan 13 and adjourns 27 May 13.

STATE OF TEXAS PROPOSED LEGISLATION

(NEW) **HB 252 Water Shortage Reporting By Water Utilities.** The commission 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 the commission when utility's projected water supply is reasonably certain for less than 180 days.

Details at: <http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=83R&Bill=HB252>.

Sponsor: Representative Lyle Larson (R)

STATE OF TEXAS FINAL RULES

(Effective 27 Dec 12) Commission on Environmental Quality Final Rule: On-Site Sewage Facilities (30 TAC 285.3 - 285.6, 285.32 - 285.36, 285.90, 285.91) removes setbacks between On-Site Sewage Facility (OSSF) components and drainage easements, clarifies that a permit and an approved plan are required to construct, alter, repair, extend, or operate an OSSF, and exempts subdivisions from submitting planning materials when a tract is divided into two five-acre or larger tracts. The adopted rules:

- Allow repair or alteration of existing cluster systems;
- Update sizing formulas for leaching chambers;
- Require new or replacement disinfection devices to be certified by a third party;
- Add an option to reduce the size of aerobic treatment units when using an equalization tank;
- Establish guidelines for installation of new equalization tanks and clarify emergency repair; and
- Increase cleanout spacing to 100 feet for consistency with the Uniform Plumbing Code.

Details at: http://www.statescape.com/RegsText/StaticDownloads/59829_100944.htm#256. For more information, please call Candy Garrett at (512) 239-1457.

(Effective 27 Dec 12) Commission on Environmental Quality Final Rule: Memorandum of Understanding (30 TAC 7.117) adopts by reference a revised Memorandum of Understanding (MOU) between the Railroad Commission of TX (RRC) and the TX Commission on Environmental Quality (TCEQ). RRC adopted an amendment to 16 TAC 3.30, Memorandum of Understanding between RRC and TCEQ, to reflect changes in law made under HB 2694, Article 2 (see 6 Apr 12, issue of the Texas Register). Details at:

http://www.statescape.com/RegsText/StaticDownloads/61964_100941.htm#250. For more information, please call Kari Bourland at (512) 239-6137.

(Effective 27 Dec 12) Commission on Environmental Quality Final Rules: Water System Operators - Special Provisions for the Military (30 TAC 30.387, 30.402) amends Chapter 30 by adding a provision defining a military operator-in-training and a provision that would allow individuals who have successfully completed Bioenvironmental Engineering Apprentice (BEA), or equivalent military training, as determined by the executive director, to collect microbiological samples and determine disinfection residuals at military facilities, without holding a public water system operator license issued by the executive director. Details at:

http://www.statescape.com/RegsText/StaticDownloads/59826_100942.htm#253. For more information, please call Terry Thompson at (512) 239-6095.

REEO-C Comment: All military installations in TX operating their own systems should benefit from this ruling.

(Effective 6 Dec 12) Commission on Environmental Quality Final Rules: Implementation of SB 181 and SB 660 (30 TAC 288.1 - 288.5). SB 181 relates to calculation and reporting of water usage by municipalities and water utilities for state water planning and other purposes while SB 660 relates to review and functions of the TX Water Development Board (TWDB), including the functions of the board and related entities in connection with the reporting of municipal water use data. SB 181 requires entities to report the most detailed level of water use possible, but cannot require entities to report at a higher level than their current billing systems allow. SB 660 requires TCEQ, or TCEQ and TWDB, to jointly adopt rules by 1 Jan 13, requiring methodology and guidance for calculating water use and conservation developed under TWC, 16.403, to be used in water conservation plans or reports. Details at: http://www.statescape.com/RegsText/StaticDownloads/59831_99089.htm#208. For more information, please call Scott Swanson at (512) 239-0703.

STATE OF TEXAS PROPOSED RULE

(NEW) Department of Agriculture (DA) Proposed Addition: Noxious and Invasive Plant List (4 TAC 19.300). DA consulted with representatives from the agriculture industry, the horticulture industry, the Cooperative Extension Service, the Department of Transportation, the State Soil and Water Conservation Board, and the Department of Parks and Wildlife before adding the *Melia azedarach* (chinaberry) to the list. The department has considered scientific data and the economic impact submitted by the Texas Invasive Plant and Pest Council, affiliated with the National Association of Exotic Pest Plant Councils. By law, the noxious and invasive plants listed may not be sold, distributed or imported in Texas. The amendments to the list of noxious and invasive plants add chinaberry as an invasive plant, correct the spelling of Chinese tallow tree, and move the listing of Japanese climbing fern to place it in alphabetical order. Comments due 20 Jan 13. Details at: http://www.statescape.com/RegsText/StaticDownloads/66741_100936.htm#13. For more information, please call Dr. David Villareal at (512) 463-4075.

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.

STATE OF IOWA EMERGENCY RULE

(Effective 19 Dec 12) Department of Natural Resources Emergency Amendment: Underground Storage Tanks - Leak Detection at Unstaffed Facilities 567 IAC 135.5(1) rescinds paragraph 135.5(1)"e" and adopts a new paragraph to extend by one year compliance deadline for underground storage tank leak detection system upgrades at unstaffed facilities using pressurized piping. Changing the deadline from 1 Jan 13 to 1 Jan 14 provides owners of unstaffed facilities additional time to comply with the rule and allows time for DNR and stakeholders to address concerns raised since the existing rule's adoption. Details at: <https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/01-09-2013.Bulletin.pdf#page=23>. For more information, please call Paul Nelson at (515)281-8779.

STATE OF IOWA PROPOSED RULE

(NEW) **Department of Natural Resources Proposed Rule: Underground Storage Tanks - Leak Detection at Unstaffed Facilities (567 IAC 135.5(1))** rescinds paragraph 135.5(1)"e" and adopts a new paragraph changing the deadline for compliance with certain leak detection and notification requirements applicable to unstaffed facilities operating underground storage tank (UST) systems with pressurized piping from 1 Jan 13 to 1 Jan 14. "Unstaffed facilities" are those facilities that do not have an operator present on site at all times that the UST system is operating and available to dispense fuel to a customer. Hearing scheduled 7 Feb 13, comments due 6 Feb 13. Details at: <https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/01-09-2013.Supplement.pdf#page=441>. For more information, please call Paul Nelson at (515) 281-8779.



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Legislature convenes 14 Jan 13 and adjourns 29 Apr 13.

STATE OF KANSAS FINAL RULES

(Effective 28 Dec 12) **Department of Health and Environment Final Rules: Construction and Demolition Landfills (K.A.R. 28-29-300, 28-29-330, 28-29-331, 28-29-332, 28-29-333)** adds new and amended solid waste management regulations. Amendments to K.A.R. 28-29-300 define terms applicable to construction and demolition (C&D) landfills used in these regulations. New solid waste management regulations K.A.R. 28-29-330, 28-29-331, 28-29-332, 28-29-333, 28-29-334, 28-29-335 and 28-29-336 concern control of hazardous and explosive gases at C&D landfills. These new regulations will apply to the subset of C&D landfills in Kansas that may produce hazardous and explosive gases such as hydrogen sulfide and methane due to site-specific characteristics. Details at: http://www.kssos.org/pubs/register%5C2012%5CVol_31_No_50_December_13_2012_p_1497-1514.pdf#page=13. For more information, please call Christine Mennicke (785) 296-0724.

(Effective 28 Dec 12) **Department of Health and Environment Final Rules: Incorporation of Changes to Federal Regulations (K.A.R. 28-19-735, 28-19-750, 28-19-750a)**. Air quality regulations K.A.R. 28-19-735, 28-19-750 and 28-19-750a incorporate changes to federal regulations incorporated therein. Regulations summary:

- K.A.R. 28-19-735: amendments adopt by reference the provisions of 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP), through 1 July 10. The Part 61 hazardous air pollutant (HAP) regulations establish standards to limit the emissions of specific HAPs.
- K.A.R. 28-19-750: amendments adopt by reference the provisions of 40 C.F.R. Part 63, NESHAP, through July 1, 2010. Prior to the 1990 Clean Air Act Amendments (CAAA), Section 112 of the Clean Air Act directed EPA Administrator to identify HAPs for regulation. This regulation is necessary to maintain the state's authority under existing delegation agreements to administer federal regulations and to ensure Kansas air quality regulations are consistent with federal requirements.
- K.A.R. 28-19-750a: amendments adopt by reference 40 C.F.R. Part 65, Consolidated Federal Air Rule, through July 1, 2010. This federal regulation consolidates different requirements for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) to enable easier compliance for facilities.

Details at:

http://www.kssos.org/pubs/register%5C2012%5CVol_31_No_50_December_13_2012_p_14971514.pdf#page=12 (begins mid-page 1508). For more information, please call Miles Stotts at (785) 296-1615.

(Effective 28 Dec 12) **Department of Health and Environment Final Rules: Prevention of Significant Deterioration (PSD) of Air Quality (K.A.R. 28-19-350)** adopted amendments to K.A.R. 28-19-350 specifically to implement revised National Ambient Air Quality Standard (NAAQS) for fine particulate matter (PM_{2.5}), to incorporate the deferral for CO₂ emissions from bioenergy and other biogenic sources under the PSD program, and to remove language that excludes stayed, remanded or vacated provisions. These proposed amendments update the adoption by reference of 40 C.F.R. 52.21 in K.A.R. 28-19-350 to align state PSD program with the federal program. Details at:

http://www.kssos.org/pubs/register%5C2012%5CVol_31_No_50_December_13_2012_p_1497-1514.pdf#page=12
(begins on page 1507). For more information, please call Miles Stotts at (785) 296-1615.

STATE OF KANSAS PROPOSED RULES

(NEW) **Department of Health and Environment Proposed Rules: State Plan for Implementation, Maintenance and Enforcement of the 2010 National Ambient Air Quality Standards (NAAQS) for Ozone.** The State Plan for Implementation, Maintenance and Enforcement of NAAQS for ozone is proposed in accordance with the requirements of Section 110 of the Federal Clean Air Act Amendments (CAAA) of 1990. Details at:

http://www.kssos.org/pubs/register/2012/Vol_31_No_49_December_6_2012_p_1453-1496.pdf#page=7. For more information, please call Miles Stotts at (785) 296-1615.

(NEW) **Department of Health and Environment Proposed Rule: Radiation Schedule of Fees (K.A.R. 28-35-147a).** Amendments raise fees from approximately 64% to approximately 83% 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. Details at:

http://www.kssos.org/pubs/register%5C2012%5CVol_31_No_50_December_13_2012_p_1497-1514.pdf#page=9. For more information, please call Thomas A. Conley at (785) 296-1565.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

Energy Efficiency (E2)/Pollution Prevention (P2) Intern Program is a non-regulatory, summer program designed to link top-level engineering and environmental sciences students with business and industry. Collaborations focus on projects to reduce energy use, emissions and wastes, benefiting the company bottom line and the Kansas environment. Details at: <http://www.sbeap.org/intern-program>.



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Legislature convenes 9 Jan 13 and adjourns 29 Apr 13.

STATE OF MISSOURI PROPOSED LEGISLATION

(NEW) **House Joint Resolution (HJR) 3 Constitutional Amendment Authorizing an Exemption for Certain Property from Personal Property Tax for Active-Duty Military Personnel Stationed Outside the Country** states all property, real and personal, of the state, counties and other political subdivisions, and nonprofit cemeteries, and all real property used as a homestead as defined by law of any citizen of this state who is a former prisoner of war, as defined by law, and who has a total service-connected disability, and all personal property of any active duty military person, who is a citizen of this state, while such person is stationed outside the United States and such property is not in use, shall be exempt from taxation. Details at: <http://house.mo.gov/billtracking/bills131/billtxt/intro/HJR00031.htm>.

Sponsor: Representative Kevin Elmer (R)

(NEW) **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. The city, town, village, sewer district, or water supply district may administer the program or may contract with one or more persons, through a competitive process, to provide for administration of any portion of implementation activities of any order or ordinance adopted and approved under this section, and reasonable costs of administering the program may be paid from the special account established under this section not to exceed five percent of the fund on an annual basis. Details at:

<http://www.house.mo.gov/BillSummaryPrn.aspx?bill=HB74&year=2013&code=R>.

Sponsor: Representative Chuck Gatschenberger (R)

(NEW) **HB 113 Uniformed Services Voters** establishes the Uniform Military and Overseas Voters Act implementing state responsibilities under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973, et. seq. Bill applies to specified members of the armed forces and specified dependents who are registered to vote in this state. Details at: <http://house.mo.gov/billtracking/bills131/sumpdf/HB01131.pdf>.
Sponsor: Representative Charlie Davis (R)

STATE OF MISSOURI FINAL RULES

(Effective 28 Feb 13) Department of Natural Resources Final Rule: Definitions and Common Reference Tables 10 CSR 10-6.020 defines key words and expressions used in Chapters 1 through 6 and provides common reference tables. This amendment provides a maintenance update to add definitions needed for other rulemakings filed while general definitions rule changed and obsolete definitions removed. In addition, several non-substantive error corrections and clarifications will be made. Details at: http://www.statescape.com/RegsText/StaticDownloads/61351_100967.pdf#page=25. For more information, please call Chief, Air Quality Planning Section at (573) 751-4817.

(Effective 30 Dec 12) Department of Natural Resources Final Rule: Emission Inspection Exemption for Plug-In Hybrid Electric Vehicles (10 CSR 10-5.381) enacts provisions of 643.300-643.355, RSMo. The purpose of the inspection and maintenance program is to reduce and prevent formation of ground-level ozone from vehicle emissions in the St. Louis nonattainment area. Details at: http://www.statescape.com/RegsText/StaticDownloads/58233_96480.pdf#page=19. For more information, please call Chief, Air Quality Planning Section at (573) 751-4817.

(Effective 30 Dec 12) Department of Natural Resources Final Rule: Maximum Achievable Control Technology Regulations (10 CSR 10-6.075). Adopted amendments establish emission control technology, performance criteria, and work practices to achieve emission standards for sources that emit or have the potential to emit hazardous air pollutants. The purpose of this rulemaking is to adopt by reference new emission standards, updates, and clarifications to existing federal rule 40 CFR 63 promulgated 1 Jan 11 through 16 Feb 12. Evidence supporting need for this rulemaking, per 536.016, RSMo, is elements of the State/EPA work plan and Title V Operating Permit Program requirements. Details at: http://www.statescape.com/RegsText/StaticDownloads/58233_96480.pdf#page=19 (scroll to bottom page 1610). For more information, please call Chief, Air Quality Planning Section at (573) 751-4817.

(Effective 30 Dec 12) Department of Natural Resources Final Rule: Emission Standards for Hazardous Air Pollutants 10 CSR 10-6.080. Adopted amendments establish emission standards and performance criteria for new or modified sources emitting hazardous air pollutants. The purpose is to adopt by reference new emission standards, updates, and clarifications to existing federal rule 40 CFR 61 promulgated from 1 Jan 11 through 16 Feb 12. Evidence supporting the need for this rulemaking, per 536.016, RSMo, is elements of the State/EPA work plan and Title V Operating Permit Program requirements. Details at: http://www.statescape.com/RegsText/StaticDownloads/58233_96480.pdf#page=19 (scroll to mid-page 1611). For more information, please call Chief, Air Quality Planning Section at (573) 751-4817.

(Effective 30 Dec 12) Department of Natural Resources Final Rule: New Source Performance Regulations (10 CSR 10-6.070). Adopted amendments establish acceptable design and performance criteria for specified new or modified emission sources. The purpose is to adopt by reference new emission standards, updates, and clarifications to existing federal rule 40 CFR 60 that were promulgated from 1 Jan 11 through 16 Feb 12. Details at: http://www.statescape.com/RegsText/StaticDownloads/58233_96480.pdf#page=19 (scroll to bottom page 1610 left column). For more information, please call Chief, Air Quality Planning Section at (573) 751-4817.

STATE OF MISSOURI PROPOSED RULE

(NEW) **Department of Natural Resources Proposed Rule: Regulatory Impact Report - Controlling Emissions During Episodes of High Air Pollution Potential (10 CSR 6.130)**. Purpose of this rulemaking is to make necessary changes to the rule that fulfills the federal and state requirements (40 CFR 51 Subpart H and 643.090, RSMo, respectively) for Missouri to have an emergency contingency plan for dealing with episodes of high air pollution throughout the state. The changes include updating a table, clarifying an existing requirement, correcting a procedure, and reorganizing rule text into more easily understood tables. Comments due by 3 Feb 13. Details at:

A t: http://www.statescape.com/RegsText/StaticDownloads/66244_99932.htm. For more information, please call Chief, Air Quality Planning Section at (573) 751-4817.



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.

STATE OF NEBRASKA FINAL RULE

(Effective 22 Dec 12) Department of Environmental Quality Final Rule: Incorporation by Reference of Federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) (129 NAC Chapter 028). Rulemaking incorporates by reference six federal NESHAPS. Details at: <http://www.sos.state.ne.us/rules-and-regs/regtrack/proposals/0000000000001145.pdf> (final regulation text unavailable). For more information, please call Legal Division (402) 471-2186.

(Effective 22 Dec 12) Department of Health and Human Services Public Water Systems and Ground Water (179 NAC Chapters 002, 003, 004, 005, 008, 012, 013, 014, 016). Adopted changes to control of lead and copper, drinking water standards and treatment techniques, reporting requirements, surface water treatments, and disinfectants. Details at: <http://www.sos.state.ne.us/rules-and-regs/regtrack/proposals/0000000000001121.pdf> (final regulation text unavailable). For more information, please contact Department of Health and Human Services at (402) 471-9022.

(Effective 22 Dec 12) Department of Environmental Quality Final Rule: Rules of Practice and Procedure (260 NAC Chapter 001-007). The rule changes:

- Update the rules to reflect current statutory terms and consistently use correct terminology;
- Allow for use of current technology for filing documents not authorized in the current rules;
- More clearly explain the rules and how they may be utilized.

Details at: <http://www.sos.state.ne.us/rules-and-regs/regtrack/proposals/0000000000001187.pdf> (final regulation text unavailable). For more information, please call LeRoy Sievers at (402) 471-1113.

Department of Defense Activity

Army Issues Sources Sought Notice to Support Network Integration Evaluation (NIE) 14.1. The U.S. Army, through the System of Systems Integration (SOSI) Directorate, announced it is seeking interested industry and government sources with mature solutions to enhance existing network systems capabilities to participate in the Network Integration Evaluation 14.1 event, scheduled to take place in Oct/Nov 13 at FT Bliss, TX, and White Sands Missile Range, NM.

The purpose of a Sources Sought notice is to identify emerging capabilities to be evaluated against a set of entrance criteria for an opportunity to participate in NIE 14.1. Identified gaps include Brigade/Battalion Command Post, Mobility and Scalability, Network Visualization on the Common Operational Picture, and Aerial layer Network Extension, among others.

The semi-annual NIE is helping shape "agile" capability integration by assessing Soldier provided and technical operational test data to influence not only how the Army procures capability, but also how integrated network capability requirements are validated and refined. NIEs also shape ways the Army fields, trains, sustains and continuously improves capability acquisition and life cycle management and provide a relevant operational test environment to meet mandatory Program of Record test requirements. More at:

http://www.army.mil/article/93885/Army_issues_Sources_Sought_Notice_to_support_NIE_14_1/ (byline credit to Katie Cain, SOSI Directorate)

Recycling Center Points FT Polk toward Net Zero Waste 2020. In Apr 11, FT Polk was chosen as one of six Net Zero Waste pilot installations within the Army challenged to reach zero solid waste entering landfills by the year 2020. At inception, four work groups were assigned the task of making recommendations for implementing the Net Zero Waste initiative. On 26 Nov 12, members of the FT Polk community witnessed the grand opening of the Net Zero Waste Center located in Building 3622 at the intersection of Georgia and Maine.

Ted Hammerschmidt, FT Polk Qualified Recycling Program environmental contractor, said, "We based our recommendations on one simple question - Why does FT Polk exist? - to train and deploy, to feed and equip, to build and maintain, to promote the welfare and administer the needs of the installation."

Eleven projects were immediately accepted for implementation in fiscal years 2012 and 2013. "One of the results is what we are celebrating today - the grand opening of the Net Zero Waste Center," Hammerschmidt said. More at:

http://www.army.mil/article/92108/Recycling_center_points_Polk_toward_Net_Zero_Waste_2020/ byline credit to Kelli Nieman, FT Polk.

Federal Activity

Final Rules

CAA

EPA Revises the National Ambient Air Quality Standards for Particle Pollution. EPA revised the annual PM_{2.5} standard by lowering the level to 12.0 micrograms per cubic meter (µg/m³) to provide increased protection against health effects associated with long- and short-term exposures (including premature mortality, increased hospital admissions and emergency department visits, and development of chronic respiratory disease), and to retain the 24-hour PM_{2.5} standard at a level of 35 µg/m³. EPA revised the Air Quality Index (AQI) for PM_{2.5} to be consistent with the revised primary PM_{2.5} standards. With regard to the primary standard for particles generally less than or equal to 10 µm in diameter (PM₁₀), EPA retained the current 24-hour PM₁₀ standard to continue to provide protection against effects associated with short-term exposure to thoracic coarse particles (i.e., PM_{10-2.5}). With regard to the secondary (welfare-based) PM standards, EPA generally retained the current suite of secondary standards (i.e., 24-hour and annual PM_{2.5} standards and a 24-hour PM₁₀ standard). Non-visibility welfare effects are addressed by this suite of secondary standards, and PM-related visibility impairment is addressed by the secondary 24-hour PM_{2.5} standard. Further Information: Beth M. Hassett-Sipple, EPA, Health and Environmental Impacts Division, Research Triangle Park, NC; (919) 541-4605; hassett-sipple.beth@epa.gov.

<http://www.epa.gov/pm/>

<http://www.epa.gov/pm/2012/finalrule.pdf>

Fire Suppression and Explosion Protection. EPA has withdrawn C7 Fluoroketone from the listing of three fire suppressants under its Significant New Alternatives Policy Program (77 FR 58035) issued on 19 Sep 12. The listing would have found C7 Fluoroketone acceptable subject to narrowed use limits, as a substitute for halon 1211 for use as a streaming agent in portable fire extinguishers in nonresidential applications. EPA stated in that direct final rule that if it received adverse comment by 19 Oct 12 it would publish a timely withdrawal in the Federal Register. EPA subsequently received one adverse comment on that part of the direct final rule, but no comments on the other listings. The other listings, finding Powdered Aerosol F and Powdered Aerosol G acceptable (subject to use conditions) as substitutes for halon 1301 for a total flooding agent in normally unoccupied areas, will take effect on 18 Dec 12. EPA intends to address the adverse comment concerning C7 Fluoroketone in a subsequent final action. Additional SNAP program information is available on EPA's Stratospheric Ozone Web site at <http://www.epa.gov/ozone/snap/regs>. Further Information: Bella Maranion, EPA, Stratospheric Protection Division, Washington DC; (202) 343-9749; maranion.bella@epa.gov.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-14/html/2012-29984.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-14/pdf/2012-29984.pdf>

Climate Change and Energy

Certification of Commercial and Industrial HVAC, Refrigeration and Water Heating Equipment - Extension of Compliance Date. DOE is extending by twelve months, the compliance dates for manufacturers to submit certification reports for commercial refrigeration equipment; commercial heating, ventilating, air-conditioning (HVAC) equipment; and commercial water heating equipment to 13 Dec 13. Further Information: Ms. Ashley Armstrong, DOE Office of Energy Efficiency and Renewable Energy: Ashley.Armstrong@ee.doe.gov.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-31/html/2012-31373.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-31/pdf/2012-31373.pdf>

CWA

NPDES Permit Is Not Required for Stormwater Discharges From Logging Roads. EPA is revising its Phase I stormwater regulations to clarify that stormwater discharges from logging roads do not constitute stormwater discharges associated with industrial activity and National Pollutant Discharge Elimination System (NPDES) permits are not required for these stormwater discharges. EPA is promulgating this final rule to address stormwater discharges identified under Northwest Environmental Defense Center v. Brown, 640 F.3d 1063 (9th Cir. 2011). This final rule is effective on 7 Jan 13. Further Information: Jeremy Bauer, EPA Office of Water, Office of Wastewater Management, 202-564-2775, bauer.jeremy@epa.gov.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-07/html/2012-29688.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-07/pdf/2012-29688.pdf>

Hazardous Material Transportation

New Marking Standards for US Postal Service (USPS) Parcels Containing Hazardous Materials. USPS is revising the Domestic Mail Manual to adopt new mandatory marking standards for parcels containing mailable hazardous material, to align with revised DOT requirements, and respond to pending elimination of the "Other Regulated Material" (ORM-D) category and partial elimination of the "consumer commodity" category by the DOT. USPS will revise DMM 601.10, and make corresponding revisions to Publication 52, Hazardous, Restricted, and Perishable Mail, chapters 2, 3 and 7, and Appendices A and C, to adopt new marking standards. Mailability of materials previously falling within the "consumer commodity" category must be evaluated based on eligibility under the limited quantity category in the HMR, which DOT is aligning to international standards based on International Civil Aviation Organization Technical Instructions. USPS plans to implement the final segment of its alignment with PHMSA by eliminating optional ORM-D markings and categorization for hazardous materials intended for surface transportation on 1 Jan 15. After this date, all mail pieces containing hazardous materials will be required to be marked using the appropriate DOT square-on-point marking. Changes effective 1 Jan 13. Further Information: Kevin Gunther, USPS, 202-268-7208.

<http://www.gpo.gov/fdsys/pkg/FR-2012-11-28/html/2012-28673.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-11-28/pdf/2012-28673.pdf>

Natural and Cultural Resources

Critical Habitat for Southwestern Willow Flycatcher. The Fish and Wildlife Service (FWS) is designating 1,227 stream miles as critical habitat for the southwestern willow flycatcher. These areas are designated as stream segments, with lateral extent including the riparian areas and streams that occur within the 100-year floodplain or flood-prone areas encompassing a total area of 208,973 acres, in states of CA, AZ, NV, CO, and NM. Relevant lands on Vandenberg AFB, MCB Camp Pendleton (and MCAS Camp Pendleton), and Naval Weapons Station Seal Beach-Detachment Fallbrook have been exempted by FWS from critical habitat designation based on implementation of the Integrated Natural Resources Management Plans for these installations.

Further Information: Steve Spangle, Field Supervisor, Fish and Wildlife Service, Arizona Ecological Services Office, Phoenix, AZ, 602-242- 0210.

OSHA

Federal Motor Vehicle Safety Standards; Event Data Recorders. National Highway Traffic Safety Administration (NHTSA) proposed establishing a new safety standard mandating installation of event data recorders (EDRs) in most light vehicles manufactured on or after 1 Sep 14. EDRs capture safety-related information in the seconds before and during an

accident and would be required by the new standard to meet the data elements, data capture and format, data retrieval, and data crash survivability requirements of the existing regulation. This proposal would not modify any requirements or specifications in the regulation for EDRs voluntarily installed between 1 Sep 12 and 1 Sep 14. In Aug 06, NHTSA established a regulation that sets forth requirements for data elements, data capture and format, data retrieval, and data crash survivability for event data recorders (EDRs) installed in light vehicles. Requirements apply to light vehicles manufactured on or after 1 Sep 12, and are equipped with EDRs however, the regulation did not mandate installation of EDRs in those vehicles. Further Information: Christopher J. Wiacek, NHTSA, Office of Crashworthiness Standards, Washington, DC; (202) 366-4801.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-13/html/2012-30082.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-13/pdf/2012-30082.pdf>

Proposed Rules

CAA

Draft Integrated Science Assessment for Lead. EPA released the "Third External Review Draft Integrated Science Assessment for Lead." The assessment forms a foundation for periodic review of the National Ambient Air Quality Standard (NAAQS) for lead. The summary indicates new epidemiologic and toxicological studies support findings of the previous (2006) assessment and provide additional evidence for human health effects at increasingly lower levels. In addition to neurological effects in children and cardiovascular effects in adults, newly demonstrated immune and renal system effects among general population groups have emerged as low-level Pb-exposure effects of potential public health concern. Further Information:

Dr. Ellen Kirrane, NCEA, 919-541-1340, kirrane.ellen@epa.gov.

<http://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=242655>

<http://www.gpo.gov/fdsys/pkg/FR-2012-11-27/html/2012-28722.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-11-27/pdf/2012-28722.pdf>

Reconsideration of Certain New Source and Startup/Shutdown Issues. EPA extended the comment period for an additional week to 7 Jan 13 on a proposed rule to revise mercury and air toxics emissions limits for newly built coal- and oil-fired power plants. The proposed rule is titled, "Reconsideration of Certain New Source and Startup/Shutdown Issues: National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial- Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units". Further Information: NESHAP--William Maxwell, EPA, Research Triangle Park, NC; (919) 541-5430; maxwell.bill@epa.gov. NSPS--Christian Fellner, EPA, Research Triangle Park, NC; (919) 541-4003; fellner.christian@epa.gov.

<http://www.epa.gov/ttn/atw/utility/utilitypg.html>

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-12/html/2012-29973.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-12/pdf/2012-29973.pdf>

CWA

2012 Recreational Water Quality Criteria. EPA released the 2012 Recreational Water Quality Criteria document that contains EPA's recreational water quality criteria recommendations for protecting human health in ambient waters designated for primary contact recreation. The criteria measure culture Enterococci in marine and fresh waters, or E. coli in fresh waters. The 2012 RWQC differs from the current 1986 Ambient Water Quality Criteria in the following ways: EPA recommends States use one of two sets of criteria values and no longer recommends multiple "use intensity" values; RWQC consist of both a geometric mean (GM) and a Statistical Threshold Value (STV); RWQC are now comprised of a magnitude, a duration, and frequency of excursion for the GM and STV; introduces a rapid analytical technique for beach monitoring and quantitative polymerase chain reaction (qPCR) for the detection of enterococci in recreational water (EPA Method 1611; provides information on tools for evaluating and managing recreational waters, such as predictive modeling; provides a beach action value for use in beach notification programs; and provides tools for developing site-specific criteria.

Further Information: Sharon Nappier, EPA Health and Ecological Criteria Division, Washington, DC, (202) 566-0740,

nappier.sharon@epa.gov.

<http://www.gpo.gov/fdsys/pkg/FR-2012-11-29/html/2012-28909.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-11-29/pdf/2012-28909.pdf>

FIFRA

Revisions to Exemption for Minimum Risk Pesticides. EPA is proposing to more clearly describe active and inert ingredients permitted in minimum risk pesticide products eligible for exemption from federal registration requirements. EPA regulations at 40 CFR 152.25 specify allowable active and inert ingredients in exempt minimum risk pesticides; the active ingredients list features a large number of aromatic oils such as citronella oil, clove oil, garlic oil, etc, white pepper, and zinc. Though minimum risk pesticide products are exempt from Federal regulation, most states regulate these products in some manner. EPA is not proposing to remove or add any active ingredients to the list, but only to reorganize these lists by adding specific chemical identifiers such as the Chemical Abstracts Service (CAS) number. EPA also proposes to modify label requirements in the exemption to require use of specific common chemical names in lists of ingredients and producer contact information on minimum risk pesticide product labels. Further Information: Ryne Yarger, EPA Office of Pesticide Programs, Washington, DC, (703) 605-1193, yarger.ryne@epa.gov.
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-31/html/2012-31188.htm>
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-31/pdf/2012-31188.pdf>

Natural and Cultural Resources

Listing the Lesser Prairie-Chicken as a Threatened. FWS proposed listing the lesser prairie-chicken (a grassland bird known from southeastern CO, western **KS**, eastern **NM**, western **OK**, and the **TX** Panhandle) as a threatened species. FWS and five State conservation agencies are currently working with 19 wind energy development companies to develop a programmatic Habitat Conservation Plan (HCP) for several species, including the lesser prairie-chicken. The primary factors supporting the proposed threatened status for lesser prairie-chicken are the historical, ongoing, and probable future impacts of cumulative habitat loss and fragmentation. These impacts are the result of: conversion of grasslands to agricultural uses; encroachment by invasive woody plants; wind energy development; petroleum production; and presence of roads and manmade vertical structures including towers, utility lines, fences, turbines, wells, and buildings.

FWS will hold 4 meetings at the following locations:

- Woodward, **OK**, (5 Feb 13);
- Garden City, **KS**, (7 Feb 13);
- Lubbock, **TX**, (11 Feb 13); and
- Roswell, **NM**, (12 Feb 13).

Comments are due 11 Mar 13. Further Information: Dixie Porter, Oklahoma Ecological Services Field Office, Tulsa, OK; 918-581-7458.

<http://www.conservationfund.org/news/habitat-protected-for-lesser-prairie-chicken-in-new-mexico>
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-11/html/2012-29331.htm>
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-11/pdf/2012-29331.pdf>

Mexican Spotted Owl. FWS issued a final recovery plan, first revision, for the Mexican Spotted Owl endangered species. The owl occurs in AZ, CO, **NM**, **TX**, and UT, and south through the Sierra Madre Occidental and Sierra Madre Oriental in Mexico. This recovery plan identifies the following objectives:

- Support the population of the Mexican spotted owl for the foreseeable future, and
- Maintain habitat conditions necessary to provide roosting and nesting habitat for the Mexican spotted owl. The draft recovery plan is available at:

http://ecos.fws.gov/recovery_plan/FR00000557-%20BP031995%20Draft%20MSO%20Recovery%20Plan%20First%20Revision.pdf

Further Information: Steve Spangle, FWS, Phoenix, AZ, 602-242-0210, incomingazcorr@fws.gov.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-17/html/2012-30348.htm>
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-17/pdf/2012-30348.pdf>

Notices

Climate Change and Energy

National Water Program 2012 Strategy: Response to Climate Change. EPA released the final "National Water Program 2012 Strategy: Response to Climate Change" describing a set of long-term visions, goals, and key strategic actions - both national and regional - for the management of water resources in light of climate change. Additional information are available at <http://www.epa.gov/water/climatechange>.

The strategy is at <http://water.epa.gov/scitech/climatechange/2012-National-Water-Program-Strategy.cfm>. Further Information: Elana Goldstein, EPA Office of Water, Washington, DC, 202-564-1800, email: water_climate_change@epa.gov.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-26/html/2012-31089.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-26/pdf/2012-31089.pdf>

Proposed Determination of Commercial and Industrial Compressors as Covered Equipment. DOE proposes to determine that commercial and industrial compressors meet the criteria for covered equipment under the Energy Policy and Conservation Act (EPCA). Compressors are not currently included as covered products requiring energy conservation standards under 10 CFR part 430. DOE believes coverage of compressors is necessary to carry out the purposes of part A-1 of EPCA to improve the energy efficiency of electric motors, pumps and certain other industrial equipment. DOE seeks comment on: Definition of compressors; whether classifying compressors as covered equipment is necessary to carry out the purposes of Part A-1 of EPCA; availability or lack of availability of technologies for improving the energy efficiency of compressors; and any other issues relevant to establishing a test procedure and energy conservation standard for compressors. Comments are due by 30 Jan 13. Further Information: James Raba, DOE Office of Energy Efficiency and Renewable Energy, Building Technologies, Washington, DC, (202) 586-8654, Jim.Raba@ee.doe.gov.

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-31/html/2012-31393.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-12-31/pdf/2012-31393.pdf>

Requests for a Waiver of the Renewable Fuel Standard – Denied. The Governors of several States, and other parties, requested EPA waive national volume requirements for the renewable fuel standard program based on drought effects on feedstocks used to produce renewable fuel in 2012-2013. EPA is denying waiver requests, finding the evidence and information does not support a determination that implementation of the RFS program during the 2012- 2013 time period would severely harm the economy of a State, a region, or United States. Further Information: Dallas Burkholder, EPA Office of Transportation and Air Quality, (734) 214-4766, burkholder.dallas@epa.gov.

<http://www.gpo.gov/fdsys/pkg/FR-2012-11-27/html/2012-28586.htm>

<http://www.gpo.gov/fdsys/pkg/FR-2012-11-27/pdf/2012-28586.pdf>

Natural and Cultural Resources

Candidate Conservation - Candidate Notice of Review. The Fish and Wildlife Service recently announced its Candidate Notice of Review, a yearly appraisal of the current status of plants and animals considered candidates for protection under the Endangered Species Act (ESA). Further Information:

<http://www.fws.gov/endangered/what-we-do/cnor.html>

Remediation

Updated Guidance on CERCLA Liability at Leased Renewable Energy Sites on Contaminated Land and Mine Sites. To encourage renewable energy development on current and formerly contaminated land and mine sites, EPA released updated enforcement discretion guidance regarding treatment of tenants concerned about CERCLA liability. Under current CERCLA case law, the mere execution of a lease does not necessarily make a tenant liable as an owner or operator under CERCLA Section 107(a). The changes address in detail the CERCLA Bona Fide Prospective Purchaser Provision and addresses and provides templates for "comfort "or (site) "status" letters EPA may issue. Further Information: Susan Boushell, EPA, (202) 564-5161, boushell.susan@epa.gov.

<http://www.epa.gov/renewableenergyland/?CFID=2952708&CFTOKEN=14620644>

Technical Assistance Needs Assessments at Superfund Remedial or Removal Sites. EPA is planning to submit an information collection request (ICR), which covers the usage of Technical Assistance Needs Assessments (TANAs) with members of the impacted community and is requesting comments. The ICR will: Help determine how the community is receiving technical information about a Superfund remedial or removal site; determine whether the community needs additional assistance to understand and respond to site-related technical information; and answer whether there are

community organizations interested or involved in site-related issues and capable of acting as an appropriate conduit for technical assistance services to the affected community.

The TANA will help ensure the community's needs for technical assistance are defined as early in the remedial/ removal process as possible and enable meaningful community involvement in the Superfund decision-making process. Additionally, the TANA process produces a blueprint for designing a coordinated effort to meet the community's needs for additional technical assistance while minimizing the overlap of services provided. Respondents to this ICR are local/ state government officials, potentially-responsible party (PRP) representatives, and individual community members who may be impacted by a Superfund site or a removal action lasting 120 days or longer. Comments are due 11 Feb 13. Further Information: Laura Knudsen, EPA, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation, Washington, DC; 703-603- 8861, knudsen.laura@epa.gov.
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-12/html/2012-29981.htm>
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-12/pdf/2012-29981.pdf>

Availability of Final Toxicological Profiles. The Agency for Toxic Substances and Disease Registry (ATSDR) released ten final toxicological profiles of priority hazardous substances. CERCLA section 104 (i), as amended by the Superfund Amendments and Reauthorization Act (SARA), requires ATSDR and the EPA to prepare a list, in order of priority, of substances most commonly found at facilities on the National Priorities List (NPL) and determined to pose the most significant potential threat to human health due to their known or suspected toxicity and potential for human exposure at these NPL sites. CERCLA also requires this list to be revised periodically to reflect additional information on hazardous substances. The ten toxicological profiles are: Acrylamide; 1,3-Butadiene; Cadmium; Carbon Monoxide; Chromium; 1,4-Dioxane; Manganese; Phosphate Ester Flame Retardants; Radon; and Vanadium. Additional information on toxicological profiles is available at <http://www.atsdr.cdc.gov/toxprofiles/index.asp>. Additional information on Priority List of Hazardous Substances is available at <http://www.atsdr.cdc.gov/spl/>.

Further Information: Delores Grant, Agency for Toxic Substances and Disease Registry, Atlanta, GA; (800) 232-4636.
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-13/html/2012-30087.htm>
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-13/pdf/2012-30087.pdf>

TSCA

Lead - Renovation, Repair, and Painting Program for Public and Commercial Buildings. EPA is in the process of determining which renovation, repair, and painting activities on and in public and commercial buildings activities (may) create lead-based paint hazards and, for those that do, developing certification, training, and work practice requirements. EPA is seeking information concerning: The manufacture, sale, and uses of lead-based paint after 1978; the use of lead-based paint in and on public and commercial buildings; the frequency and extent of renovations on public and commercial buildings; work practices used in renovation of public and commercial buildings; and dust generation and transportation from exterior and interior renovations of public and commercial buildings. EPA's Advanced Notice of Proposed Rulemaking, published , 6 May 10, contains a comprehensive history of this rulemaking and the lead program in general, a review of some of the relevant information EPA has already gathered and reviewed, and more detail on the information sought. THE ANPRM is available at <http://www.gpo.gov/fdsys/search/getftoc.action?selectedDate=2010-05-06>, specifically <http://www.gpo.gov/fdsys/pkg/FR-2010-05-06/pdf/2010-10097.pdf>. EPA will accept comments until April 1, 2013. EPA plans to hold a public meeting on June 26, 2013. Further Information: Hans Scheifele, EPA Office of Pollution Prevention and Toxics, Washington, DC, (202) 564-3122, scheifele.hans@epa.gov.
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-31/html/2012-31532.htm>
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-31/pdf/2012-31532.pdf>

Other

Coordination of Geospatial Data Investments. GAO issued a report addressing coordination among federal agencies responsible for geospatial data, focusing on the Departments of Commerce, Interior, and Transportation. Although the Federal Geographic Data Committee (FGDC) has developed key standards and established a clearinghouse of metadata to describe sets of geospatial data, the clearinghouse is not being used by agencies to identify and coordinate planned geospatial investments. GAO recommendations include FGDC developing a national strategy for coordinating geospatial investments; federal agencies following federal guidance for managing geospatial investments; and OMB developing a mechanism to identify and report on geospatial investments. Further Information: David A. Powner at (202) 512-9286 or pownerd@gao.gov.

National Conferences and Symposia

8th Annual Military Energy Alternatives Conference will be held in **Washington, DC, 5-7 Mar 13**. This will be an in-depth discussion on strategies to integrate the latest technologies, establish returns on alternative energy investments and create a successful business environment with stakeholders in an effort to meet energy efficiency and security targets. For more information, please call 416-800-2481.

Regional Meetings

RCRA HazWaste Compliance Workshop. This RCRA Compliance Workshop is designed for new and advanced environmental professionals and those that just need a refresher. To be held **5-8 Feb 13 in San Antonio, TX**. For more information, please go to: <http://www.epaalliance.com/rcraworkshopsanantonio13.html>.

Clean Air Compliance Workshop. This 2.5 day course provides a comprehensive overview of each regulation, permit, plan, etc. to give a better understanding of facility compliance. This course is designed for new and veteran air professionals and practitioners. To be held in **New Orleans, LA 13-15 Mar 13**. Details at: <http://www.epaalliance.com/caaworkshopmar13.html>.

2013 Kansas Environmental Conference will be held **27-29 Aug 13** Capitol Plaza Hotel, **Topeka, KS**. Information will be posted when available at: http://www.kdheks.gov/sbcs/environment_conf.html.

Professional Development

Air Force Institute of Technology (AFIT) Training Course, Qualified Recycling Program Management. The purpose of the course is to understand the Department of Defense requirements for operating a Qualified Recycling Program (QRP). This course emphasizes principles and techniques to assist students in implementing a sound Qualified Recycling Program. The course focuses on learning what products can be recycled, products prohibited from recycling, QRP regulations, necessary processing equipment, collection and sorting methods to maximize returns, working with your DRMO, establishing contracts, recording transactions, DoD recordkeeping, and estimating future budgets. To view other course offerings, please go to: http://www.afit.edu/cess/Course_Desc.cfm?p=WENV%20160.

USACE PROSPECT Training. USACE announces its **FY 2013 PROSPECT** training program. The course catalog (a.k.a. Purple Book) is available at: <http://ulc.usace.army.mil/downloads/PurpleBook2013.pdf>. For a list of classes and dates check the training schedule, please go to <http://ulc.usace.army.mil/>. Courses are open to all federal employees, state, county and city employees and contractors. There are different registration processes for each entity.

Defense and Federal Environmental Training/Awareness. The US Army offers numerous environmental training courses. Information on environmental training conferences, school and other training providers and fiscal year class schedules are available on the US Army Environmental Command (AEC) website at: <http://aec.army.mil/usaec/training/index.html>.

Navy Environmental Training Program and Interservice Environmental Education Review Board (ISEERB) Course Catalog. Navy Environmental Training Program and Interservice Environmental Education Review Board

(ISEERB) Course Catalog helps in getting the right training to the right people at the right time. Training outlined in the catalog is requirements driven and delivered in classrooms, video-teletraining via satellite, Navy Knowledge Online (NKO) and other Interactive Multimedia Instruction. Details available at:

https://portal.navfac.navy.mil/portal/page/portal/navfac/navfac_wv_pp/navfac_hq_pp/navfac_env_pp/tab6038653 and https://portal.navfac.navy.mil/portal/page/portal/docs/doc_store_pub/1nov11_fy12%20env%20training%20catalog.pdf.



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Internet Resources

Region 6 Regulatory & Legislative Internet Sites

USEPA Region 6	http://epa.gov/region6/index.htm
Arkansas Dept of Environmental Quality (ADEQ)	http://www.adeg.state.ar.us
Arkansas General Assembly	http://www.arkleg.state.ar.us/
Louisiana Department of Environmental Quality (LDEQ)	http://www.deq.state.la.us/
Louisiana Legislature	http://www.legis.state.la.us/
New Mexico Environment Department (NMED)	http://www.nmenv.state.nm.us/
New Mexico Legislature	http://www.nmlegis.gov/lcs/
Oklahoma Department of Environmental Quality (ODEQ)	http://www.deq.state.ok.us
Oklahoma Legislature	http://www.lsb.state.ok.us/
Texas Commission on Environmental Quality (TCEQ)	http://www.tceq.state.tx.us/
Texas Legislature	http://www.capitol.state.tx.us/

Region 7 Regulatory & Legislative Internet Sites

USEPA Region 7	http://www.epa.gov/region7/index.htm
Iowa Department of Natural Resources (IDNR)	http://www.iowadnr.com/
Iowa General Assembly	http://www.legis.iowa.gov/index.aspx
Kansas Department of Health and Environment (KDHE)	http://kdheks.gov
Kansas Legislature	http://kslegislature.org/li/
Missouri Department of Natural Resources (MDNR)	http://www.dnr.mo.gov/index.html
Missouri General Assembly	http://www.moga.mo.gov/
Nebraska Department of Environmental Quality (NDEQ)	http://www.deq.state.ne.us
Nebraska Legislature	http://nebraskalegislature.gov/

Other Federal Agencies Internet Sites

Department of the Interior, Bureau of Land Management State Offices	
Eastern States AR, LA, MO, IA	http://www.blm.gov/es/st/en.html
New Mexico NM, KS, OK, TX	http://www.blm.gov/nm/st/en.html
Wyoming NE	http://www.blm.gov/wy/st/en.html
U.S. Geological Survey Central Region	
All Region 6 and 7 states	http://www.cr.usgs.gov/
DOE Office of Environmental Management	
All states	http://www.em.doe.gov/pages/emhome.aspx
U.S. Fish and Wildlife Service	
Southwest Region NM, TX, OK	http://www.fws.gov/southwest/
Mountain – Prairie Region KS, NE	http://www.fws.gov/mountain-prairie/
Midwest Region IA, MO	http://www.fws.gov/midwest/
Southeast Region AR, LA	http://www.fws.gov/southeast/

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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>