



# Central Review of Legislative & Regulatory Actions

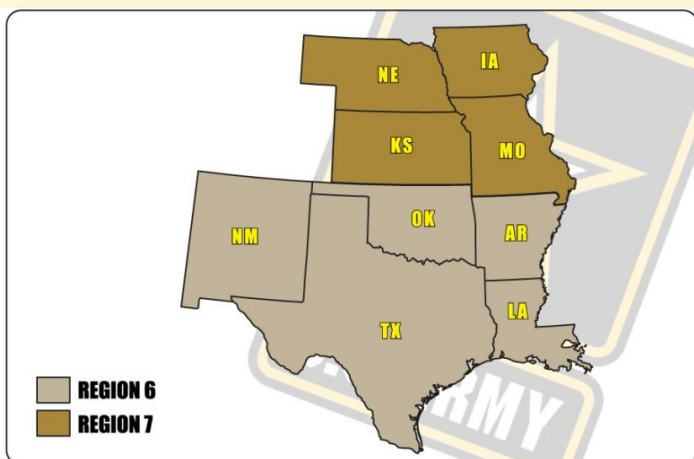


The U.S. Army Regional Environmental & Energy Office

October 2015

The *Central Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the nine states and territories in Federal Regions 6 and 7, the *Central Review* gives early notice of legislative and regulatory activities relevant to DOD interests. The *Review* also helps installations meet ISO 14001 environmental management system requirements.

Find out more about the Army Regional Environmental and Energy Offices [here](#). Click [here](#) to browse back issues of the *Central Review*. To read back issues of other Regional Office Reviews, click on a region of the REEO website's U.S. map and then select "Publications."



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## REEOs CELEBRATE 20 YEARS OF SERVICE

*"The Army REEOs have helped the Army and Department of Defense keep up with changing environmental laws and regulations since 1995. This helps us preserve the full use of Army training and testing lands, sustain natural resources, and maximize Army energy and environmental dollars." — Katherine Hammack, Assistant Secretary of the Army (Installations, Energy and Environment)*

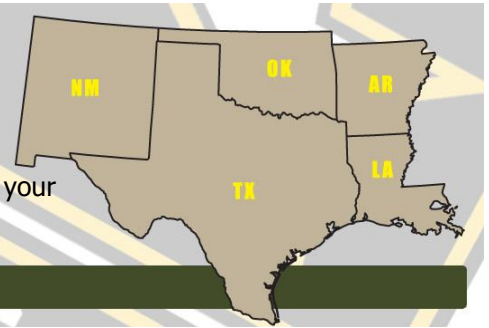
For 20 years, the Army Regional Environmental and Energy Offices have represented Army and DOD interests with state legislatures and regulatory agencies. When a law or regulation important to the Army or DOD is being developed, REEOs work with other military Services to assure that DOD and Services' interests are represented. The REEOs' close cooperation between the military and policymakers helps inform and shape legislation so those making the laws understand the potential impact on military missions.

Each year REEOs review thousands of regulatory and legislative actions. In its unique role, REEOs represent DOD and Army environmental and energy interests at the state and regional level to support and advocate for military missions and facilities.

Through active engagement and strategic communication, REEOs help shape and influence environmental and energy policy decisions in state government. They enable Army and DOD readiness and training by monitoring and engaging on state legislative and regulatory activities; coordinating and communicating Army and unified DOD positions; providing legal and technical expertise for the Army's centralized renewable energy program; and developing cooperative partnerships and educating stakeholders on issues that support long-term sustainability of the military. REEOs share information about administration positions, interact with state legislators and regulators on behalf of installations and, if necessary, provide testimony. Read more [here](#) (pages 3 & 4).

# Region 6

For more information or to comment on any state issues in Region 6, contact your Regional Environmental Coordinator listed in the [Staff Directory](#).



**LEGISLATIVE SESSION: 8 FEB THROUGH 16 MAR 16**

## **FINAL RULE**

(EFFECTIVE 1 SEP 15) **ASBESTOS ABATEMENT** (Regulation No. 21) The Department of Environmental Quality (ADEQ) has adopted changes to Regulation No. 21 (Arkansas Asbestos Abatement Regulation). Revisions are being adopted in order to incorporate public input after an extensive two-year collaborative workgroup effort between the ADEQ and stakeholders. Significant revisions include:

- Changes in the definition of "Regulated asbestos-containing material (RACM);"
- Elimination of non-mandatory language in the Asbestos Inspection section;
- Clarification of language in the Notice of Intent (NOI) section regarding information required prior to beginning renovation projects;
- Addition of language to the NOI section concerning activities involving resilient floor covering renovation projects, and changes in owners or operators;
- Clarification of requirements in the Record Keeping Section for storage and submission of on-site documents;
- Addition and deletion of language for clarification purposes in the Work Procedures--Applicability chapter and Licensing Requirements Exemptions subchapter;
- Addition of language to the Out of State Training subchapter;
- Clarification of the list of necessary documents under the Minimum Record Keeping Requirements subchapter;
- Addition of a new chapter for Accreditation Certificates; and
- Deletion of two sections involving fees for demolition of certain amounts of RACM.

## **PROPOSED RULE**

**SOLID WASTE TRANSFER STATIONS** ADEQ has invited written comments on a draft permit renewal for Solid Waste Transfer Stations in the state. The current general permit for transfer stations is scheduled to expire May 2016. Transfer stations are facilities used to manage the removal, segregation, processing, and transfer of solid waste from collection vehicles and containers, and from private and commercial vehicles to greater capacity transport vehicles. Applicants for a general transfer station permit will be required to submit a written notification along with technical information and documentation to the ADEQ Solid Waste Management Division (SWMD). The SWMD will review the notice and documentation and issue coverage under the general permit unless the ADEQ notifies the applicant of deficiencies, or that coverage under the general permit is not permissible under the permit or existing rules. Comments are due on 30 OCT 15. POC: Bryan Leamons, (501) 682-0602.



**LEGISLATIVE SESSION: 14 MAR THROUGH 2 JUN 16**

**FINAL RULE**

(EFFECTIVE 20 SEP 15) **EMERALD ASH BORER QUARANTINE - EMERGENCY RULE** The Department of Agriculture and Forestry has adopted emergency regulations establishing a quarantine for emerald ash borer (EAB), *Agrilus planipennis* Fairmaire. The state entomologist has determined that EAB has been found in Louisiana and may be prevented, controlled, or eradicated by quarantine. Quarantined areas include the entire parishes of Bossier, Claiborne, and Webster. A declaration of quarantine for EAB covering any other specific parishes or areas of Louisiana shall be published in the official journal of the state and in the Louisiana Register. No regulated articles shall be moved out of any area of the state that is listed as a quarantined area for EAB.

**PROPOSED RULE**

**DEFINITION OF "TITLE I MODIFICATION" AIR REGULATIONS** (LAC 33:III.502) The Department of Environmental Quality has proposed rulemaking to amend the air regulations. This rule will revise the definition of "Title I Modification" in LAC 33:III.502.A to clarify that, in the context of section 111 of the Clean Air Act, such modifications are limited to physical or operational changes to an existing facility. 40 CFR 70.7(e)(2)(i)(A)(5) states that minor permit modification procedures may be used only for those permit modifications that are "not modifications under any provision of title I of the Act." However, neither 40 CFR 70 nor 40 CFR 71 defines "Title I Modification" or otherwise describes what constitutes a modification "under any provision of title I of the Act." LAC 33:III.502.A defines "Title I Modification," in relevant part, as "any physical change or change in the method of operation of a stationary source which increases the amount of any regulated air pollutant emitted or which results in the emission of any regulated air pollutant not previously emitted" and that "will result in the applicability of a standard of performance for new stationary sources promulgated pursuant to section 111 of the Clean Air Act." A hearing is scheduled for, and comments are due, 28 OCT 15. POC: [Deidra Johnson](#).

**REVISIONS TO CATHODE RAY TUBE (CRT) DISPOSAL & RECYCLING REGULATIONS** (LAC 33:C.4911, 4915) This rule adopts changes to export provisions in the federal cathode ray tube (CRT) disposal regulation in Louisiana. Louisiana's hazardous waste program operates under a federal grant from the EPA. Part of the requirements for this grant is to be equivalent to or more stringent than the corresponding federal regulations. The basis and rationale are to mirror federal regulations. A hearing is scheduled for, and comments are due, 28 OCT 15. POC: [Deidra Johnson](#).



**LEGISLATIVE SESSION: 19 JAN THROUGH 18 FEB 16**

**MISCELLANEOUS**

**NEW MEXICO GOV. MARTINEZ UNVEILS STATE ENERGY PLAN** [New Mexico's 2015 Energy Policy and Implementation Plan](#) is the first comprehensive energy policy for the state in nearly 25 years. Key components of the plan include:

- Improving New Mexico's energy infrastructure;
- Promoting greater production of all sources of energy, especially low-carbon sources;

- Improving energy workforce training at higher education institutions;
- Reducing fresh water consumption in energy production processes;
- Streamlining regulatory processes; and
- Exploring, and potentially seizing on, new energy opportunities.



## **LEGISLATIVE SESSION: 1 FEB THROUGH 25 MAY 16**

### **FINAL RULE**

(EFFECTIVE 11 SEP 15) **OKLAHOMA'S WATER QUALITY STANDARDS** (OAC 785:46-15-5) The Water Resources Board has adopted rulemaking to amend OAC 785:46-15-5 to clarify language associated with Fish and Wildlife Propagation use of support assessments for dissolved oxygen. The amendments include reformatting language for the support tests to more clearly describe the applicable dates and magnitudes, including language in the support tests to more clearly specify that the assessments are made across all life stages and seasons; including a new subsection (D) to describe how the term "surface" is used in this section; removing language in subsection (6) that refers to periods of thermal stratification; and addition of language in (B) to specify that the undetermined status for the water column criteria is only applicable when no volumetric data is available.

(EFFECTIVE 15 SEP 15) **FEDERAL HAZARDOUS WASTE REGULATIONS SOLVENT-CONTAMINATED WIPES** The Department of Environmental Quality (DEQ) has adopted an amendment to 252:205-3-1 to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279 revised as of 1 JUL 14. Changes to the federal regulations for this time period include Conditional Exclusions for Solvent-Contaminated Wipes. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses. Because the solvent-contaminated wipes rule is less stringent than current federal requirements, the DEQ is not required to adopt the rule to maintain its authorized program, but is doing so to reduce regulatory burden on business while still ensuring protection of human health and the environment.

(EFFECTIVE 15 SEP 15) **OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS** The DEQ has adopted rulemaking to: (1) reference the applicable laboratory accreditation rules; (2) include a citation to the Oklahoma Water Quality Standards; (3) add or modify definitions for "accredited laboratory," "compliance testing," "DMR," and "control tests;" (4) delete the definitions of "approved laboratory" and "laboratory checks;" (5) replace all language using "approved laboratory" with "accredited laboratory," which is consistent with simultaneous changes being made in OAC 252:301 (revoke) and OAC 252:307 (new); (6) update the CFR publication date to the most recent CFR publication year; (7) clarify the language regarding the OPDES permit applications, including adding section titles; (8) add section 606-3-7 that authorizes the continuation and/or enforcement of expired state permits; (9) allow a university familiar with Oklahoma crops and soils to perform certain soil analyses; (10) clarify that analytical results for compliance tests are to be from an accredited laboratory; (11) clarify that DMRs are to include all valid compliance test results; (12) and other minor language clarifications.

(EFFECTIVE 11 SEP 15) **OKLAHOMA WATER QUALITY STANDARDS** The Water Resources Board has adopted rulemaking to amend various provisions of OAC 785:45 as follows:

- Several amendments clarify language associated with dissolved oxygen criteria. The amendments adopted include striking the use support assessment language found in OAC 785:45-5-12(f)(1)(D); modifying OAC 785:45-5-

12(f)(1)(C) to include (i) and (ii), which will retain the provisions that pertain to acute dissolved oxygen events; and revoking and reenacting Table 1 of Appendix G with two additional footnotes clarifying how the 10% exceedance frequency is to be used and specifying where the Warm Water Aquatic Communities (WWAC) dissolved oxygen criteria apply in lakes.

- Several amendments are adopted regarding the development of water quality standards applicable to wetland waterbodies. OAC 785:45-1-2 is amended to include definitions for the terms "Wetland" and "Ecological Integrity". A new subsection (OAC 785:45-5-21. Wetland Beneficial Uses and Criteria) is adopted and will contain beneficial uses and criteria applicable to wetland waterbodies. OAC 785:45-5-26 is amended to add a mixing zone provision specific for wetland waterbodies. A new subsection (OAC 785:45-5-30. Additional Provisions) is adopted and will add provisions found in other state and federal statutes related to water quality standards. This addition will ensure consistency between these other statutes and water quality standards.
- Appendix E, Requirements for Development of Site-Specific Criteria for Certain Parameters is revoked and reenacted with the addition of a site specific Water Effect Ratio and Dissolved Translator standards for use in calculating permit limits for copper and zinc for the Broken Bow Public Works Authority's OPDES permit related to discharge of municipal and industrial wastewater to a tributary of Yanubbe Creek.

(EFFECTIVE 15 SEP 15) **OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS** The DEQ has adopted rulemaking to: (1) remove the requirement to obtain a permit to supply for the use of reclaimed water within the wastewater treatment plant boundaries; (2) add reference to OAC 252:656 regarding buffer zone and setback distance requirements; (3) reserve Category 1 as a future category of reclaimed water; (4) add permitted uses for Category 2 and Category 3 reclaimed water; (5) add Category 6 (use of reclaimed water within boundaries of a wastewater treatment plant) to the list of categories of reclaimed water; (6) add permitted uses for Category 6 reclaimed water; (7) add a requirement for supplier to maintain flow measuring device in proper working order; (8) remove reference to OAC 252:627-1-6(a)(2)(H) regarding use restrictions for Category 3 and 4 reclaimed water and replace with reference to OAC 252:627-1-6(2)(I); (9) add requirements for using Category 6 reclaimed water; and (10) clarify sampling requirements regarding the use of Category 6 reclaimed water.

(EFFECTIVE 15 SEP 15) **PUBLIC WATER SUPPLY OPERATION** The DEQ has adopted rulemaking to: (1) replace "approved laboratory" with "accredited laboratory," add a definition for "accredited laboratory," and add definitions for "direct integrity test," "indirect integrity monitoring," and "point of connection"; (2) update the rules concerning the date of the incorporation by reference of certain federal regulations from 1 JUL 13, to 1 JUL 14; (3) remove language referring to "laboratory approval" and replace with language for "laboratory accreditation"; (4) remove the requirement to determine the disinfection residual once daily at the point(s) of connection to the wholesale system for purchase water systems; (5) modify the requirements for monitoring disinfection residual in the distribution system for purchase water systems; (6) clarify the requirements for submitting fluoridation analytical reports to DEQ and Oklahoma Department of Health; (7) clarify the requirements for membrane filtration systems to be consistent with federal requirements; and (8) other minor clarifications.

(EFFECTIVE 15 SEP 15) **UNDERGROUND INJECTION CONTROL (UIC) WELLS** (252:4-7-76, 252:4-7-78) The DEQ has adopted permanent rulemaking to amend section 76 UIC applications-Tier I, section 77 UIC applications-Tier II, and section 78 UIC applications-Tier III of subchapter 7 Water Quality Division Tiers and Time Lines, which describes underground injection control authorizations requiring Tier I, Tier II, and Tier III applications. The proposed rulemaking will make it possible to apply to DEQ for a Class V injection well permit for disposal of drinking water treatment residuals into a Class II-D well by submitting a Tier I application. The proposed rulemaking is intended to reduce the burden of drinking water treatment residuals management for communities that are faced with increasing water demands and have difficulties meeting surface water discharge standards for the disposal of the drinking water treatment residuals.

(EFFECTIVE 11 SEP 15) **LIQUEFIED PETROLEUM GAS MOTOR REFUELING DISPENSER** (420:10-1-5, 420:10-1-14) The Liquefied Petroleum Gas Board has adopted rulemaking to amend various provisions of OAC 785:45 as follows:

- The amendments to 420:10-1-5 add new language to the Class VI Permit that creates two new endorsements in order to clearly differentiate between the two requirements, while requiring specific testing based on each endorsement. This will ultimately allow the permit holder to operate an attended liquified petroleum gas (LP gas) as motor fuel refueling dispenser and/or an unattended self-service LP gas motor fuel dispenser station. The first endorsement relates to attended autogas (AAG), which means a state licensed and trained person would be required to fill the cylinders or the motor vehicle. The second endorsement relates to unattended autogas (UAG), which allows the public to refuel their propane powered motor vehicle on a self-service basis. An initial inspection fee has been added to defray the cost and expenses of the LP Gas Administration inspecting the initial installation of the unattended LP gas motor fuel dispenser station. An annual inspection fee has also been proposed to defray the cost and expense of an annual safety inspection of the dispenser station. Other nonsubstantive amendments correct grammar, spelling and / sentence structure.
- The amendments to 420:10-1-14 add new language that would require plans be submitted by a Class I permit holder on any dispenser, including the unattended self-service LP gas motor fuel dispenser stations, to be approved by the LP Gas Administration. The plan review fee charged by the LP Gas Administration has been increased from \$10.00 to \$100.00. The amendment also deletes the requirement that a cylinder exchange cabinet be located with a minimum five feet distance away from any source of ignition. The rule instead defers to the National Fire Protection Association (NFPA) Pamphlet 58 as to the location requirements of the cabinet. The rule adds language to establish minimum installation and performance standards of unattended self-service LP gas motor fuel dispenser stations. The dispensers must meet the applicable rules and regulations of the LP Gas Administration and NFPA Pamphlet 58. The proposed minimum standards also outline the minimum gallon per minute dispensing rate, step by step operating instructions, and signage requirements on the dispenser.

(EFFECTIVE 15 SEP 15) **NATIONAL ENVIRONMENTAL LABORATORY ACCREDITATION COUNCIL (TNI) LABORATORY ACCREDITATION** (252:307) The DEQ has adopted Chapter 303 - TNI Laboratory Accreditation. This chapter provides standards for the voluntary accreditation of privately and publicly owned laboratories for performance of analyses of water and wastewater, solid and hazardous waste, soil, sludge, and petroleum hydrocarbons and will apply to laboratories accredited or applying to be accredited by the DEQ consistent with TNI standards.

(EFFECTIVE 15 SEP 15) **USED TIRE PROCESSING, CERTIFICATION, PERMITS AND COMPENSATION** (252:515-21-32, 252:515-21-71) The DEQ has adopted an emergency rulemaking action to remove a regulatory requirement that is now unattainable. The amendments are necessary as an emergency rulemaking action to ensure used tire facilities and qualified applicants are not out of compliance or ineligible for compensation from the Used Tire Recycling Indemnity Fund. The DEQ is amending OAC 252:515-21-32 and 515-21-71 by removing the requirement that 50 percent of priority cleanup list tires come from illegal dumps. Due to the success of tire dump remediation efforts, the referenced percentage requirement is now unattainable. The amendments to the rules are necessary as an emergency rulemaking action to allow for used tire facilities and qualified applicants to be eligible for compensation from the Used Tire Recycling Indemnity Fund. If a facility or qualified applicant is ineligible for compensation, there is no incentive to perform the cleanup, transportation, and processing of used tires. It is necessary to appropriately handle used tires and address tire dumps in order to protect the public health and welfare. In addition, failure to be able to compensate facilities and qualified applicants would be a serious prejudice to the public interest.

(EFFECTIVE 15 SEP 15) **WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS** The DEQ has adopted rulemaking to: (1) add definitions for "25-year flood," "100-year flood," and "disinfectant concentration (CT)"; (2) clarify requirements to obtain a permit to supply with regard to the use of reclaimed water within the wastewater treatment plant boundaries pursuant to Category 6; (3) add Best Management Practices for Category 6 uses within a wastewater

treatment plant to the minimum Operation and Maintenance Manual requirements; (4) clarify the requirements for surface evaporation lagoons (total retention lagoons); (5) remove requirements for backfill consistency and cover on lined dike slopes; (6) allow the use of top mounted self-priming suction lift pumps in grit chambers; (7) add standards for on-site generation of sodium hypochlorite; (8) add ozone disinfection standards; (9) add membrane filtration to supplemental treatment standards requirements; (10) reserve Category 1 as a future category of reclaimed water; (11) add permitted uses for Category 2 and Category 3 reclaimed water; (12) add Category 6 to the list of categories of reclaimed water; (13) add permitted uses for Category 6 reclaimed water; (14) clarify cautionary language requirements for reclaimed water use from hose bibbs and yard hydrants; and (15) other minor clarifications.

## ***PROPOSED RULE***

**AIR POLLUTION CONTROL (REGISTRATION, INVENTORY AND FEES)** The DEQ has proposed rulemaking to amend OAC 252:100-5, Registration, Emission Inventory, and Annual Operating Fees, for consistency with the US Environmental Protection Agency (EPA) Air Emission Reporting Requirements contained in Subpart A of 40 CFR Part 51 as follows:

- OAC 252:100-5-2.1 excludes de minimis facilities and permit exempt facilities from the requirement to submit an annual emission inventory to the DEQ. The DEQ proposes to revise Section 5-2.1 to require the submittal of an emission inventory by these facilities when required by the federal point source reporting thresholds contained in Table 1 to Appendix A of Subpart A, which the DEQ proposes to incorporate by reference.
- OAC 252:100-7, Permits for Minor Facilities, considers amendments to definitions and/or develops new definitions in 252:100-7-1.1 as part of the efforts to reduce the regulatory burden on emergency engine only sources, for which a proposed Permit By Rule was carried over from the 10 JUN 15 Air Quality Advisory Council meeting. The Permit By Rule is still being considered as an option to simplify the permitting process for facilities whose only obligation to obtain a permit is due to the presence of an emergency engine that is subject to a federal standard. The DEQ is also proposing to update 252:100-7-2, Requirements for Permits for Minor Facilities, to clarify which air quality control rules apply to de minimis and permit exempt facilities.
- OAC 252:100-9, Excess Emission Reporting Requirements, makes amendments to comply with the State Implementation Plan (SIP) "Call to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction" (SSM) as published in the Federal Register by the EPA on 12 JUN 15, and to conform with EPA's restated and updated SSM policy applicable to SIPs.
- OAC 252:100, Appendix Q, incorporates the latest changes to EPA regulations, including Table 1 to Appendix A of Subpart A of 40 CFR Part 51. In addition, it updates language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q.

A hearing is scheduled for, and comments are due, 14 OCT 15. POC: Cheryl E. Bradley, (405) 702-4218.

**HAZARDOUS WASTE MANAGEMENT** The DEQ has proposed amendments to: (1) to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279 revised as of 1 JUL 15 plus those revisions to 40 CFR published at 80 FR 1694 - 1814 (13 JAN 15), "Definition of Solid Waste: Final Rule"; and (2) to revise the regulations for Transfer Station Development and Operations Plans. With respect to the incorporation by reference of the federal hazardous waste regulations, two federal rule changes will be incorporated into Oklahoma's authorized hazardous waste program. One is the vacatur of Comparable Fuels Rule and the Gasification Rule ordered by the US Court of Appeals in the DC Circuit on 27 JUN 14. This federal rule change removed 40 CFR 261.4(a)(16) and 261.38, and modified 261.4(a)(12)(i). The other federal rule being incorporated is the revised Definition of Solid Waste Rule that was promulgated 13 JAN 15. Its effective date at the federal level is 13 JUL 15, but it will not be effective in Oklahoma until formally incorporated into DEQ's rules. With respect to transfer stations, rules for these facilities were first promulgated in

the early 1990s and were revised once in the early 2000s. Over this period, DEQ and the regulated community have gained a tremendous amount of experience implementing these rules. As a result, many areas for improvement have been identified to address ambiguities and operational questions that have arisen over the years. The proposed rule changes are to update the rules to address these issues. A hearing is scheduled for, and comments are due, 8 OCT 15. POC: [Mike Edwards](#).



***LEGISLATIVE SESSION: NOT IN SESSION IN 2016***

## ***PROPOSED RULE***

**PHYSICAL PROTECTION OF RADIOACTIVE MATERIAL** (30 TAC §§336.2, 336.357, 336.357, 336.739) The Texas Commission on Environmental Quality (TCEQ) proposes changes to Chapter 336, Subchapters A and D, that will revise the commission's rules concerning physical protection of radioactive material to ensure compatibility with federal regulations promulgated by the Nuclear Regulatory Commission (NRC). The changes are necessary to preserve the status of Texas as an Agreement State under Title 10 Code of Federal Regulations (CFR) Part 150 and under the "Articles of Agreement Between the United States Atomic Energy Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended." Rules which are designated by NRC as compatibility items must be adopted by an Agreement State within three years of the effective date of the NRC rules, in most cases. Comments were due 4 OCT 15. POC: Bobby Janecka, (512) 239-6415.

**EDWARDS AQUIFER PROTECTION PROGRAM** TCEQ has announced public hearings to receive comments from the public on actions the commission should take to protect the Edwards Aquifer from pollution, as required under Texas Water Code, §26.046. This requirement assists the commission in its shared responsibility with local governments such as cities and groundwater conservation districts to protect the water quality of the aquifer. Annual hearings are held on the Edwards Aquifer Protection Program and the TCEQ rules, 30 TAC Chapter 213, which regulate development over the delineated contributing, recharge and transition zones of the Edwards Aquifer. A hearing is scheduled for 19 OCT 15, and comments are due 20 NOV 15. POC: [Austin Bailey](#), (512) 239-6956.

**INTEGRATED PEST MANAGEMENT PROGRAM FOR SCHOOL DISTRICTS** The Department of Agriculture has proposed amendments to Chapter 7, Subchapter H, titled "Integrated Pest Management Program for School Districts." The amendments repeal existing and add new sections to clarify requirements for applications and licensing related to structural pest control licensing. Comments are due 18 OCT 15. POC: [Stephen Pahl](#).



# Region 7

For more information or to comment on any state issues in Region 7, contact your Regional Environmental Coordinator listed in the [Staff Directory](#).



**LEGISLATIVE SESSION: 11 JAN THROUGH 1 MAY 16**

## PROPOSED RULE

**TAX RATE ON MOTOR AND SPECIAL FUELS** (701 IAC 67.1, 67.21, 68.2, 68.4, 68.13) The Iowa Department of Revenue has proposed rulemaking to amend Chapter 67, "Administration," and Chapter 68, "Motor Fuel and Undyed Special Fuel," Iowa Administrative Code. The proposed amendments are necessary to reflect the enactment of 2015 Iowa Acts, Senate File 257. 2015 Iowa Acts, Senate File 257, modifies the rate of excise taxes on motor fuel and special fuel, and it establishes a biodiesel distribution percentage formula. The proposed amendments also update terminology and references to the Iowa Code. Comments were due 22 SEP 15 POC: [Matt Bishop](#).

**IOWA RENEWABLE ENERGY TAX CREDITS** (199 IAC 15.19(1)) The Iowa Utilities Board has proposed amendments to 199 IAC 15.19 that are in response to legislative changes to Iowa Code chapter 476C contained in 2015 Iowa Acts, House File 645, signed by the Governor on June 26, 2015. The legislation amended Iowa Code chapter 476C to expand the list of options for chapter 476C facility ownership to include a municipally owned city utility and a rate-regulated public utility. 2015 Iowa Acts, House File 645, made two other changes to Iowa Code chapter 476C. First, the legislation increased the total eligible capacity for non-wind facilities from 53 megawatts (MW) to 63 MW, reserving this 10 MW increase for solar facilities with a generating capacity of 1.5 MW or less that are owned or contracted for by an electric cooperative association, a municipally owned city utility, or a public utility subject to rate regulation. Second, the legislation changed the maximum eligibility for refuse conversion facilities to annual maximums or limits. These two legislative changes do not require changes to the board's rules. Comments were due 22 SEP 15. POC: [Iowa Utilities Board](#).



**LEGISLATIVE SESSION: 11 JAN THROUGH 30 MAY 16**

*Nothing significant to report.*



## **LEGISLATIVE SESSION: 6 JAN THROUGH 30 MAY 16**

### **FINAL LEGISLATION**

**HB 722 SOLID WASTE** (Veto Override). All merchants, itinerant vendors, and peddlers doing business in Missouri shall have the option to provide customers either a paper or a plastic bag for the packaging of any item or good purchased, provided such purchase is of a size and manner commensurate with the use of paper and plastic bags. Notwithstanding any other provision of law, no political subdivision shall impose any ban, fee, or tax upon the use of either paper or plastic bags for packaging of any item or good purchased from a merchant, itinerant vendor, or peddler. No political subdivision shall prohibit a consumer from using a reusable bag for the packaging of any item or good purchased from a merchant, itinerant vendor, or peddler. Effective date: 28 AUG 15.

### **PROPOSED RULE**

**AIR OPERATING PERMITS** (10 CSR 10-6.065) The Department of Natural Resources (DNR) has proposed amendments to 10 CSR 10-6.065, Operating Permits. This rule defines air contaminant sources which are required to obtain operating permits and establishes procedures for obtaining and complying with operating permits; it does not establish any air quality standards or guidelines. This amendment changes the operating permit application filing fee structure pursuant to 643.079.10, RSMo. This proposed rulemaking will increase the basic operating permit application filing fee from \$100 to \$500 per application. Intermediate and part 70 operating permit application filing fees will increase from \$100 to various amounts ranging from a minimum of \$750 to a maximum of \$6,000. Intermediate and part 70 fees will be determined through a tiered approach based on the complexity of the permit. The total application filing fee is the base fee plus the sum of all applicable complexity fee items the facility is subject to at the time the permit application is submitted. All operating permits require renewal once every five years with the same tiered filing fee structure as initial applications. A hearing is scheduled for 29 OCT 15, and comments are due 5 NOV 15. POC: [Air Pollution Control Program](#), (800) 361-4827.

**CONSTRUCTION AIR PERMITS REQUIREMENTS** (10 CSR 10-6.060) This rule defines sources that are required to obtain permits to construct. It establishes requirements to be met prior to construction or modification of any of these sources. This rule also establishes permit fees and public notice requirements for certain sources and incorporates a means for unifying the processing of construction and operating permit issuance. This amendment changes the construction permit fees pursuant to 643.079.10, RSMo. This proposed rulemaking will increase the filing fee for de minimis, minor, and temporary source construction permits from \$100 to \$250; increase the filing fee for major construction permits from \$100 to \$5,000; increase the processing fee from \$50 per hour to \$75 per hour, including permit amendments; increase the Portable Source Relocation Request fee from \$200 to \$300 per request; and clarify that the processing fee begins to accrue when the Air Pollution Control Program receives the application. The revenue from the increased construction permit fees will help keep the Air Pollution Control Program solvent and able to continue to provide the level of services and activities required to be the implementing agency of the federal Clean Air Act in the state of Missouri. A hearing is scheduled for 29 OCT 15, and comments are due 5 NOV 15. POC: Air [Pollution Control Program](#), (800) 361-4827.

**ACCEPTABLE AND ALTERNATE PROCEDURES FOR DRINKING WATER ANALYSIS** (10 CSR 60-5.010) The DNR has proposed amendments to 10 CSR 60-5.010, Acceptable and Alternate Procedures for Analysis. This proposed amendment updates the incorporation by reference of analytical methods for analysis of drinking water samples. A hearing is scheduled for 16 OCT 15, and comments are due 19 OCT 15. POC: Scott Weckenborg, (800) 361-4827.

**DRINKING WATER CONSUMER CONFIDENCE REPORTS** (10 CSR 60-8.030) The DNR has proposed amendments to 10 CSR 60-8.030, Consumer Confidence Reports (CCR). This amendment adopts Revised Total Coliform Rule (RTCR) requirements for CCR. The CCR must include definitions of Level 1 and Level 2 assessments. For fecal coliform and E. coli, the CCR must include the highest contaminant level used to determine compliance and the range of detected levels. The amendment includes standard language from the RTCR that must be used for reporting on Level 1 and Level 2 assessments. The amendment also adopts Ground Water Rule requirements for reporting uncorrected significant deficiencies. A hearing is scheduled for 16 OCT 15, and comments are due 19 OCT 15. POC: Scott Weckenborg, (800) 361-4827.

**DRINKING WATER DISINFECTION REQUIREMENTS** (10 CSR 60-4.055) The DNR has proposed amendments to 10 CSR 60-4.055, Disinfection Requirements. This amendment adopts the RTCR 78 Federal Register 10269 requirement for all public water systems that use chlorine or chloramines to measure the residual disinfectant level in the distribution system at the same point and same time as total coliforms are sampled. A hearing is scheduled for 16 OCT 15, and comments are due 19 OCT 15. POC: Scott Weckenborg, (800) 361-4827.

**GROUND WATER RULE MONITORING AND TREATMENT TECHNIQUE REQUIREMENTS** (10 CSR 60-4.025) The DNR has proposed amendments to 10 CSR 60-4.025, Ground Water Rule Monitoring and Treatment Technique Requirements. This amendment adopts revisions to the Total Coliform Rule (TCR) requirements for triggered source water monitoring. Very small ground water systems may use a repeat sample to meet the requirements if the department approves the use of E. coli as a fecal indicator for source water monitoring and approves the use of a single sample for meeting both the triggered source water monitoring requirements and the repeat monitoring requirements in the TCR. A hearing is scheduled for 16 OCT 15, and comments are due 19 OCT 15. POC: Scott Weckenborg, (800) 361-4827.

**PUBLIC NOTIFICATION OF CONDITIONS AFFECTING A PUBLIC WATER SUPPLY** (10 CSR 60-8.010) The DNR has proposed amendments to 10 CSR 60-8.010, Public Notification of Conditions Affecting a Public Water Supply. This amendment adds Revised Total Coliform Rule (RTCR) requirements to Tier 1 and Tier 2 public notice as applicable. Tier 1 notice is required for violation of the E. coli maximum contaminant level (MCL). Tier 2 public notice must be repeated every three months for RTCR MCL and treatment technique violations as long as the violation or situation persists. A hearing is scheduled for 16 OCT 15, and comments are due 19 OCT 15. POC: Scott Weckenborg, (800) 361-4827.

**REQUIREMENTS FOR MAINTAINING PUBLIC WATER SYSTEM RECORDS** (10 CSR 60-9.010) The DNR has proposed amendments to 10 CSR 60-9.010, Requirements for Maintaining Public Water System Records. This proposed amendment adopts record keeping requirements from the revisions to the TCR under the new RTCR, 78 Federal Register 10269. Systems must maintain Level 1 and 2 assessment forms, records of corrective actions, and records of repeat samples that meet criteria for an extension of the 24-hour period for collecting repeat samples. A hearing is scheduled for 16 OCT 15, and comments are due 19 OCT 15. POC: Scott Weckenborg, (800) 361-4827.

**MAXIMUM MICROBIOLOGICAL CONTAMINANT LEVELS AND MONITORING REQUIREMENTS** (10 CSR 60-4.020) The DNR has proposed amendments to 10 CSR 60-4.020, Maximum Microbiological Contaminant Levels and Monitoring Requirements. This amendment modifies coliform sampling requirements to include revisions to the TCR. Certain provisions of the rule are applicable until 31 MAR 16 or until all repeat monitoring is completed under the TCR and then are replaced by the RTCR, 78 Federal Register 10269. On 1 APR 16 systems will be required to continue monitoring on the same frequency as on 31 MAR 16. A hearing is scheduled for 16 OCT 15, and comments are due 19 OCT 15. POC: Scott Weckenborg, (800) 361-4827.

**REVISED TOTAL COLIFORM RULE** (10 CSR 60-4.022) The DNR has proposed amendments to 10 CSR 60-4.022, Revised Total Coliform Rule. The rule establishes sampling and monitoring requirements for public water systems. The rule also establishes a MCL for E. coli and uses E. coli and total coliforms to initiate a "find and fix" approach to address fecal

contamination that could enter into the distribution system. It requires public water systems to perform assessments to identify sanitary defects and subsequently take corrective action to correct them. The rule sets monitoring and treatment technique requirements for seasonal systems. At the beginning of each operating period, before serving water to the public, seasonal systems meeting criteria must conduct state-approved start-up procedures and certify completion of start-up procedures. The rule is based on the requirements in the federal Revised Total Coliform Rule found in subpart Y of 40 CFR part 141. A hearing is scheduled for 16 OCT 15, and comments are due 19 OCT 15. POC: Scott Weckenborg, (800) 361-4827.

**TOTAL COLIFORM RULE DEFINITIONS** (10 CSR 60-2.015) The DNR has proposed amendments to 10 CSR 60-2.015, Definitions. This amendment adopts definitions promulgated in the US Environmental Protection Agency's RTCR, 78 Federal Register 10269. These definitions include clean compliance history, Level 1 and Level 2 assessments, sanitary defect, and seasonal system. A hearing is scheduled for 16 OCT 15, and comments are due 19 OCT 15. POC: Scott Weckenborg, (800) 361-4827.

**COLIFORM REPORTING REQUIREMENTS** (10 CSR 60-7.010) The DNR has proposed amendments to 10 CSR 60-7.010, Reporting Requirements. This amendment adopts the revisions to the TCR with the reporting requirements of the RTCR, 78 Federal Register 10269. The DNR must be notified of E. coli maximum contaminant level violations and coliform treatment technique violations by the end of the business day unless certain extenuating circumstances apply. A system must perform a required assessment within 30 days and must report corrective actions to DNR. Failure to comply with coliform monitoring must be reported within 10 days. Seasonal systems must certify compliance with start-up procedures. A hearing is scheduled for 16 OCT 15, and comments are due 19 OCT 15. POC: Scott Weckenborg, (800) 361-4827.



***LEGISLATIVE SESSION: 6 JAN THROUGH 14 APR 16***

*Nothing significant to report.*

# Department of Defense Activity

**REEO TRANSITION TO USACE** The Army REEOs recently completed their first year transitioning from the Assistant Secretary of the Army for Installations, Energy, and Environment to the US Army Corps of Engineers (USACE). Over the past year, the REEOs have learned more about how USACE operates, as the workforce discovers how the REEOs may support USACE projects and initiatives. The REEOs help the Army make wise use of available funds, eliminate inequitable or unnecessary environmental requirements, ensure compliance with state regulations, and share information about administration positions with state legislators and regulators on behalf of installations. To learn more, click [here](#) or [here](#).

**UNIFIED FACILITIES CRITERIA - LOW IMPACT DEVELOPMENT - REVISED** The Unified Facilities Criteria (UFC) system is prescribed by Military Standard (MIL-STD) 3007 and provides planning, design, construction, sustainment, restoration, and modernization criteria, and applies to the Military Departments, the Defense Agencies, and DOD Field Activities. The revised UFC supersedes UFC 3-210-10, dated 15 NOV 10. This revision clarifies applicability of Low Impact Development (LID) requirements to projects with various mixtures of facility types, clarifies project documentation requirements and designer responsibilities, and clarifies the relationship of Energy Independence and Security Act (EISA) requirements to Clean Water Act (CWA) requirements.

**2016 MILITARY CONSERVATION PARTNER AWARD** The US Fish and Wildlife Service (USFWS) is [seeking nominations](#) for the 2016 Military Conservation Partner Award. The annual award recognizes a military installation that has conducted notable conservation work in cooperation with USFWS and other partners. The region submitting the winning nomination will work with headquarters to arrange an award presentation at the selected installation. Nominations are critical for successfully recognizing the most deserving military installation. Regional selections are due to [Cheri Morgan](#), (703) 358-2465, by 11 DEC 15.

**MICROGRIDS** DOD, the Department of Energy, and the Department of Homeland Security have developed microgrids to ensure the nation's critical military facilities maintain operations in the event of natural disasters, accidents, and physical or cyber threats. The microgrid project, known as SPIDERS ([Smart Power Infrastructure Demonstration for Energy Reliability and Security](#)), has resulted in several military bases developing a series of backup power sources, including solar, diesel generators, and batteries, that could be used in the event of a major outage. The program can eventually be applied to non-military critical infrastructure.

**SUSTAINING ACCESS TO LIVE TRAINING DOMAIN** DOD updated [Department of Defense Instruction \(DODI\) 3200.21, Sustaining Access to Live Training Domain](#), effective 15 SEP 15. The DODI implements policy, assigns responsibilities, and provides procedures for sustaining access to the live training domain to meet training mission requirements. According to the DODI, it is DOD policy to sustain access to and operational use of the live training domain through:

- Comprehensive planning to address current and future encroachment challenges.
- Stakeholder engagement and partnering actions to identify compatible resource uses near training activities. Stakeholders are defined in Reference (a) and may also include Native Hawaiian Organizations as specified in DODI 4710.03 (Reference (f)).
- Sound resource and environmental management practices that sustain the capability of live training areas provided to DOD.
- Record keeping procedures to account for the training range inventory and operational range activities.

**ENERGY AWARENESS MONTH** October is [National Energy Awareness Month](#), a national effort to underscore how central energy is to our national prosperity, security, and environmental well-being. In support, DOD [announced its agenda](#) for National Energy Awareness Month [activities](#). The Department of Energy is also conducting energy activities in October. For more information, click [here](#).

# Federal Activity

## AIR

**EMISSIONS TESTING** EPA has proposed technical and editorial corrections and revisions to regulations related to source testing of emissions ([80 FR 54145](#)). The proposed rule will correct and update testing provisions that contain inaccuracies and outdated procedures, and provide alternatives to existing testing regulations. Revisions will also improve the quality of data and provide testers flexibility to use recently approved alternative procedures. Many of these changes were suggested by testers and other end-users. Changes do not impose new substantive requirements on source owners or operators. Comments are due 9 NOV 15.

**GHG EMISSIONS AND FUEL EFFICIENCY STANDARDS FOR MEDIUM- AND HEAVY-DUTY ENGINES AND VEHICLES** EPA and DOT extended the public comment period on their [proposed](#) national program to reduce GHG emissions and fuel consumption for new on-road heavy-duty vehicles ([80 FR 53756](#)). The standards would be phased in, beginning with the 2018 model year over a 10-year period. DOT's proposed fuel consumption standards and EPA's proposed CO<sub>2</sub> emission standards are tailored to each of four regulatory categories of heavy-duty vehicles: combination tractors, trailers used in combination with those tractors, heavy-duty pickup trucks and vans, and vocational vehicles. The proposal also includes separate standards for the engines that power combination tractors and vocational vehicles. In addition, EPA is proposing hydrofluorocarbon standards to control leakage from air conditioning systems in vocational vehicles and nitrous oxide and methane standards for heavy-duty engines. The public comment period was extended to 1 OCT 15.

**PETROLEUM REFINERY RULEMAKING** EPA issued a final rule with additional emission control requirements for storage tanks, flares, and coking units at petroleum refineries. Notably, this is the first time the agency is requiring continuous air monitoring along a facility's fence line. For more information, click [here](#).

**CROSS-STATE AIR POLLUTION RULE** EPA is providing notice of the availability of preliminary lists of units eligible for allocations of emission allowances under the Cross-State Air Pollution Rule (CSAPR) ([80 FR 55061](#)). The agency is making available preliminary lists of units eligible for allocations in the second round of the new unit set-aside (NUSA) allocation process for the CSAPR NOx ozone season trading program. This notice of availability may concern CSAPR-affected units in the following states: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Objections must be received by 14 OCT 15.

## CLEANUP

**GAO REPORT ON FEDERAL CLEANUPS** GAO released a report titled Hazardous Waste Cleanup, Numbers of Contaminated Federal Sites, Estimated Costs, and EPA's Oversight Role ([GAO-15-830T](#)). The [report](#) focuses on USDA, Forest Service, and the issue of abandoned mines. It also touches on the length of time to complete preliminary assessments, noting that "DOD may take 2 to 3 years to complete an assessment and that EPA does not have independent authority under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to enforce a timeline." GAO makes no new recommendations in the report. To view the report highlights, click [here](#).

## CLIMATE CHANGE

**CLIMATE RESILIENCE TOOLKIT** As part of the [Obama Administration's Climate Data Initiative](#), a new set of online climate data resources is available to help with climate change planning, adaptation, and management. The [US Climate Resilience Toolkit](#) was developed by the National Oceanic and Atmospheric Administration and other federal agencies. The toolkit

will boost climate resiliency by using data-driven tools, information, and subject-matter expertise. Future updates will include climate impact information specific to tribal nations.

## **EMERGING CONTAMINANTS**

**CONTAMINANTS OF CONCERN AT FEDERAL FACILITIES** EPA publishes [technical fact sheets](#) on contaminants of concern that present unique issues and challenges to the environmental community and EPA at contaminated federal facility sites. Each fact sheet provides a brief summary of the contaminant, including physical and chemical properties, environmental and health impacts, existing federal and state guidelines, and detection and treatment methods. The fact sheets are intended for project managers and field personnel to use when addressing specific contaminants at cleanup sites. They are updated annually.

## **ENERGY**

**QUADRENNIAL TECHNOLOGY REVIEW 2015** The Department of Energy (DOE) released the [QTR 2015](#), which describes the current energy landscape, the potential for improvement in systems and technologies, and a wide-ranging set of related research, development, demonstration, and deployment opportunities.

**ZERO ENERGY BUILDINGS** In 2014, DOE's Building Technologies Office contracted with the National Institute of Building Sciences (NIBS) to establish definitions, associated nomenclature, and measurement guidelines for zero energy buildings, with the goal of achieving widespread adoption and use by the building industry. NIBS prepared, [A Common Definition for Zero Energy Buildings](#), to present the results of that work. The publication states that a Zero Energy Building is "an energy-efficient building where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy." This definition also applies to campuses, portfolios, and communities. In addition to providing clarity across the industry, the new DOE publication provides important guidelines for measurement and implementation, specifically explaining how to use the zero energy definition for building projects.

**RENEWABLE PORTFOLIO STANDARDS** During the 2015 legislative session, several states significantly modified their [renewable portfolio standards](#), which require utilities to have a specific percentage of renewable energy in their energy mix. California's recent [legislation](#), sent to the governor, would increase the state's requirement to 50 percent of sales by 2030, along with a doubling of the state's energy efficiency standard. Hawaii enacted [legislation](#) establishing a goal of 100 percent renewable energy sales by 2045, an increase from the previous requirement of 40 percent of sales by 2030. Kansas' requirement that 20 percent of a utility's peak demand capacity to be from renewable energy by 2020, was converted to a non-binding target by [legislation](#) that also placed a 10-year cap on a formerly permanent renewable energy property tax exemption. Vermont [altered](#) the state's non-binding goal into a requirement of 75 percent renewable energy sales by 2032.

## **ENFORCEMENT**

**NATIONAL ENFORCEMENT INITIATIVES FOR FY 2017-19** EPA is developing national enforcement initiatives (NEIs) for fiscal years (FY) 2017-2019 and is seeking public comment and recommendations on which of the [current NEIs](#) should continue, be expanded, or returned to the standard enforcement program ([80 FR 55352](#)). Current initiatives may be carried forward, refined, or concluded for the FY 2017-2019 cycle. EPA is also seeking comment on the list of potential NEIs that are currently being considered for the FY 2017-2019 national enforcement cycle:

- *Protecting Communities from Exposure to Toxic Air Emissions* – EPA is considering expanding the [current initiative](#) to include emissions from organic liquid storage tanks and hazardous waste activities.
- *Keeping Industrial Pollutants Out of the Nation's Waters* - This potential NEI would focus on the mining, chemical manufacturing, food processing, and primary metals manufacturing sectors that contribute to surface water pollution.

- *Reducing the Risks and Impacts of Industrial Accidents and Releases* - This potential NEI would focus on the facilities and the chemicals that pose the greatest risks, with a goal of increasing industry attention to preventing accidents, instead of addressing problems after accidents happen. Facilities subject to this NEI could include any of the thousands of facilities across the country that produce, process, store, and use extremely hazardous or acutely toxic substances, from municipal water treatment plants to large refineries.

The final NEIs will be included in the national enforcement initiatives in the National Program Manager (NPM) Guidance to enable EPA, states, and federally recognized Indian tribes to effectively align their joint implementation of environmental laws to achieve mutual goals. Comments are due 14 OCT 15.

## ***ENVIRONMENTAL MANAGEMENT***

**UPDATED ISO 14001** The International Organization for Standardization ([ISO](#)) released an updated version of its environmental management standard. The new standard, referred to as [ISO 14000:2015](#), accommodates factoring of both external and internal elements that influence impact, including climate volatility. Other key improvements in the new version:

- Greater commitment from leadership;
- Increased alignment with strategic direction;
- Greater protection for the environment, with a focus on proactive initiatives;
- More effective communication, driven through a communications strategy; and
- Life-cycle thinking, considering each stage of a product or service, from development to end-of-life.

For more information, click [here](#).

## ***NATURAL RESOURCES***

**NATIONAL WETLAND PLANT LIST** The US Army Corps of Engineers (USACE), as part of an interagency effort with EPA, the US Fish and Wildlife Service (USFWS), and the US Department of Agriculture, Natural Resources Conservation Service, is announcing the availability of the [draft NWPL 2015 \(80 FR 55103\)](#). Comments are due 13 NOV 15.

**USFWS NATIVE AMERICAN POLICY** USFWS reopened the public comment period on its [3 AUG 15](#) proposed draft Native American Policy ([80 FR 57014](#)). The policy would establish a framework on which to base USFWS's continued interactions with federally recognized tribes and Alaska Native Corporations. The policy recognizes the sovereignty of federally recognized tribes; states that the service will work on a government-to-government basis with tribal governments; and includes guidance on co-management, access to and use of cultural resources, capacity development, law enforcement, and education. The public comment period is extended to 21 OCT 15. The draft policy is available [here](#).

## ***SUSTAINABILITY***

**EPEAT** DOD, GSA, and NASA adopted an interim rule amending the Federal Acquisition Regulation (FAR) to implement changes in the Electronic Product Environmental Assessment Tool ([EPEAT](#)) registry ([80 FR 53436](#)). The final rule expands the requirement to procure EPEAT-registered products to include imaging equipment (i.e., copiers, digital duplicators, facsimile machines, mailing machines, multifunction devices, printers, and scanners) and televisions. It modifies the existing FAR requirements to recognize the revised standard applicable to computer products. The final rule was effective 5 OCT 15.

**FEDERAL PROCUREMENT OF ENVIRONMENTALLY PREFERABLE PRODUCTS AND SERVICES** EPA is providing interim recommendations to assist federal agencies in purchasing environmentally preferable products and services ([80 FR 57809](#)). This action is intended to help federal agencies purchase environmentally preferable products and services in



accordance with [Executive Order 13693](#) and reduce public health and environmental impacts associated with the federal government's extensive supply chain. For more information, click [here](#) and [here](#).

## ***THREATENED AND ENDANGERED SPECIES***

**USFWS DECLINES TO LIST GREATER SAGE-GROUSE** An unprecedented, landscape-scale conservation effort across the western US has significantly reduced threats to the greater sage-grouse across 90% of the species' breeding habitat and led the USFWS to conclude that the rangeland bird does not warrant protection under the Endangered Species Act (ESA). The collaborative, science-based greater sage-grouse strategy is the largest land conservation effort in US history. USFWS reached its determination after evaluating the bird's population status, along with the collective efforts by the Bureau of Land Management (BLM), US Forest Service (USFS), state agencies, private landowners, DOD, and other partners to conserve its habitat. Despite long-term population declines, sage-grouse remain relatively abundant and well-distributed across the species' 173-million-acre range. After an analysis of the best available scientific information and taking into account ongoing key conservation efforts and their projected benefits, USFWS has determined the bird does not face the risk of extinction now or in the foreseeable future and therefore does not need protection under ESA. For more information, click [here](#). To read brief evaluation of the impact of the ruling on the military, click [here](#).

**GREATER SAGE-GROUSE AND SAGEBRUSH CONSERVATION** The BLM and USFS) finalized land use plans that will conserve key sagebrush habitat, address identified threats to the greater sage-grouse, and promote sustainable economic development in the West. Land use plans focus on conserving priority habitat areas that have been identified as having the highest value to maintaining the species and its habitat. The plans identify land use measures in priority habitat that are designed to minimize or avoid habitat disturbance. Within priority habitat, the plans identify sagebrush focal areas as important landscape blocks with high breeding population densities of sage-grouse and existing high quality sagebrush. The plans also designate general habitat management areas, which provide greater flexibility for land use activities. The plans contain three common approaches:

- Minimize new or additional surface disturbance;
- Improve habitat condition; and
- Reduce threat of rangeland fire.

For information about BLM actions and plans to conserve sage-grouse and sagebrush habitat, click [here](#). For information about USFS actions and plans to conserve sage-grouse and sagebrush habitat, click [here](#).

**STATUS REVIEWS INITIATED FOR 23 OF 25 SPECIES** USFWS has initiated status reviews for 23 of the 25 species petitioned for listing and determined that listing is not warranted for the remaining two species ([80 FR 56423](#)). Based on the results of the 23 status reviews, the service will issue 12-month findings indicating whether listing of each species is warranted. Comments are due 17 NOV 15. For more information, click [here](#) then scroll down to Table 1 to view the complete list of species, or scroll to the Supplementary Information section to view species' specific ranges.

## ***TOXICS***

**TOXICOLOGICAL PROFILES: PERFLUOROALKYLS** The Agency for Toxic Substances and Disease Registry (ATSDR) released a toxicological profile for [perfluoroalkyls](#) for public review and comment ([80 FR 53157](#)). Perfluoroalkyls have been used in surface protection products in carpets, clothing, paper, and cardboard and in firefighting foams. The two perfluoroalkyls made in the largest amounts in the US are PFOA and PFOS. ATSDR produces profiles for each substance on the priority list of hazardous substances. The list identifies 275 hazardous substances that ATSDR, in cooperation with EPA, has determined pose the most significant potential threat to human health. Comments on the toxicological profile are due 1 DEC 15.

## WASTE

**EPA PROPOSES REVISIONS TO HAZARDOUS WASTE MANAGEMENT RULES** EPA has proposed updates to hazardous waste generator regulations to make them easier to understand, facilitate better compliance, provide greater flexibility in how hazardous waste is managed, and close gaps in the regulations. EPA is proposing flexibility by:

- Allowing a hazardous waste generator to avoid increased burden of a higher generator status when generating episodic waste provided such waste is properly managed; and
- Allowing a conditionally exempt small quantity generator to send hazardous waste to a large quantity generator under control of the same person.

**PHARMACEUTICAL HAZARDOUS WASTE** EPA is proposing to add management standards for [hazardous waste pharmaceuticals](#) to hazardous waste rules under a new subpart P to 40 CFR Part 266 ([80 FR 58013](#)). The proposed rules ban healthcare facilities from flushing hazardous waste pharmaceuticals down the sink and toilet. They create specific regulations for healthcare workers and pharmacists working in hospitals, clinics, and retail stores with pharmacies and for reverse distributors that generate hazardous waste. The rules are intended to improve labeling of hazardous waste and emergency planning and preparedness, while providing greater flexibility in how facilities and employees manage their hazardous waste and making the regulations easier to understand. Comments are due 24 NOV 15. For more information, click [here](#). To view a press release, click [here](#).

**MANAGING AND TRANSFORMING WASTE STREAMS TOOL** EPA launched a [new tool](#) for communities to recover the lost value of material discards by setting up systems for reuse, recycling, and composting. The tool is ideal for cities and counties that are updating their solid waste management plans and wish to consider additional measures, as well as those adopting a zero waste plan or working on sustainability or climate action plans. By using the sorting and filtering features of the tool, planners can generate a list of measures for consideration tailored to their communities' priorities. The website also features more than 240 examples of policies and programs implemented in communities across the country, along with relevant online resources. For more information, click [here](#).

**NATIONAL FOOD WASTE REDUCTION GOAL** EPA and USDA established the first [national food waste reduction goal](#), calling for a 50% reduction in food waste by 2030. As part of the effort, the federal government will lead a new partnership with charitable organizations, faith-based organizations, the private sector, and local, state, and tribal governments to reduce food loss and waste in order to improve overall food security and conserve the nation's natural resources. Food loss and waste in the US accounts for approximately 31% (133 billion pounds) of the overall food supply available to retailers and consumers and has far-reaching impacts on food security, resource conservation, and climate change. Food loss and waste is single largest component of disposed US municipal solid waste, accounting for a significant portion of US methane emissions. For more information, click [here](#).

## WATER

**FINAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) ELECTRONIC REPORTING RULE** This rulemaking is part of EPA's Next Generation Compliance strategy, as well as the E-Enterprise for the Environment strategy with states and tribes, to take advantage of new tools and innovative approaches to increase compliance and reduce pollution. The shift toward electronic reporting in the NPDES program and others will help make environmental reporting more accurate, complete, and efficient. It will also help EPA and co-regulators better manage information, and improve effectiveness and transparency. EPA expects to publish the final rule in the Federal Register in October 2015. The final rule will be effective 60 days following publication in the Federal Register.

EPA is also proposing clarifications, to include reorganization of hazardous waste generator regulations, so they are in one place. A pre-publication version of the rule is available [here](#).

**SURFACE WATER PROTECTION FROM COAL MINING** The US Department of Interior, Office of Surface Mining and Reclamation extended the public comment period on its proposed [Stream Protection Rule](#), [draft EIS](#), and [draft regulatory impact analysis](#) developed in association with the rule ([80 FR 54590](#)). The proposed rule, intended to prevent or minimize impacts to surface water from coal mining operations, would revise [regulations for coal mining](#) that have been in place since 1983. The proposed rule requires coal companies to test and monitor the condition of streams that their mining might impact before, during, and after their operations, providing baseline data to ensure that operators could detect and correct problems if or when they arise. It also requires companies to restore streams and return mined-over areas to the uses they were capable of supporting prior to mining activities and to replant them with native trees and vegetation unless a conflicting land use is implemented. The public comment period was extended to 26 OCT 15.

# Professional Development

## *DOD TRAINING SOURCES*

**US ARMY CORPS OF ENGINEERS (USACE) PROSPECT TRAINING** USACE announces course availability for the [FY16 PROSPECT](#) (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and schedule for details. Environmental courses include, but are not limited to:

- Environmental Regulations Practical Application Course (Course Control Number (CCN) 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Environmental Remediation Technologies (CCN 395)
- Environmental Laws and Regulations (CCN 170)

**NAVY AND ISEERB ENVIRONMENTAL TRAINING** The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule 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** 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 US government, free of charge. Travel costs are borne by the student.

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS** The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the [US Army Environmental Command website](#), which has links to training provided by DOD organizations.

**READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM WEBINAR SERIES** The 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. Previously scheduled webinars are available anytime.

**SERDP AND ESTCP WEBINAR SERIES** The DOD environmental research and development funding programs ([SERDP and ESTCP](#)) launched a [webinar series](#) to promote the transfer of innovative, cost-effective, and sustainable solutions

developed using SERDP and ESTCP funding. Live webinars will be offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars will feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DOD and DOE audiences. Prior presentations are archived for viewing any time.

## ***FEDERAL TRAINING SOURCES***

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER** [FedCenter.gov](http://FedCenter.gov) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information in the following areas:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Regulatory Watch for information on new or changed laws or regulations;
- P2 opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Access to free, FedCenter-sponsored courses:
  - [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
  - [Environmental Management Systems](#) (FedCenter membership required);
  - [Underground Storage Tanks](#) (FedCenter membership required);
- Environmental [conferences](#), meetings, [training](#), and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.

FedCenter also provides member assistance services such as:

- Collaboration tools for workgroups,
- Environmental reporting tools, and
- Daily newsletter and subscription services.

**ITRC INTERNET BASED TRAINING** The Interstate Technology and Regulatory Council (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 to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The 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. Visit the site often to view upcoming internet-based training events.

**NATIONAL CONFERENCE OF STATE LEGISLATURES (NCSL) E-LEARNING** NCSL e-Learning features experts on public policy issues and provides professional development opportunities for members, state legislators, state legislative staff, and the public. Visit [Multimedia Library](#) for a collection of video and audio files from previous NCSL meetings and webinars. In addition, visit [Plugged In](#), NCSL's state and federal energy newsletter, for updates on state energy news and legislative trends, federal actions, recent NCSL publications, upcoming meetings and more.

**EPA RCRA TRAINING** Resource Conservation and Recovery Act-related online courses, seminars, webinars, podcasts, and videos are posted throughout EPA'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. Topics include general RCRA, RCRA corrective action, Environmental Management Systems (EMS), e-waste, groundwater characterization and cleanup, land revitalization, land disposal restrictions, sustainable materials management web academy, and environmental justice and RCRA permitting.

**BEST PRACTICES FOR COMPREHENSIVE WATER MANAGEMENT FOR FEDERAL FACILITIES** This comprehensive water management training provides federal facility and energy managers with knowledge and skills to assist in meeting water-related legislative and executive order requirements. Develop skills in increasing water efficiency and reducing water use through sound operations and maintenance practices and water-efficient technologies. Several methods for meeting needs for non-potable water through alternate water sources, such as rainwater harvesting, reclaimed wastewater, and gray water are discussed. Water metering is covered, as well as life cycle costing and establishing the overall economics for strategic water management.

**DISTRIBUTED-SCALE RENEWABLE ENERGY PROJECTS: FROM PLANNING TO PROJECT CLOSEOUT** This 2.5 hour webinar focuses on the planning and implementation of distributed-scale renewable energy projects (i.e., those smaller than 10 megawatts). The on-demand course outlines a detailed 10-step process from technology screening to project closeout. It explores online tools and resources for renewable energy projects on federal sites.

**FEMP eTRAINING COURSES** The Federal Energy Management Program (FEMP) offers interactive, online eTraining courses to help federal agencies develop core competencies and comply with energy-efficiency and renewable-energy water-management and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide (WBDG) to host these comprehensive, FEMP-developed eTraining courses. Promotional materials are available to help federal agencies encourage the completion of FEMP's eTraining courses. For more information about FEMP eTraining courses, contact Beverly Dyer, (202) 586-7753. The following courses are available:

- [Advanced Electric Metering in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Building Automation Systems for Existing Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Commissioning for Existing Federal Buildings](#) (4.5 hours, .50 CEUs)
- [Energy-Efficient Federal Purchasing](#) (4.5 hours, .50 CEUs)
- [Energy Savings Performance Contracting](#) (8.5 hours, .90 CEUs)
- [Federal On-Site Renewable Power Purchase Agreements](#) (2.5 hours, .30 CEUs)
- [Launching a Utility Energy Services Contract \(UESC\): Getting to Yes!](#) (3 hours, .40 CEUs)
- [Managing Water Assessment in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Measurement and Verification in ESPCs](#) (3 hours, .40 CEUs)
- [Planning an Energy Assessment for Federal Facilities](#) (4 hours, .50 CEUs)
- [Selecting, Implementing, and Funding Photovoltaic Systems in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Sustainable Institutional Change for Federal Facility Managers](#) (3 hours, .40 CEUs)
- [Utility Service Contracts and Energy Project Incentive Funds](#) (90 minutes)

**CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES** This [webinar series](#) was developed to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation.

# Internet Resources

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

[USEPA Region 6](#)  
[Arkansas Dept of Environmental Quality \(ADEQ\)](#)  
[Arkansas Legislature](#)  
[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](#)

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

[USEPA Region 7](#)  
[Iowa Department of Natural Resources \(IDNR\)](#)  
[Iowa Legislature](#)  
[Kansas Department of Health and Environment \(KDHE\)](#)  
[Kansas Legislature](#)  
[Missouri Department of Natural Resources \(MDNR\)](#)  
[Missouri Legislature](#)  
[Nebraska Department of Environmental Quality \(NDEQ\)](#)  
[Nebraska Legislature](#)

## **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](#)  
[DOE Office of Environmental Management](#)  
[U.S. Fish and Wildlife Service](#)  
[Southwest Region NM, TX, OK](#)  
[Mountain – Prairie Region KS, NE](#)  
[Midwest Region IA, MO](#)  
[Southeast Region AR, LA](#)

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Region 7 Air Force REC	(214) 333-5012
Navy REC (AR/KS/LA/MO/OK/TX)	(904) 542-6853
Navy REC (IA/NE)	(360) 315-5400
Navy REC (NM)	(619) 532-2303

## How the Regional Offices Work for You

**The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.** The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are protected.

To comment on item in the *Central Review*, please contact the Regional Environmental Coordinator listed in the staff directory.

To be added to the *Central Review* distribution list, email [Jim Mayer](mailto:Jim.Mayer).