



Central Review of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

January 2014

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.



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Army Continues to Evolve Energy Programs Despite Budget Cuts

According to the Army's Deputy Assistant Secretary for Energy and Sustainability, the Army had to scrap more than \$250 million in energy projects during fiscal year 2013 in order to comply with the Budget Control Act.

Speaking as part of a joint services energy panel at George Mason University, Richard Kidd added the slash to the Army's funds to sustain, restore and modernize (SRM) its posts and installations have put SRM accounts 50 percent below where they should be and said it could get worse should sequestration kick in.

"Existing Army facilities are breaking, they're not being repaired, their energy performance is going down and this represents a significant long-term cost liability to the country because once they break, they're going to consume more energy and be more expensive to fix once we do get the funds," Kidd said. "The significant reduction in SRM accounts is going to create a financial hole that will have to be paid in the future."

While Kidd's budget comments were bleak, he also addressed the Army's current efforts and successes in energy efficiency and renewable energy sources, as well as power management and distribution for installations and Soldiers. He said the Army significantly reduced its total energy consumption in the last 10 years by 16.2 percent, even as the force grew by 20 percent during that period. As the largest of the four services, the Army still remains the largest utility consumer in the federal government. (By J.D. Leipold, Army PAO. [Link to complete article.](#))

Customer's Corner: Please send any comments, questions, lessons learned, best practices, etc. to Jim Mayer at (913) 648-4003.

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 10 Feb 14 and adjourns 9 Mar 14 (fiscal session only).

FINAL RULE

(EFFECTIVE 1 FEB 14) SOUTHEAST ARKANSAS REGIONAL SOLID WASTE MANAGEMENT BOARD FINAL RULE: DISTRICT WASTE TIRE COLLECTION AND DISPOSAL FEES institutes [Waste Tire Collection and Disposal Fees](#) where no state waste tire fee was previously collected, reported, and paid on a tire sold at a retail outlet. POC: A.C. Armstrong at (870) 536-1971.

PROPOSED RULE

(NEW) DEPARTMENT OF ENVIRONMENTAL QUALITY PROPOSED RULE: ESTABLISHING WATER QUALITY STANDARDS FOR SURFACE WATERS (REGULATION 2) is necessary to ensure [waters of the State are maintained and protected](#), in accordance with the Clean Water Act and the AR Water and Air Pollution Control Act. Hearing scheduled 13 Feb 14, comments due 27 Feb 14. POC: Doug Szenher at reg-comment@adeq.state.ar.us.



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 24 Mar 14 and adjourns 5 Jun 14.

FINAL RULE

(EFFECTIVE 20 DEC 13) DEPARTMENT OF ENVIRONMENTAL QUALITY FINAL RULE: CLEAN-UP PACKAGE (LAC:33:III.2511, 5113 AND 5308) (AQ341) [corrects and revises](#) inaccurate or unnecessary language inadvertently added to two sections of air regulations. POC: Susan Ham at (225) 219-3985.



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 21 Jan 14 and adjourns 20 Feb 14.

FINAL RULES

(EFFECTIVE 19 DEC 13) ENVIRONMENT DEPARTMENT FINAL RULE: INCORPORATION BY REFERENCE (20.2.77, 20.2.82 NMAC) [incorporates by reference](#) new rules, corrections, revisions, and amendments to federal New Source Performance Standards (NSPS) and Maximum Achievable Control Technology (MACT) Standards for Source Categories of Hazardous Air Pollutants promulgated by EPA and published in Federal Register from 1 Jan 11 to 29 Aug 13. POC: Pam Castañeda at (505) 827-2425.

(EFFECTIVE 19 DEC 13) ENVIRONMENT DEPARTMENT FINAL RULE: [REPEAL](#) OF "CLEAN CARS" REGULATION (20.2.88 NMAC). Regulation was first adopted in 2007 to apply CA motor vehicle emissions standards, or "California standards," within NM beginning with model year 2011, later revised to 2016. When adopted, CA "Clean Cars" were more stringent than federal motor vehicle emissions standards. Federal programs have since been revised to achieve same emissions reduction as CA standards, so administrative burdens of implementing the Clean Cars regulation now outweigh potential benefits of having a state program. POC: Pam Castañeda at (505) 827-2425.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) DEPARTMENT OF ENVIRONMENT [INVITATION FOR COMMENTS](#): DRAFT CHANGES TO THE WATER QUALITY STANDARDS FOR THE ANIMAS RIVER, SAN JUAN COUNTY. The draft [Use Attainability Analysis \(UAA\)](#) supports changes to surface water quality standards for the NM portion of the Animas River. As required by the Clean Water Act, NM developed water quality standards for its surface waters, grouping surface waters into hydrologically similar segments, which are assigned designated uses, and associated criteria to protect those uses. Current designated aquatic life uses for the Animas River are marginal coldwater and warmwater from the San Juan River upstream to Estes Arroyo in Aztec (lower reach), and coldwater from Estes Arroyo upstream to the Southern Ute tribe boundary at the Colorado border (upper reach). The appropriate designated use for the upper reach is coolwater with a segment-specific maximum temperature criterion of 27°C. POC: Deborah Sarabia at deborah.sarabia@state.nm.us.

(EFFECTIVE 10 JAN 14) EPA FINAL APPROVAL STATE IMPLEMENTATION PLANS (SIP) PREVENTION OF SIGNIFICANT DETERIORATION (PSD); GREENHOUSE GAS (GHG) PLANTWIDE APPLICABILITY LIMIT (PAL) PERMITTING REVISIONS approves portions of one revision to the NM SIP, [adopting revisions](#) to the PSD PAL permitting provisions to enable NM to issue PALs to GHG emitting sources. EPA takes no action on GHG Biomass Deferral Rule.



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 2 Feb 14 and adjourns 31 May 14.

PROPOSED LEGISLATION

(2013 Carryover) **SB 1167 DECLARING CERTAIN (EPA) RULEMAKING AUTHORITY UNCONSTITUTIONAL.** The legislature declares rulemaking authority of EPA is not authorized by the U.S. Constitution, violates its true meaning and intent as given by the founders and ratifiers, and is hereby declared to be invalid in the state of Oklahoma, shall not be recognized by the state, and shall be considered of no effect in the state. It shall be the duty of the legislature to adopt and enact any and all measures as may be necessary to prevent enforcement of rules issued by the EPA not specifically authorized by the U.S. Congress or specifically adopted by the Oklahoma Legislature. Sponsor: Senator Patrick Anderson (R)

PROPOSED RULE

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY PROPOSED RULE: INCORPORATION BY REFERENCE (OAC: 252:100-2-3, 252:100-17-2, 252:100-17-60 TO 252:100-17-76)** updates [Appendix Q, Incorporation by Reference](#) to incorporate the latest changes to EPA regulations to include addition of the model Commercial/Industrial Solid Waste Incinerator (CISWI) rule in 40 CFR Part 60, Subpart DDDD, and 40 CFR Part 241, Solid Wastes Used as Fuels or Ingredients in Combustion Units, to coincide with the proposed modification of Subchapter 17. Hearing scheduled for and comments due 15 Jan 14. POC: Cheryl E. Bradley at (405) 702-4218 or cheryl.bradley@deq.ok.gov.



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Legislature not in session in 2014.

FINAL RULES

(WITHDRAWN 10 DEC 13) PARKS AND WILDLIFE DEPARTMENT EMERGENCY RULE: CONTROL OF ZEBRA MUSSELS (31 TAC §57.972) [emergency amendment to §57.972](#), General Rules, intended to control the spread of zebra mussels (*Dreissena polymorpha*) is withdrawn. POC: TX Parks and Wildlife Department (512) 389-4775.

(EFFECTIVE 20 DEC 13) EDWARDS AQUIFER AUTHORITY FINAL RULES: [ADMINISTRATIVE PROCEDURES AND ENFORCEMENT \(CHAPTERS 702, 707, 709, 711, 713, 717\)](#) makes rule changes to:

- Chapter 702 (Definitions);
- Chapter 707 (Procedures Before the Authority), Subchapter E (Actions on Applications);
- Chapter 709 (Fees), Subchapter D (Aquifer Management Fees);
- Chapter 711 (Groundwater Withdrawals):
 - Subchapter B (General Provisions);
 - Subchapter C (Exempt Wells);
 - Subchapter D (Limited Production Wells);
 - Subchapter E (Term Permits);
 - Subchapter I (General Prohibitions);

- Subchapter L (Administration of Permits);
- Subchapter M (Meters; Reporting);
- Chapter 713 (Water Quality), Subchapter C (Well Construction, Operation and Maintenance); and
- Chapter 717 (Enforcement).

POC: Edwards Aquifer Authority, Policies & Rules at (210) 222-2204.

PROPOSED RULES

(NEW) **COMMISSION ON ENVIRONMENTAL QUALITY PROPOSED RULE: CONSOLIDATED PERMITS, AIRPORT DE-ICING RULES BY REFERENCE (30 TAC §305.541).** [Effluent limitation guidelines](#) and new source performance standards will be incorporated into the Multi-Sector General Permit (MSGP), TXR050000, upon renewal in 2016 and any applicable individual permits for airports during subsequent permit actions. EPA issued technology-based effluent limitation guidelines and new source performance standards to control discharges of pollutants from airport de-icing operations (40 CFR Part 449). Public Meeting 23 Jan 14, comments due 27 Jan 14. POC: Laurie Fleet at (512) 239-5445.

(NEW) **TX PARKS AND WILDLIFE DEPARTMENT PROPOSED RULE: [DRAINING OF WATER FROM VESSELS LEAVING OR APPROACHING PUBLIC FRESH WATER \(31 TAC §57.1001\)](#)** adds 30 counties to the §57.1001(3) list of counties where restrictions on transportation of water are in place to control spread of zebra mussels (*Dreissena polymorpha*). Amendment adds Archer, Bastrop, Bell, Bosque, Burnet, Clay, Comal, Comanche, Coryell, Eastland, Ellis, Erath, Falls, Fayette, Freestone, Hamilton, Hays, Henderson (west of State Highway 19), Hill, Johnson, Leon, Limestone, Llano, McLennan, Navarro, Robertson, Somervell, Travis, Wichita, and Williamson counties to the 17 counties the regulation is already in effect (Collin, Cooke, Dallas, Denton, Fannin, Grayson, Hood, Jack, Kaufman, Montague, Palo Pinto, Parker, Rockwall, Stephens, Tarrant, Wise, and Young). Public meetings scheduled 7 and 9 Jan 14, comments due 22 Jan 14. POC: Ken Kurzawski at (512) 389-4591 or ken.kurzawski@tpwd.texas.gov.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **COMMISSION ON ENVIRONMENTAL QUALITY: NOTICE OF [NEW PROPOSED WASTEWATER DISPOSAL \(WQG100000\) GENERAL PERMIT](#)** authorizing wastewater generated by industrial or water treatment facilities to be disposed of by evaporation from surface impoundments adjacent to water in the state. Proposed general permit would not authorize discharge of wastewater into water in the state. Comments due 24 Jan 14. POC: Laurie Fleet at (512) 239-5445.

(NEW) **COMMISSION ON ENVIRONMENTAL QUALITY NOTICE OF PUBLIC HEARING: [PROPOSED REVISIONS TO THE STATE IMPLEMENTATION PLAN](#)** is announced IAW TX Health and Safety Code, §382.017; TX Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of EPA concerning SIPs. Proposed SIP revision satisfies Federal Clean Air Act, §172(c)(3) and §182(a)(1) emissions inventory reporting requirements for the Houston-Galveston-Brazoria and Dallas-Fort Worth nonattainment areas under the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS). Hearing scheduled 14 Jan 14, comments due 27 Jan 14. POC: Nina Castillo at (512) 239-4415.

(NEW) **EPA PROPOSED RULE: [STAGE II VAPOR RECOVERY PROGRAM AND CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS](#)** at gasoline dispensing facilities (GDFs). EPA also proposes to approve related revisions to Stage II SIP narrative pertaining to maintenance and removal of Stage II vapor recovery equipment and demonstrating absence of Stage II equipment in the Beaumont-Port Arthur (BPA), Dallas-Fort Worth (DFW) and Houston-Galveston Brazoria (HGB) areas; and in El Paso County not interfering with attainment of national ambient air quality standards (NAAQS) for ozone, reasonable further progress or any other requirement of the Clean Air Act.

Region 7



NOTICE: Request command and installation staff contact the Army Regional Environmental and Energy Office for the Central Region (REEO-C) 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 12 Jan 14 and adjourns 7 May 14.

FINAL RULE

(EFFECTIVE 15 JAN 14) DEPARTMENT OF NATURAL RESOURCES FINAL RULE: DEFINITIONS, FORMS, RULES OF PRACTICE, CONTROLLING POLLUTION, SPECIAL REGULATIONS AND CONSTRUCTION PERMIT REQUIREMENTS FOR MAJOR STATIONARY SOURCES PREVENTION OF SIGNIFICANT DETERIORATION (PSD) OF AIR QUALITY (567 IAC 20, 22, 31, 33) [adopts regulations](#) from 40 CFR 51.165 to incorporate federal review and permitting procedures allowing facilities to construct or modify existing sources in areas not in attainment with National Ambient Air Quality Standards (NAAQS). POC: Wendy Walker at (515) 725-9570.



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Legislature convenes 12 Jan 14 and adjourns 29 Apr 14.

No significant legislative or regulatory activities this reporting period.



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Legislature convened 8 Jan 14 and adjourns 30 May 14.

PROPOSED LEGISLATION

(NEW) **[HB 1074](#) WASTEWATER DISCHARGE PERMITS** require an independent study of environmental and economic need before changing allowable volume of water contaminants or pollutants discharged in clean water law permits. No permit increasing or decreasing the volume of any water contaminants or pollutants from any point source including existing limits to be changed shall be issued until an independent and unique study commissioned by this state verifies an environmental and economic need for such increase or decrease for each stream segment affected. Prefiled measure. Sponsor: Representative Rocky Miller (R)

(NEW) **[HB 1077](#) REASONABLE ORDER/ORDINANCE REGULATIONS RELATING TO EMERGENCY MANAGEMENT FUNCTIONS, INCLUDING BURN BAN ORDERS** authorizes each political subdivision to:

- Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for health and safety of persons; safety of property; and direct and coordinate the development of disaster plans and programs IAW policies and plans of federal and state governments;
- Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation; and
- Adopt orders or resolutions with penalties as these specifically relate to the actual or impending occurrence of a natural disaster of major proportions within the county when safety and welfare of inhabitants of such county are jeopardized.

Prefiled measure. Sponsor: Representative Donna Lichtenegger (R)

(NEW) **[HB 1078](#) WATER TREATMENT** requires a public water system to notify the MO Department of Natural Resources (DNR), Department of Health and Senior Services, and its customers at least 30 days prior to a vote to cease fluoridation. Section A of this act is deemed necessary for immediate preservation of public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval. Prefiled measure. Sponsor: Representative Donna Lichtenegger (R)

(NEW) **[SB 504](#) ADMINISTRATIVE PROCEDURES AND ENFORCEMENT** requires state agencies to make proposed rules available to the public by providing a web page containing a summary, full rule text, fiscal note for each proposed rule and link to the MO Register. Information must be made available on the website the same day proposed rule is published in the MO Register. Prefiled measure. Sponsor: Senator Brian Munzlinger (R)

(NEW) **[SB 571](#) ELECTRONIC WASTE** establishes the Residential Electronic Products Recycling and Reuse Act and repeals the Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act. Measure is substantially similar to SB 363 (2013). Computer, computer monitor, and printer manufacturers must hire, either individually or collectively, an independent auditor to perform return share samples of covered electronic devices received by dismantlers/refurbishers for recycling or reuse. Dismantlers/refurbishers are required to register with the department and submit registration fee. Retailers of televisions, computers, computer monitors, and printers shall be the primary source of information about recycling and reuse program. Prefiled measure. Sponsor: Senator Maria N. Chappelle-Nadal (D)

(NEW) **[SB 572](#) INDOOR CLEAN AIR ACT** is identical to SB 201 (2013) and SB 664 (2012) to prohibit smoking in a public place or a public meeting or within 15 feet of any entrance to a public place or public meeting. Definition of public place is amended to include any building or vehicle owned, leased or operated by a governmental entity as well as bars and

restaurants. Provision allowing for a designated smoking area in public places has been repealed. Prefiled measure. Sponsor: Senator Maria N. Chappelle-Nadal (D)

FINAL RULES

(EFFECTIVE 30 DEC 13) DEPARTMENT OF NATURAL RESOURCES FINAL RULE: CONTROLLING EMISSIONS DURING EPISODES OF HIGH AIR POLLUTION POTENTIAL (10 CSR 10-6.130) specifies conditions establishing [air pollution alert and emergency alert levels](#) (scroll to bottom of page) and associated procedures and emissions reduction objectives. Amendment updates a table by removing pollutant concentration breakpoints that become inaccurate each time NAAQS change, clarifies requirements for sources to provide DNR with emissions reduction plan when requested, clarifies rule provisions, and removes definitions found in 10 CSR 10-6.020 Definitions and Common Reference Tables. POC: Chief, Air Quality Planning Section at (573) 751-4817.

(EFFECTIVE 30 DEC 13) DEPARTMENT OF NATURAL RESOURCES FINAL RULE: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY REGULATIONS (10 CSR 10-6.075, 6.080) establishes emission control technology, performance criteria, and work practices to achieve emission standards for sources emitting or having potential to emit hazardous air pollutants. Rulemaking is to adopt by reference new emission standards, updates, and clarifications to existing federal rule 40 CFR 63 promulgated from 17 Feb 12 through 31 Dec 12. POC: Chief, Air Quality Planning Section at (573) 751-4817.

(EFFECTIVE 30 DEC 13) DEPARTMENT OF NATURAL RESOURCES FINAL RULE: NEW SOURCE PERFORMANCE REGULATIONS (10 CSR 10-6.070) adopts by reference [new emission standards](#), updates, and clarifications to existing federal rule 40 CFR 60 promulgated from 17 Feb 12 through 31 Dec 12. Evidence supporting need for this proposed rulemaking, per 536.016, RSMo, is elements of the state/EPA work plan and Title V Operating Permit Program requirements. POC: Chief, Air Quality Planning Section at (573) 751-4817.

PROPOSED RULES

(NEW) DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: AMBIENT AIR QUALITY STANDARDS (10 CSR 10-6.010) is a compilation of standards for [ambient air quality](#) throughout MO. Amendment updates standards for ambient air quality to reflect recent changes in NAAQS for fine particulate matter (PM_{2.5}), nitrogen dioxide (NO₂), and sulfur dioxide (SO₂); reorganize standards table for clarity; and update purpose statement to more accurately reflect the rule. Hearing scheduled 30 Jan 14, comments due 6 Feb 14 POC: Chief, Air Quality Planning Section at (573) 751-4817.

(NEW) DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: SIP LIMITED MAINTENANCE PLAN FOR THE ST. LOUIS NONCLASSIFIABLE MAINTENANCE AREA FOR THE 8-HOUR CARBON MONOXIDE NATIONAL AMBIENT AIR QUALITY STANDARD. DNR developed [a second maintenance plan](#) for continued attainment of 8-hour carbon monoxide (CO) NAAQS for the St. Louis area, 2008 through 2018. Plan assures, in event of subsequent CO NAAQS violation, additional control options can quickly be implemented to prevent future violations. In addition, plan includes CO ambient air quality monitoring data from last seven years and updated emission inventory for average winter day CO emissions. Hearing scheduled 30 Jan 14, comments due 6 Feb 14. POC: Air Quality Planning Section apcpsip@dnr.mo.gov.

(NEW) DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: SUPPLEMENT/REVISION TO THE RE-DESIGNATION DEMONSTRATION AND MAINTENANCE PLAN FOR THE MO PORTION OF THE ST. LOUIS NONATTAINMENT AREA FOR THE 1997 ANNUAL FINE PARTICULATE MATTER NATIONAL AMBIENT AIR QUALITY STANDARD. Based on monitoring data from 2007-2009, the St. Louis nonattainment area achieved attainment of 1997 annual fine particulate matter (PM_{2.5}) NAAQS. In August 2011, MO Air Conservation Commission adopted and submitted to EPA the Re-designation Demonstration and Maintenance Plan for MO Portion of the St. Louis Nonattainment Area. Subsequently, DNR's Air Pollution Control Program developed [technical supplement/revision](#) to make corrections to emissions inventories. Through SIP submittal, DNR requests:

- EPA re-designate MO Portion of the St. Louis 1997 PM_{2.5} nonattainment area to attainment pursuant to the Clean Air Act, section 107;
- EPA concurrently approve associated maintenance plan as a revision to SIP meeting requirements of Clean Air Act, section 175A;
- EPA approve 2008 base year inventory as meeting requirements under Clean Air Act section 172(c)(3); and
- Approve Motor Vehicle Emissions Budgets (MVEBs) for 2008 and 2025 pursuant to Clean Air Act Section 176(c).

Hearing scheduled 30 Jan 14, comments due 6 Feb 14. POC: Air Quality Planning Section apcpsip@dnr.mo.gov.



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Legislature convenes 8 Jan 14 and adjourns 1 Apr 14.

PROPOSED RULE

(UPDATE) **DEPARTMENT OF ENVIRONMENTAL QUALITY PROPOSED RULE: TITLE 129 – NEBRASKA AIR QUALITY REGULATIONS**
[revisions](#) include:

- Removing listing of exempt VOCs from Chapter 1, adding reference to CFR and correcting grammatical errors;
- Reorganizing Chapter 4 to align with federal language, update NAAQS as appropriate, and correct nomenclature of standards;
- Removing “not” before “incomplete” in section 023.01 and 023.02 in Chapter 19;
- Correcting grammatical errors in Chapters 19 and 22; and
- Updating CFR reference in Chapter 28 and correcting missing information excluded from two NESHAPs in the chapter.

Not approved by governor and returned to Department of Environmental Quality. POC: Shelly Schneider at (402) 471-2189.

Department of Defense Activity

DOD ISSUES FINAL RULE FOR REVIEWING RENEWABLE ENERGY PROJECTS FOR MISSION COMPATIBILITY on 5 Dec 13 outlining the evaluation process for determining whether proposed energy projects, such as wind farms, could interfere with military testing or training activities ([78 FR 73085](#)). Congress included a provision in the FY11 defense authorization bill calling for DoD to outline procedures to ensure commercial renewable energy projects do not pose a risk to national security. Rule applies to applications referred to DoD from Department of Transportation (DOT) for projects that could affect navigable airspace. The [DoD Siting Clearinghouse](#) will have 30 days to determine whether applications referred by DOT would have an adverse impact on military operations and readiness. For projects determined to potentially interfere with military operations, DoD and applicant would have 90 days to reach an agreement on measures to mitigate the adverse impact. If the two are unable to reach an agreement, the clearinghouse would review the analysis and recommendations of affected DoD components and forward a determination to the Under Secretary for Acquisition, Technology and Logistics, who then would forward a recommendation to the Deputy SECDEF. The Deputy Secretary will inform DOT if agreed the project poses an unacceptable risk, after considering mitigation options available to DoD and any agreed to by the applicant. Rule also outlines procedures for applicant to request an informal clearinghouse review of project. Affected DoD components would have 30 days to evaluate a request and clearinghouse would have 20 additional days to determine whether project would have an adverse impact on military operations and readiness. If project would pose risk to military operations, applicant would have opportunity to engage in discussions with the department over possible mitigation measures. Rule effective 6 Jan 14. DoD POC: [Bill Van Houten](#), (703) 571-9068.

USDA, DOI, AND DoD SIGN MOU TO ADVANCE SENTINEL LANDSCAPES (SL) on 13 Dec 13, establishing a mutually beneficial partnership between agencies to coordinate delivery of federal programs and optimize benefits of federal assistance to landowners whose working and natural lands also serve to protect military missions. MOU establishes a SL Coordinating Committee to determine needs and identify opportunities for collaboration, jointly designate SL’s for action, promote successful tools and approaches, and facilitate coordination among partners. SL’s are places where preserving working and rural character of private lands is important for both national defense and conservation priorities. The SL Partnership will focus on overlapping priority areas near military installations to help landowners make improvements to

land that benefit their operations, enhance wildlife habitat, and enable DoD's training missions to continue. DoD is administering the MOU through their [Readiness and Environmental Protection Integration \(REPI\) Program](#). MOU will be in effect until 1 Jan 19.

REQUEST FOR 2014 SECRETARY OF DEFENSE ENVIRONMENTAL AWARDS NOMINATIONS REMAINS OPEN. Nomination period for 2014 Secretary of Defense Environmental Awards will remain open until early March 2014. Each Military Service and Defense agency may submit one nomination for each of five Installation and four Individual/Team award categories for accomplishments during period 1 Oct 11 through 30 Sep 13. Nominations due 3 Mar 14. Additional information on [DoD awards website](#).

Federal Activity

AIR

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) FOR PM 2.5. EPA has amended regulations to remove two screening levels for PM 2.5 prevention of significant deterioration rules ([78 FR 73698](#)). Screening parameters Significant Impact Levels have been applied in PSD permitting to demonstrate the proposed source's allowable emissions will not cause or contribute to a violation of NAAQS. Significant Monitoring Concentration has been used to exempt sources from Clean Air Act requirement to collect preconstruction monitoring data for up to one year before submitting permit application to help determine existing ambient air quality. Entities potentially affected by this rule include new and modified major stationary sources in all industry groups. PSD permit program applies to any new major stationary source or major modification at a stationary source located in designated attainment or unclassifiable areas. Final rule effective 9 Dec 13. Additional information on [EPA website](#). EPA POC: [Ben Garwood](#), (919) 541-1358.

CLIMATE CHANGE

2014 RENEWABLE FUEL STANDARD. EPA proposed 2014 renewable fuel percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and renewable fuels applicable to the nation's supply of motor vehicle gasoline and diesel produced or imported in 2014 ([78 FR 71731](#)). Preamble indicates nation has reached total volume of ethanol reasonably consumed by mixing ethanol into the general gasoline supply at 10%. EPA proposes to adjust applicable volumes of advanced biofuel and total renewable fuel to address projected availability of qualifying renewable fuels and limitations in ethanol volume consumed in gasoline given practical constraints on supply of higher ethanol blends. Capacity exists for producing biodiesel in excess of 1.28 billion gallons required by production agreements; however, production tax credit has not yet been renewed for 2014 and will limit incentive to produce more. Capacity for production of cellulosic ethanol (and other new kinds of biofuel) is under development by several firms using differing approaches summarized in preamble. Some facilities are expected to come online during 2014. EPA POC: [Julia MacAllister](#), (734) 214-4131.

CONDITIONAL EXCLUSION FOR CARBON DIOXIDE (CO₂) STREAMS IN GEOLOGIC SEQUESTRATION ACTIVITIES. In advance of formal publication in Federal Register, EPA [released final rule](#) providing conditional exclusion for CO₂ streams otherwise considered hazardous waste, so these may be injected underground for long-term storage of CO₂ by geologic sequestration. Additional information on [EPA website](#). EPA POC: [Melissa Kaps](#), (703) 308-6787.

ENERGY

FEDERAL LEADERSHIP ON ENERGY MANAGEMENT. The White House issued a [Presidential Memorandum](#), 5 Dec 13, to heads of agencies and executive departments, titled "Federal Leadership on Energy Management." Memorandum extends [EO 13514](#) to include among other things:

Section 1, Renewable Energy Target, and Section 2, Accounting for Renewable Energy:

- Increases targets for federal use of renewable energy to goal of 20% of agency electrical use by 2020, increasing in steps from 10% in FY 2015;

- In accounting goals, renewable energy produced on site or on federal or Indian lands is credited double. Purchasing electricity and corresponding renewable energy certificates are credited singly.

Section 3, Building Performance and Energy Management:

- Encourages sub-metering of buildings (either physically or by data analysis);
- Requires monthly performance data for buildings that are metered for energy or water be entered into EPA Energy Star Portfolio Manager, to manage and allow for benchmarking;
- Where feasible, encourages incorporating reporting, data analytics, and automation, and processes, in consultation with local utilities. GSA shall provide a strategy to pilot Green Button at federal facilities where feasible.

Department of Energy, in coordination with other agencies including DoD, shall provide recommendations to the Council on Environmental Quality on agency use, certification, and tracking of renewable energy certificates. DOE and EPA are tasked to update or provide guidance on Green Button and Energy Star Portfolio Manager.

DOE 2014-2018 DRAFT STRATEGIC PLAN. Department of Energy (DOE) released draft [DOE 2014-2018 Strategic Plan \(78 FR 72873\)](#). DOE is responsible for advancing U.S energy, environmental, and nuclear security; promoting scientific and technological innovation in support of that mission; sponsoring basic research in physical sciences; and ensuring environmental cleanup of nation's nuclear weapons complex. Plan generally provides upper level goals and strategies, but also contains specific performance goals including target prices for solar photovoltaic systems and electrical energy storage. DOE POC: [Chris Johns](#), (202) 586-4180.

ENERGY CONSERVATION STANDARDS FOR GENERAL SERVICE LAMPS. DOE is considering new and amended energy conservation standards for products included in definition of general service lamps (GSLs) ([78 FR 73737](#)). GSL includes general service incandescent lamp (GSILs), compact fluorescent lamps (CFLs), general service light-emitting diode (LED) lamps, organic light-emitting diode (OLED) lamps, and other lamps. DOE prepared [draft Framework Document](#) detailing analytical approach and preliminary scope of coverage for rulemaking, and identifies issues on which DOE is particularly interested in receiving comments. Framework Document available on DOE website. Comments due 23 Jan 14. DOE POC: [Lucy deButts](#), (202) 287-1604.

DOE REPORT ON GRID ENERGY STORAGE. DOE released report reviewing technical maturity and regulatory status of (electrical) energy storage. DOE defined four major challenges to widespread adoption of energy storage: development of cost-effective energy storage technologies, validated reliability and safety, equitable regulatory environment, and industry acceptance. Report outlines uses for storage, beyond just saving power until needed. Other storage values include spinning and non-spinning reserves, ramping support for renewables, distribution upgrade deferral and voltage support, and customer-side meter storage. [Report](#) available on DOE website.

HAZARDOUS CHEMICALS

EPA PCB FLUORESCENT LIGHT BALLAST GUIDANCE. EPA [released guidance](#) on PCB-containing fluorescent light ballasts. While directed at schools, guidance applies to any building owner or operator. Any building built before 1979 likely to have PCB-containing fluorescent light ballasts (FLBs) if it has not undergone a complete lighting retrofit. If FLB does contain PCBs, they are located inside small capacitor located within FLB or in potting material encapsulating internal electrical components. There are approximately 1 to 1.5 ounces of PCBs in capacitor itself and lower amounts in potting material. Only T12 magnetic FLBs (not T8 or T5 FLBs) would contain PCBs. PCB-containing FLBs currently in use have exceeded their designed life span.

REMEDIATION

STANDARDS AND PRACTICES FOR CERCLA ALL APPROPRIATE INQUIRIES. EPA amended standards and practices for conducting All Appropriate Inquiries under CERCLA ([78 FR 79319](#)). Final rule amends the All Appropriate Inquiries Rule at 40 CFR Part 312 to reference [ASTM International's E1527-13](#) - Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. Rule effective 30 Dec 13. EPA POC: [Patricia Overmeyer](#), (202) 566-2774.

THREATENED & ENDANGERED SPECIES

LISTING THE NORTHERN LONG-EARED BAT AS AN ENDANGERED SPECIES COMMENT EXTENSION. Fish and Wildlife Service determined listing the northern long-eared bat is warranted and proposed to list species as an endangered species throughout its range ([78 FR 72058](#)). Northern long-eared bat is found from Maine to North Carolina on Atlantic Coast, westward to **eastern Oklahoma and north** through Dakotas, reaching into eastern Montana and Wyoming. In 2 OCT 13 proposed rule, FWS also determined critical habitat for northern long-eared bat is not determinable at this time. FWS announced extension of comment period to 2 Jan 14. Additional information available on [FWS website](#). FWS POC: Peter Fasbender, (920) 866-3650.

CHANGES IN THE REGULATIONS GOVERNING EAGLE PERMITTING. FWS revised regulations for permits for the taking of golden eagles and bald eagles associated with, but not the purpose of, an activity ([78 FR 73704](#)). FWS extended maximum term for programmatic permits to 30 years, while maintaining discretion to issue permits of shorter duration. Permits must incorporate conditions specifying additional measures necessary to ensure preservation of eagles, and should monitor data indicating need for the measures. Change will facilitate responsible development of renewable energy and other projects. Rule effective 8 Jan 14. FWS POC: Migratory Bird Management Division, (703) 358-1714.

CRUCIAL HABITAT ASSESSMENT TOOL LAUNCHED BY THE WESTERN GOVERNORS' ASSOCIATION (WGA). The WGA, Western Governors' Wildlife Council, launched a GIS based tool to identify and map habitat "crucial" to wildlife. While not intended for project-level approval, the Crucial Habitat Assessment Tool (CHAT), a cooperative effort of 16 western states, is designed to reduce conflicts and surprises while ensuring wildlife values are better incorporated into land use decision-making and large-scale conservation projects. CHAT and additional information available on [WGA website](#). WGA POC: Carlee Brown, (303) 623-9378.

REOPENING OF COMMENT PERIOD FOR THE LISTING OF THE WESTERN DISTINCT POPULATION SEGMENT OF THE YELLOW-BILLED CUCKOO (COCCYZUS AMERICANUS) COMMENT EXTENSION. On 3 Oct 13, FWS proposed listing the yellow-billed cuckoo in western portions of the United States, Canada, and Mexico (western yellow-billed cuckoo) as a threatened distinct population segment (DPS) ([78 FR 61621](#)). FWS extended comment period to 24 Feb 14 ([78 FR 78321](#)). FWS POC: Jennifer Norris, (916) 414-6600.

WATER

EPA VISION FOR CWA SECTION 303 IMPAIRED WATERS PROGRAM. EPA announced a new collaborative "long-term vision" for implementing the Clean Water Act (CWA) Section 303(d) (Impaired Waters) Program with States. Document is not a regulation, is not mandatory, and EPA states it is not policy. Vision includes urging states to: perform more careful prioritization and assessment of waters, integrate with other statutory environmental programs, and develop alternative approaches ILO Total Maximum Daily Loads (TMDLs) development. Alternatives to TMDLs would incorporate adaptive management, assessment of point source and non-point source control opportunities, and could be tailored to specific circumstances. EPA notes TMDLs are not self implementing; i.e., establishing a TMDL does not of itself improve water quality, and development of many TMDLs has been driven by litigation. Additional information on [EPA website](#).

OTHER

EPA PROGRAM SEEKS TO IMPROVE AIR QUALITY IN PORT COMMUNITIES, \$4 MILLION GRANT PROGRAM TO CLEAN OLDER DIESEL ENGINES AT PORTS. EPA announces availability of [\\$4 million in grant funding](#) to establish clean diesel projects aimed at reducing emissions from marine and inland water ports, many in areas facing environmental justice challenges. Most of country's busiest ports are located near large metropolitan areas where people in nearby communities can be exposed to high levels of diesel emissions. Older diesel engines can emit large amounts of air pollutants, such as nitrogen oxides (NO_x) and particulate matter (PM). Clean diesel projects at ports, employing readily available technology, will make immediate emissions reductions and provide health benefits.

Professional Development

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER - FedCenter.gov. is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information with a wide variety of information in:

- 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](#);
- 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.

U.S. ARMY CORPS OF ENGINEERS (USACE) FY 14 PROSPECT TRAINING ANNOUNCED. This program provides job-related training through technical and professional courses to meet unique needs of USACE and other government agencies. The PROSPECT course catalog, known as the Purple Book, currently lists over 200 courses covering a wide variety of topics available to federal, state or local government employees. Highly dedicated instructors who excel in their areas of expertise are selected from headquarters, divisions, districts, laboratories, the USACE Learning Center (ULC), or from universities or private firms to design and teach PROSPECT courses. See [Course Catalog \(a.k.a. Purple Book\)](#) for list of classes and schedules open to all federal, state, county and city employees, and contractors. Several environmental courses are also ISEERB approved. [Course registration](#) on ULC website.

DOD MASTER PLANNING INSTITUTE (DODMPI) 2014 COURSE SCHEDULE is a virtual suite of DOD master planning courses providing the DOD planning community with an understanding of the base planning process and an extensive course schedule planned for 2014.

VARIOUS DATES AND TIMES ONLINE

READINESS AND ENVIRONMENTAL PROTECTION INITIATIVE (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 missions and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. For detailed webinar descriptions visit [REPI WEBSITE](#).

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

UTILITY ENERGY PROJECT INCENTIVE FUNDS. This FEMP course teaches federal agencies about financing the capital costs of energy improvement projects from savings generated through energy efficiency measures funded by utilities, public benefit funds, and other resources. [The training session is delivered live via satellite or through streaming media at your desktop.](#)

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

[**INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL \(ITRC\) INTERNET BASED TRAINING**](#) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. ICW EPA's Technology Innovation and Field Services Division, ITRC delivers training courses via Internet to reach a geographically dispersed audience of regulators, consultants, and other environmental community members.

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

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



Internet Resources

Region 6 Regulatory & Legislative Internet Sites

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| 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

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| 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://www.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

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| Department of the Interior, Bureau of Land Management State Offices | |
| Eastern States AR, LA, MO, IA | http://www.blm.gov/es/st/en.html |
| NM, KS, OK, TX | http://www.blm.gov/nm/st/en.html |
| WY, 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>