



U.S. ARMY

Western Review of Legislative & Regulatory Actions Region 8



The U.S. Army Regional Environmental & Energy Office

April 2015

The REGION 8 *WESTERN REVIEW* publishes environmental and energy related developments for DoD/Army leaders and installation staff. Covering the six states in Federal Region 8, the *Western 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 *Western 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." To receive a copy of this electronic publication, send an [email request](#).

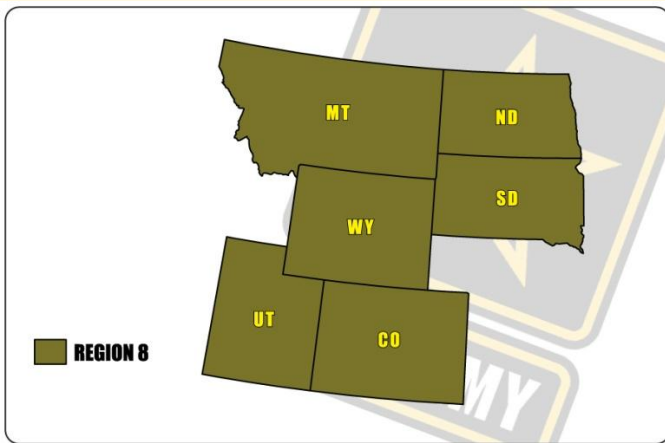


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Planning for Sustainability in the Next Decade

In March, President Obama issued [Executive Order](#) (EO) 13693 titled [Planning for Sustainability in the Next Decade](#). The goal of EO 13693 is to maintain federal leadership in sustainability and greenhouse gas (GHG) emission reductions. The EO consolidates and extends requirements and goals from and revokes several previous executive orders and presidential memoranda including EO 13423 and EO 13514.

The EO directs federal agencies to achieve specific goals by 2025:

- Ensure 25% of their building electric and thermal energy is from clean energy sources by 2025;
- Reduce energy intensity in federal buildings by 2.5% per year;
- Reduce per-mile GHG emissions from federal fleets by 30% from 2014 levels, and increase the percentage of zero emission and plug-in hybrid vehicles in federal fleets to 50% of new acquisitions by 2025; and
- Reduce potable water consumption intensity by 2% per year.

Other requirements address improvements to data center energy efficiency and green infrastructure on federally owned property to improve stormwater and wastewater management.

The White House Council on Environmental Quality (CEQ) after consultation with the Office of Management and Budget (OMB) will issue EO implementing instructions or other guidance before the end of May 2015.

The EO was announced in conjunction with [new GHG reduction goals from major federal suppliers](#). The goals align with a November 2014 [climate agreement with China](#). In the agreement, President Obama said the U.S. would reduce its emissions of GHG by 22-28% below 2005 levels by 2025.

For more information, visit [FedCenter.gov](#).

Region 8

For more information on any state issues in Region 8, contact [Julia Miller](#), Region 8 Program Coordinator (303) 844-0952.



AIR

REGULATION 6 The Colorado Department of Public Health and Environment (CDPHE) [adopted final amendments](#) to [Regulation 6](#) (Standards of Performance for New Stationary Sources) Parts A and B. The [amendments](#) align mercury emission monitoring and reporting requirements for electric utility steam generating units (EGUs) with federal national emission standards for hazardous air pollutants (NESHAP) for coal-and oil-fired electric utility steam generating units, codified at Title 40 Code of Federal Regulation (CFR) Part 63 Subpart UUUUU, and make corresponding revisions in Part A. The [final rule](#) was effective 30 MAR 15. For more information, contact [Leah Martland](#) at (303) 692-6269.

REGULATION 8 CDPHE [adopted final amendments](#) to [Regulation 8](#) (Control of Hazardous Air Pollutants), Part E, that would [incorporate by reference](#) NESHAP for coal-and oil-fired electric utility steam generating units codified at 40 CFR Part 63 Subpart UUUUU published in the Federal Register as of 1 JUL 14. The [final rule](#) was effective 30 MAR 15. For more information, contact [Leah Martland](#) at (303) 692-6269.

REGULATION 9: OPEN BURNING FEES CDPHE [adopted final amendments](#) to fee calculations used in [Regulation 9](#) (Open Burning, Prescribed Fire, and Permitting) Appendix C. The [amendments](#) update the three-year block average used to determine smoke management program (SMP) scores and set percents to distribute prescribed fire fees for activity conducted in 2015-2017. The [final rule](#) was effective 30 MAR 15. For more information, contact [Patrick McLaughlin](#) at (303) 692-3244.

TOXICS

RADIATION CONTROL FEES CDPHE [adopted final amendments](#) to the fees it charges for services under the Radiation Control Services rules. CDPHE adopted fee increases ranging from 16-25%, affecting approximately 975 specific and general radioactive materials licensees and all radiation machine registrants. Additionally, CDPHE adopted a new radiation machine facility registration fee of \$50 per year per facility. The [final rule](#) was effective 30 MAR 15. For more information, contact James [Jarvis](#) at (303) 692-3464.

LEGISLATIVE DEVELOPMENTS

The [Colorado 2015 legislative session](#) began 14 JAN 15 and adjourns 11 MAY 15. An * indicates the first time a bill appears in the 2015 Review.

<i>Colorado Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
HB 1134 <i>Representative Don Coram (R)</i> Proposes to extend an exemption from emission testing for heavy-duty diesel vehicles for an additional two years (to the sixth model year) for certain heavy-duty vehicles that are model year of 2014 or newer.	✓	✓		
SB 92 <i>Senator John Cooke (R)</i> Proposes to require that any plan by the Department of Public Health and Environment to reduce carbon emissions (in accordance with pending federal regulations) be approved by the Colorado Public Utilities Commission. Requires the plan to meet specified requirements and restrictions.	✓			
ENERGY				
HB 1118 <i>Representative Timothy Dore (R)</i> Proposes to define hydroelectricity as a renewable energy resource for the purpose of the state renewable energy standard.	✓			
*HB 1219 <i>Senator Beth McCann (D)</i> Proposes to modify the enterprise zone investment tax credit for renewable energy projects. Modifies how certain renewable energy tax credits are calculated.	✓			
SB 44 <i>Representative Ray Scott (R)</i> Proposes to amend state renewable energy standard mandates. Reduces the amount of renewable energy that retail electric providers must generate from recycled energy and renewable energy resources. Applies to investor-owned electric providers and cooperative electric associations.	✓	✓		
SB 46 <i>Senator Kevin Grantham (R)</i> Proposes to allow electric utilities to triple-count renewable energy from "retail distributed generation" (e.g., rooftop solar panels) for the purpose of meeting state renewable energy standard mandates. Allows cooperative electric associations to use purchases from community solar gardens to meet the renewable energy standard.	✓	✓	✓	To Governor
LAND USE				
*SB 232 <i>Senator Randy L. Baumgardner (R)</i> Proposes to create the federal land management commission. Requires the commission to conduct a study to address the transfer of public lands in Colorado from the federal government to the state in contemplation of Congress turning over the management and control of those public lands to the state.	✓			
NATURAL RESOURCES				
SB 22 <i>Senator Ellen Roberts (R)</i> Proposes to transfer funds to the state wildfire risk reduction grant program and to make changes to the program. Loosens restrictions on the grant program and expands applicability.	✓			

<i>Colorado Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
OTHER				
HB 1145 <i>Representative Robert Rankin (R)</i> Proposes to implement required changes to Colorado's nuclear radiation regulatory program. The changes are necessary to maintain delegation of authority.	✓	✓	✓	To Governor
SB 21 <i>Senator Randy Baumgardner (R)</i> Proposes to repeal the interstate pest control compact that was adopted by Colorado in 2007 to coordinate and fund interstate pest control efforts.	✓	✓	✓	Enacted
WASTE				
SB 76 <i>Senator Kevin Grantham (R)</i> Proposes to allow the disposal of cathode ray tubes, including electronic devices that contain them at hazardous waste disposal sites. Current law generally prohibits land disposal of electronic devices, including cathode ray tubes.	✓			
WATER				
HB 1013 <i>Representative Don Coram (R)</i> Proposes to implement pilot projects to lower the water table near Gilcrest/LaSalle and Sterling in areas that are experiencing damaging high groundwater levels. Addresses state engineer review of augmentation plans.	✓			
HB 1016 <i>Representative Don Coram (R)</i> Proposes to encourage more precipitation harvesting pilot projects. Increases the type of projects that may be conducted.	✓			
HB 1038 <i>Representative Jeni Arndt (D)</i> Proposes to amend rules governing beneficial use of irrigation water rights. Creates a more flexible change in use system.	✓	✓		
HB 1093 <i>Representative Timothy Dore (R)</i> Proposes to repeal rules requiring water-efficient indoor plumbing.	✓			
HB 1166 <i>Representative Lori Saine (R)</i> Proposes to create a tributary groundwater monitoring network in the South Platte River Alluvial Aquifer. Tributary groundwater is groundwater that is influenced by or influences nearby surface water.	✓	✓		
* HB 1249 <i>Representative KC Becker (D)</i> Proposes to amend fees associated with water pollution control. Amends fees charged for the discharge of pollutants. Reorganizes existing fees into five new sectors and adds three new fees for activities associated with pesticide application.	✓			
* HB 1259 <i>Representative Daneya Esgar (D)</i> Proposes to allow residential rain barrels to collect precipitation from rooftops, under certain conditions.	✓	✓		

<i>Colorado Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 8 <i>Senator Ellen Roberts (R)</i> Proposes to address water demand management. Requires the Colorado Water Conservation Board to develop and implement a training program for state water managers. Promotes improved water demand management and water conservation.	✓	✓	✓	To Governor
SB 10 <i>Senator Mary Hodge (D)</i> Proposes to repeal a law that, effective 1 JUL 15, would have changed withdrawal requirements for the Dawson aquifer.	✓	✓	✓	Enacted
SB 55 <i>Senator Mary Hodge (D)</i> Proposes to permit the use of a "tail ditch" to return variable amounts of water to a stream. Prohibits the state engineer from requiring the delivery of a minimum amount of water to the stream, except as required by a court decree.	✓	✓	✓	Enacted
SB 64 <i>Representative Jerry Sonnenberg (R)</i> Proposes to prohibit the federal government from imposing conditions on a water right in exchange for permission to use federal land.	✓	✓		
SB 84 <i>Senator Mary Hodge (D)</i> Proposes to prohibit a judge from reducing the quantification of a water right's actual historical use in a change of water right.	✓			
SB 183 <i>Senator Mary Hodge (D)</i> Proposes to address water rights. Prohibits reconsideration or requantification of the historical consumptive use if the historical consumptive use has already been quantified in a previous change decree.	✓	✓		
*SB 212 <i>Senator Jerry Sonnenberg (R)</i> Proposes to address stormwater and water rights. Specifies that management activities associated with stormwater detention and infiltration facilities and post-wildland fire facilities do not injure water rights.	✓			
*SB 224 <i>Senator Jerry Sonnenberg (R)</i> Proposes to amend existing requirements for a permit to drill a well. Exempts certain types of dewatering wells from permit requirements.	✓			



AIR

MISSOULA PM10 The Montana Department of Environmental Quality (MDEQ) [is requesting public comment](#) on the submission of a limited maintenance plan and request to redesignate the Missoula County coarse particulate matter (PM10) nonattainment area to the Environmental Protection Agency (EPA). The state is asking EPA to redesignate the Missoula PM10 nonattainment area to attainment for the health-based 24-hour average PM10 national ambient air quality standards (NAAQS). Missoula last exceeded the NAAQS in 1989. Comments were due 1 APR 15. For more information, contact [Rebecca Harbage](#) or [click here](#) to view the redesignation request and plan.

WASTE

HAZARDOUS WASTE AND REMEDIATION WASTE FEES MDEQ is proposing to distinguish between remediation waste and "as-generated" waste, reduce fees for remediation waste, and increase fees for "as-generated" waste. The department is proposing to define "as-generated" waste to mean hazardous waste generated from tanks, containers, and other process units in the course of regular, ongoing, and closure of commercial, production, or other industrial activities. "Remediation waste" would mean all hazardous waste, debris, and media, including groundwater, surface water, soils, and sediments that are managed for implementing cleanup. To provide an incentive for remedial action, MDEQ is proposing to cap fees and reduce the per-ton fee assessed for remediation waste. Fees for "as-generated" waste would be increased from \$20 to \$30 per ton over the course of the next two years. [Comments](#) are due 1 MAY 15. For more information, contact [Elois Johnson](#).

LEGISLATIVE DEVELOPMENTS

The [Montana 2015 legislative session](#) began 5 JAN 15 and adjourns 27 APR 15. An * indicates the first time a bill appears in the 2015 Review.

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
HB 340 <i>State Representative Tom Burnett (R)</i> Proposes to require the state to fine the federal government for fires on certain federal lands that contribute to exceedance of air quality standards.	✓			
SB 102 <i>Senator Duane Ankney (R)</i> Proposes to revise air quality fee structure laws. Allows the Department of Environmental Quality to collect and use registration fees to administer the air quality permitting program. Allows local air quality departments to collect and use registration fees to administer air quality permitting programs.	✓	✓		
SB 236 <i>Senator Roger Webb (R)</i> Proposes to restrict authority to regulate carbon emissions to the state legislature. Requires the Department of Environmental Quality to develop a state plan to address greenhouse gas emissions. Requires legislative approval of the plan.	✓			
ENERGY				
HB 192 <i>Representative Art Wittich (R)</i> Proposes to increase the cap on net metering.	✓			
HB 401 <i>Representative Steve Fitzpatrick (R)</i> Proposes to revise the definition of eligible renewable resource for administering the renewable energy portfolio standard. Allows low-emission, nontoxic biomass to qualify as an eligible renewable resource at any facility regardless of megawatt capacity.	✓			
HB 485 <i>Representative Art Wittich (R)</i> Proposes to revise net metering laws. Addresses how unused kilowatt hour credits may be used.	✓			

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 343 <i>Senator Roger Webb (R)</i> Proposes to revise net metering laws. Requires public utilities to install meters. Establishes criteria for net metering. Requires a monthly service charge for customer-generators.	✓			
LAND USE				
SB 215 <i>Senator Jennifer Fielder (R)</i> Proposes to revise public land laws. Prohibits future sale of land granted or transferred to the state.	✓			
*HB 160 <i>State Representative Willis Curdy (D)</i> Proposes to prohibit exploding targets on state owned or administered lands.	✓			
NATURAL RESOURCES				
HB 194 <i>Representative Alan Redfield (R)</i> Proposes to revise bison laws. Requires a forage analysis as part of a management plan before wild buffalo or bison are released or transplanted onto private or public land in Montana.	✓	✓	✓	Enacted
*HB 329 <i>Representative Jeffrey Welborn (R)</i> Proposes to revise laws related to state lands. Establishes an interagency weed abatement pilot project to fund weed control on state land in coordination with nearby landowners.	✓			
HB 510 <i>Representative Alan Redfield (R)</i> Proposes to facilitate improved land and resource management of public lands. Establishes duties for the Department of Natural Resources and Conservation and the Department of Fish, Wildlife, and Parks.	✓	✓		
SB 261 <i>Senator Bradley Hamlett (D)</i> Proposes to enact the Montana Sage-Grouse Stewardship Act. Establishes the Montana sage-grouse oversight team. Establishes the sage-grouse stewardship account. Allows for compensatory mitigation. Addresses conservation easements. Requires reporting.	✓	✓		
OTHER				
HB 239 <i>Representative Jeff Essmann (R)</i> Proposes to define the term "regulated asbestos-containing material."	✓			
WASTE				
SB 136 <i>Senator Bradley Hamlett (D)</i> Proposes to revise hazardous waste fees. Limits fees on waste resulting from remediation activities.	✓	✓		
SB 355 <i>Senator Duane Ankney (R)</i> Proposes to address cleanup and remediation of contaminated sites. Establishes the Montana Brownfields Revitalization Act. Addresses the use of federal money at petroleum tank cleanup sites. Addresses the use of federal grant money for cleanup activities.	✓	✓		

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
WATER				
HB 270 <i>Representative Tom Richmond (R)</i> Proposes to revise water discharge laws regarding nutrients. Requires compliance schedules to meet nutrient levels.	✓	✓	✓	To Governor
SB 112 <i>Senator Duane Ankney (R)</i> Proposes to require the state to develop total maximum daily loads for certain waters.	✓	✓		
SB 159 <i>Senator Duane Ankney (R)</i> Proposes to develop water quality standards for tributaries of Rosebud Creek, the Tongue River, the Powder River, and the Little Powder River.	✓			
SB 203 <i>Senator Bradley Hamlett (D)</i> Proposes to revise exempt well laws. Revises the exceptions to permit requirements for ground water developments. Establishes criteria for exempted uses.	✓			
SB 268 <i>Senator Diane Sands (D)</i> Proposes to revise rules governing stormwater drainage sumps. Requires stormwater infiltration systems for new subdivisions.	✓			
SB 325 <i>Senator Jim Keane (D)</i> Proposes to address water quality standards. Prohibits state standards from being more restrictive than naturally occurring conditions. Revises the process for reclassifying water quality standards.	✓	✓		
SB 361 <i>Senator Bradley Hamlett (D)</i> Proposes to address water rights. Clarifies who has a standing in water proceedings. Defines terms.	✓	✓		



LEGISLATIVE DEVELOPMENTS

The [North Dakota 2015 legislative session](#) began 6 JAN 15 and adjourns 29 APR 15.

<i>North Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
SB 2372 <i>Senator Jessica K. Unruh (R)</i> Proposes to prohibit the Department of Health from requiring installation or operation of emission reduction equipment that received federal, state, or local funding.	✓	✓	✓	Enacted

<i>North Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
ENERGY				
HB 1334 <i>Representative Mark Owens (R)</i> Proposes to impose fees for electric vehicles.	✓	✓		
LAND USE				
NATURAL RESOURCES				
HB 1197 <i>Representative Curt Hofstad (R)</i> Proposes to prohibit the purchase of a conservation easement with public funds.	✓	✓	✓	In concurrence
SB 2311 <i>Senator Larry Luick (R)</i> Proposes to amend state rules related to protection of human burial sites. Provides for penalties.	✓	✓		
OTHER				
WASTE				
HB 1113 <i>Government And Veterans Affairs</i> Proposes to amend rules governing land used for the disposal of radioactive material. Amends rules related to licensing and confidentiality of radioactive material records. Provides for penalties.	✓	✓		
HB 1114 <i>Energy And Natural Resources</i> Proposes to address resource recovery from solid waste.	✓	✓	✓	Enacted
WATER				
HB 1061 <i>Legislative Management</i> Proposes to amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to the water topics overview committee.	✓	✓	✓	Enacted
HB 1175 <i>Representative Keith Kempenich (R)</i> Proposes to create new rules governing dredge permits.	✓	✓		
HB 1269 <i>Representative Marvin Nelson (D)</i> Proposes to provide for rules on navigable waters by the state water commission and certain enforcement.	✓			



NATURAL RESOURCES

NOXIOUS WEED AND DECLARED PEST LIST The South Dakota Department of Agriculture, Weed and Pest Control Commission [is proposing](#) to add Japanese beetle and tarragon to the local noxious weed and declared pest list. Comments were due 8 APR 15. A public hearing was held 9 APR 15.

LEGISLATIVE DEVELOPMENTS

The [South Dakota 2015 legislative session](#) began 13 JAN 15 and adjourned 30 MAR 15.

<i>South Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
ENERGY				
HB 1029 <i>Committee On State Affairs</i> Proposes to revise high performance building design and construction standards for newly constructed or renovated state-owned buildings.	✓	✓	✓	Enacted
SB 150 <i>Senator Mike Vehle (R)</i> Proposes to require certain motor vehicles to pay an additional registration fee. Increases fees for electric motor and hybrid vehicles.	✓			Failed upon adjournment
LAND USE				
HB 1152 <i>Representative Steven McCleerey (D)</i> Proposes to limit the terms of certain conservation easements.	✓			Failed upon adjournment
NATURAL RESOURCES				
HB 1192 <i>Committee On Appropriations</i> Proposes to protect and enhance wildlife habitat. Declares an emergency.	✓	✓	✓	Enacted
OTHER				
WASTE				
WATER				
SB 2 <i>Senator Jason Frerichs (D)</i> Proposes to establish river basin natural resource districts and repeal certain provisions regarding county drainage management.	✓	✓	✓	Enacted



AIR

STATIONARY SOURCES The Utah Department of Environmental Quality (UDEQ) is [proposing](#) amendments to rule [R307-210](#) (Stationary Sources). The [amendments](#) will incorporate the majority of 40 CFR Part 60, published as of 1 JUL 14, into state air quality rules. Comments are due 1 MAY 15. For more information, contact [Mark Berger](#) at (801) 536-4000.

GENERAL APPROVAL ORDER UDEQ adopted [amendments](#) to rule [R307-401-19](#) (General Approval Order). The revisions will loosen restrictions so that a source that increases emissions, triggering a so-called "second level" of review, may still qualify under the general approval order. The rule change would allow coverage if a demonstration is completed

that meets the requirements of R307-410-5(1)(c)(ii). The [final rule](#) was effective 5 FEB 15. For more information, contact [Mark Berger](#) at (801) 536-4000.

SOLID FUEL BURNING DEVICES UDEQ adopted final amendments to rule R307-302 (Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties). The amendments will [reduce wood smoke emissions](#) by generally prohibiting solid fuel burning by industrial and commercial sources during mandatory no-burn periods. The final rule [clarifies](#) that the rule applies to any solid fuel burning device within PM10 and fine particulate matter (PM2.5) nonattainment and maintenance areas and further clarify exemptions to the rule. Exempt from the requirements of the rule are restaurant and institutional food preparation facilities; commercial and industrial boilers subject to an approval order issued under R307-401; sources located above 7,000 feet in elevation within Box Elder, Davis, Salt Lake, Tooele, Utah and Weber counties; and firefighting training devices that meet the definition of a solid fuel burning device. The [final rule](#) was effective 4 FEB 15. For more information, contact [Mark Berger](#) at (801) 536-4000.

NATURAL RESOURCES

SAGE-GROUSE CONSERVATION Utah Governor Gary Herbert issued an EO titled [Implementing the Utah Conservation Plan for Greater Sage-Grouse](#). The EO directs state agencies to conduct specific activities and to work with other state and federal agencies to protect the species. For more information, [click here](#) to view the 2013 Conservation Plan for Greater Sage-Grouse in Utah.

TOXICS

CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL UDEQ [released revisions](#) to [proposed new rule](#) R313-37, which will replace the requirements for the physical protection of significant quantities of radioactive materials possessed by Utah radioactive material licensees that were previously imposed under a Nuclear Regulatory Commission (NRC) order or through special conditions in the licensee's license. The rulemaking aligns state rule with federal requirements in [10 CFR 37](#). The revisions make corrections to references and typographical errors. For more information, contact [Philip Griffin](#) at (801) 536-4261.

LEGISLATIVE DEVELOPMENTS

The [Utah 2015 legislative session](#) began 16 JAN 15 and adjourned 12 MAR 15. An * indicates the first time a bill appears in the 2015 Review.

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
HB 17 <i>Representative Lee Perry (R)</i> Proposes to modify provisions relating to visible motor vehicle emission limits.	✓	✓	✓	Enacted
HB 110 <i>Representative Patrice Arent (D)</i> Proposes to allow the Division of Motor Vehicles to suspend a vehicle's registration for failure to meet air emission standards.	✓	✓	✓	Enacted
HB 226 <i>Representative Rebecca P. Edwards (R)</i> Proposes to authorize the state to implement rules more stringent than federal regulation if those more stringent rules protect public health and the environment.	✓	✓	✓	Enacted

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
*HB 396 <i>Representative Brad L. Dee (R)</i> Proposes to prohibit the Air Quality Division from implementing a seasonal ban on burning. Provides for exemptions.	✓	✓	✓	Enacted
SB 87 <i>Senator Gene Davis (D)</i> Proposes to repeal provisions prohibiting the Division of Air Quality from adopting rules more stringent than those in the federal Clean Air Act.	✓			Failed upon adjournment
SB 208 <i>Senator Luz Escamilla (D)</i> Proposes to modify the penalties for a violation of air quality rules. Extends the statute of limitations.	✓			Failed upon adjournment
ENERGY				
HB 15 <i>Representative Stephen Handy (R)</i> Proposes to create the Conversion to Alternative Fuel Grant Program. Promotes conversion equipment to allow a motor vehicle to operate on alternative fuel.	✓	✓	✓	Enacted
*HB 410 <i>Representative Jack R. Draxler (R)</i> Proposes to address state and local energy efficiency programs. Modifies and renames the Facility Energy Efficiency Act. Modifies provisions relating to the State Building Energy Efficiency Program. Modifies state and local provisions relating to energy efficiency.	✓	✓	✓	Enacted
SB 69 <i>Senator Scott K. Jenkins (R)</i> Proposes to establish fuel efficiency requirements for government vehicles.	✓	✓		Failed upon adjournment
SB 231 <i>Senator Wayne A. Harper (R)</i> Proposes to address transportation funding. Increases motor vehicle registration fees for certain motor vehicles of 12,000 pounds or less gross laden weight, excluding motorcycles.	✓	✓		Failed upon adjournment
LAND USE				
HB 323 <i>Representative Keven Stratton (R)</i> Proposes to require counties to develop a resource management plan as part of their general plan. Establishes the county plan as a basis for coordinating with the federal government.	✓	✓	✓	Enacted
NATURAL RESOURCES				
HB 59 <i>Representative Mike McKell (R)</i> Proposes to address invasive species. Regulates killing of feral swine.	✓	✓	✓	Enacted
OTHER				
*HCR 10 <i>Representative Jeremy Peterson (R)</i> Proposes to urge support for moving Air National Guard operations to Hill Air Force Base. Acknowledges and urges the integration of Reserve, National Guard, and Active Duty military components.	✓	✓	✓	Enacted

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
*SB 274 <i>Senator Jerry Stevenson (R)</i> Proposes to modify the Military Installation Development Authority Act. Amends definitions. Amends certain condominium ownership provisions within a project area. Amends public notice requirements for a budget hearing of the military installation development authority.	✓	✓	✓	Enacted
SCR 7 <i>Senator Curtis S. Bramble (R)</i> Proposes to express support for 11 military test sites, provided certain conditions are met.	✓	✓	✓	Enacted
WASTE				
HB 265 <i>Representative Rebecca Chavez-Houck (D)</i> Proposes to modify the Waste Tire Act. Increases tire recycling fees. Creates an account to fund clean air programs. Requires a portion of tire recycling fees to be placed into the account for clean air programs.	✓			Failed upon adjournment
SB 154 <i>Senator Ralph Okerlund (R)</i> Proposes to revise the definition of a solid waste. Removes coal ash from the list of wastes excluded from regulation.	✓	✓	✓	Enacted
SB 171 <i>Senator Scott K. Jenkins (R)</i> Proposes to address recycling of engine blocks and disposal of used oil. Prohibits a local board of health from regulating a crusher, dismantler, or scrap metal processor	✓	✓	✓	Enacted
WATER				
HB 25 <i>Representative V. Lowry Snow (R)</i> Proposes to address water rights. Modifies procedures associated with water rights changes.	✓	✓	✓	Enacted
HB 43 <i>Representative Kay L. McIff (R)</i> Proposes to address water rights. Modifies requirements associated with water rights change applications.	✓	✓	✓	Enacted
HB 47 <i>Representative Kay L. McIff (R)</i> Proposes to address water rights. Defines state public trust obligations and declares that certain water rights constitute property rights protected by the Utah Constitution.	✓			Failed upon adjournment
HB 58 <i>Representative Keith Grover (R)</i> Proposes to address water rights. Requires that applications for a permanent or temporary water right meet certain requirements.	✓	✓	✓	Enacted
HB 161 <i>Representative Kay L. McIff (R)</i> Proposes to address water rights. Allows for the transfer of water shares in a mutual benefit corporation, subject to conditions.	✓			Failed upon adjournment
SB 15 <i>Senator Margaret Dayton (R)</i> Proposes to address water rights. Modifies provisions relating to abandonment or forfeiture of water.	✓	✓	✓	Enacted

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 35 <i>Senator Margaret Dayton (R)</i> Proposes to address water rights. Requires that applications for a permanent or temporary water right meet certain requirements.	✓	✓		Failed upon adjournment
SB 40 <i>Senator Margaret Dayton (R)</i> Proposes to address water rights. Authorizes an individual to withdraw an application for the use of water.	✓	✓	✓	Enacted
SB 126 <i>Senator Margaret Dayton (R)</i> Proposes to address applications for water use. Modifies and clarifies the duties of the state engineer in regard to evaluating an application to appropriate water or an application to change the use of water.	✓			Failed upon adjournment



WASTE

HAZARDOUS WASTE RULE REVISIONS The Wyoming Department of Environmental Quality [adopted revisions](#) consolidating the Wyoming Hazardous Waste Rules and Regulations to a [single chapter](#) (Chapter 1). The rulemaking consolidates 14 chapters to a single chapter by incorporating by reference specific parts of 40 CFR. The revisions are intended to clearly specify where Wyoming is more stringent than federal hazardous waste rules. The final rule was effective 18 MAR 15. For more information, contact [Alan Thompson](#) at (307) 777-8759.

LEGISLATIVE DEVELOPMENTS

The [Wyoming 2015 legislative session](#) began 13 JAN 15 and adjourned 6 MAR 15.

<i>Wyoming Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
SB 125 <i>Senator Paul Barnard (R)</i> Proposes to prohibit the issuance of air quality permits for medical waste incinerators.	✓			Failed upon adjournment
ENERGY				
HB 9 <i>Revenue Committee</i> Proposes to address taxation of alternative fuels.	✓	✓	✓	Enacted
LAND USE				
HB 209 <i>Representative David R. Miller (R)</i> Proposes to require the U.S. government to transfer all public lands in Wyoming to the state by 31 DEC 17. Defines public lands. Establishes a joint committee on the transfer of public lands. Establishes a public lands commission. Specifies duties of the committee and commission.	✓	✓		Failed upon adjournment

<i>Wyoming Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 5 <i>Joint Travel, Recreation, Wildlife & Cultural Resources Interim Committee</i> Proposes to acquire the Quebec 1 missile alert facility state historic site, subject to certain conditions.	✓	✓	✓	Enacted
SB 30 <i>Joint Transportation, Highways & Military Affairs Interim Committee</i> Proposes to address how grazing fees from military lands may be used. Creates a fund for grazing fees from military training areas. Specifies fund expenditures for range management operations. Establishes reporting requirements.	✓			Failed upon adjournment
NATURAL RESOURCES				
SB 6 <i>Senator Bruce Burns (R)</i> Proposes to address aquatic invasive species. Amends requirements for collection and evidence of inspection fees.	✓	✓	✓	Enacted
SJR 6 <i>Senator Larry Hicks (R)</i> Proposes to address sage-grouse management. Requests that Congress recognize and encourage state primacy in sage-grouse management by granting an extension of time to allow development and implementation of state sage-grouse conservation plans.	✓			Failed upon adjournment
OTHER				
WASTE				
HB 27 <i>Joint Minerals, Business & Economic Development Interim Committee</i> Proposes to seek delegation of authority from the Nuclear Regulatory Commission to regulate source materials from uranium mining, milling, and recovery operations. Requires the Department of Environmental Quality to oversee the program after delegation of authority.	✓	✓	✓	Enacted
WATER				
SB 126 <i>Senator Larry Hicks (R)</i> Proposes to authorize the Department of Environmental Quality to develop alternate water quality standards where hydrologic modifications resulting from the exercise of water rights precludes attainment of existing water quality standards.	✓	✓	✓	Enacted

Department of Defense Activity

INSTRUCTIONS

AIR INSTALLATIONS COMPATIBLE USE ZONES Department of Defense Instruction (DoDI) [4165.57](#) *Air Installations Compatible Use Zones* (AICUZ) has been updated, effective 12 MAR 15. The updates add and amend references and procedures. Refer to the DoDI, Enclosures 1 and 3 for details. The updated DoDI specifies that components are required to analyze “glint and glare” effects of solar renewable projects near air installations. It also specifies new/amended requirements for AICUZ studies and documentation.

NATURAL RESOURCES

2015 REPI CHALLENGE REQUEST FOR PROPOSALS The [2015 Readiness and Environmental Protection Integration \(REPI\) Challenge](#) Request for Proposals and the PDF proposal form are now available through the [U.S. Endowment for Forestry & Communities'](#) webpage. The deadline for submissions is 8 p.m. EDT, on Friday, 29 MAY 14. Up to \$8 million is available for the 2015 REPI Challenge. For more information, visit the [REPI](#) website.

PLANNING

COMMISSION ON FUTURE OF THE ARMY DoD is establishing the National Commission on the Future of the Army pursuant to Section 1702 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (FY 2015 NDAA) ([80 FR 15994](#)). The commission will study the structure of the Army and policy assumptions to:

- Make an assessment of the size and force structure of the active component and the reserve components of the Army; and
- Make recommendations on modifications, if any, of the structure of the Army related to current and anticipated mission requirements at acceptable levels of national risk and in a manner consistent with available resources and anticipated future resources.

The commission will also conduct a study of a transfer of Army National Guard AH-64 Apache aircraft from the Army National Guard to the regular Army.

REAL PROPERTY FOOTPRINT REDUCTION PLANS The Office of Management and Budget (OMB) issued a memorandum directing federal agencies to develop plans to reduce their real property footprint over the next five years. The memo, [National Strategy for the Efficient Use of Real Property: Reducing the Federal Portfolio through Improved Space Utilization, Consolidation and Disposal](#), is a follow-on to the agency's [Freeze the Footprint](#) policy issued in 2013. Overall, the new policy calls for agencies to establish an annual target for reducing space and to adopt design standards for office space acquired in the future. For the Pentagon, the policy means reducing excess space without relying on a base closure and realignment round to shed a portion of its real estate portfolio. For more information, [click here](#) to view a press release about OMB's National Strategy, or [click here](#) to view a news article about the policy from [DefenseCommunities360](#).

WASTE

DEFENSE HIGH-LEVEL RADIOACTIVE WASTE DISPOSAL President Obama issued a [memorandum](#) to the Secretary of Energy agreeing that "the development of a repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities only is required." The memorandum responds to DOE's [Report on Separate Disposal of Defense High-Level Radioactive Waste](#).

Federal Activity

RETROSPECTIVE REVIEW: IMPROVING EPA REGULATIONS EPA is requesting public input on its periodic retrospective review of agency regulations ([80 FR 12372](#)). EPA is seeking to identify how it can promote regulatory modernization through business-process streamlining, facilitated by improved technology. The agency is specifically seeking input on:

- Which regulations could be transitioned from paper to electronic reporting;
- How EPA can streamline or consolidate reporting requirements or reduce duplicative reporting requirements in existing regulations that may overlap other federal requirements;

- Which regulations can be amended to reduce the frequency of reporting;
- Which regulations could benefit from the use of existing shared services (such as the Substance Registry System) or new shared services;
- Whether EPA should create a joint registry of regulated facilities with states and tribes to streamline electronic reporting; and
- Which regulations could be improved using advance monitoring techniques or the development of mobile applications to facilitate environmental protection.

Comments were due 8 APR 15. For more information, contact [Nathaniel Jutras](#) at (202) 564-0301.

AIR

STATE IMPLEMENTATION OF 2008 NAAQS FOR OZONE EPA issued a final rule addressing a range of nonattainment area state implementation plan (SIP) requirements for the 2008 ozone NAAQS ([80 FR 12263](#)). The rule establishes requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology (RACT), reasonably available control measures (RACM), major new source review (NSR), emission inventories, and the timing of SIP submissions and compliance with emission control measures specified in the SIP. Other issues also addressed in this final rule are the revocation of the 1997 ozone NAAQS and anti-backsliding requirements that apply when the 1997 ozone NAAQS are revoked. The final rule was effective 6 APR 15. For more information, contact [Karl Pepple](#) at (206) 553-1778.

SIP REQUIREMENTS: PM2.5 EPA is proposing requirements that state, local, and tribal air agencies would have to meet as they implement the current and future NAAQS for PM2.5 ([80 FR 15339](#)). Specifically, the notice provides details on how the EPA proposes air agencies meet the statutory SIP requirements that apply to areas designated nonattainment for any PM2.5 NAAQS, such as: general requirements for attainment plan due dates and attainment dates, emissions inventories, attainment demonstrations, provisions for demonstrating RFP, quantitative milestones, contingency measures, and nonattainment NSR permitting programs. The proposed rule clarifies specific attainment planning requirements that would apply to PM2.5 NAAQS nonattainment areas based on their classification (either Moderate or Serious) and the process for reclassifying Moderate areas to Serious. Additionally, EPA is proposing to revoke the 1997 primary annual standard because the EPA revised the primary annual standard in 2012. Comments are due 22 MAY 15. For more information, contact [Rich Damberg](#) at (919) 541-5592.

PERFORMANCE STANDARDS FOR NEW RESIDENTIAL WOOD HEATERS EPA revised the standards of performance for new residential wood heaters by adding a new chapter regulating residential [hydronic heaters](#) and forced-air furnaces ([80 FR 13671](#)). The final rule achieves several objectives for new residential wood heaters, including applying updated emission limits that reflect the current best systems of emission reduction, eliminating exemptions over a broad suite of residential wood combustion devices, strengthening test methods as appropriate, and streamlining the certification process. The final rule does not affect heaters solely fired by gas, oil, or coal or include new requirements associated with appliances that are already in use. The final rule is effective 15 MAY 15. For more information, contact [Amanda Aldridge](#) at (919) 541-5268 or [click here](#) to visit EPA's Burn Wise website.

OFF-SITE WASTE AND RECOVERY OPERATIONS EPA finalized its residual risk and technology review (RTR) conducted for the Off-Site Waste and Recovery Operations (OSWRO) for source categories regulated under NESHAP ([80 FR 14247](#)). In addition, EPA adopted final amendments that make corrections and clarifications to regulatory provisions related to emissions during periods of startup, shutdown and malfunction (SSM), add requirements for reporting of performance testing through the electronic reporting tool, and revise routine maintenance provisions. Other amendments clarify provisions pertaining to open-ended valves and lines, add monitoring requirements for pressure relief devices, clarify provisions for some performance test methods and procedures, and make housekeeping corrections. The revisions to the final rule increase the level of emissions control and environmental protection provided by the OSWRO NESHAP. The final rule was effective 18 MAR 15. For more information, contact [Paula Hirtz](#) at (919) 541-2618 or [click here](#) to visit EPA OSWRO NESHAP website.

NSPS ELECTRONIC REPORTING EPA is proposing to allow facilities subject to new source performance standards (NSPS) under the Clean Air Act (CAA) Part 60 to submit specified data reports electronically and maintain electronic records of these reports ([80 FR 15099](#)). The proposed rulemaking does not change how facilities interact with their air agencies. Air agencies will continue to receive reports in the format that they currently require unless they specify otherwise to facilities. However, the proposal allows air agencies to elect to receive reports electronically using the EPA's system. EPA is proposing that the final rule would become effective 90 days after publication. Comments are due 19 MAY 15. For more information, contact [Gerri Garwood](#) at (919) 541-2406, [click here](#) to view a fact sheet, or [click here](#) to learn about EPA's air toxics rules.

COAL-AND OIL-FIRED ELECTRIC STEAM GENERATING UNITS EPA issued a final rule amending reporting requirements in the NESHAP for coal-and oil-fired electric steam generating units (also referred to as the Mercury and Air Toxics Standards (MATS)) rule ([80 FR 15510](#)). The final rule temporarily requires affected owners to submit certain required emissions and compliance reports to EPA through the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool in lieu of the Compliance and Emissions Data Reporting Interface (CEDRI). The final rule is effective 24 MAR 15. For more information, contact [Barrett Parker](#) at (919) 541-5635.

MONTANA SIP EPA is approving revisions to the Billings portion of the Montana SIP ([80 FR 16571](#)). The revisions include a second 10-year maintenance plan for the Billings area for the carbon monoxide NAAQS. The maintenance plan addresses maintenance of the carbon monoxide NAAQS for a second 10-year period beyond the original redesignation. EPA is also approving an alternative monitoring strategy for the Billings maintenance area. The final rule is effective 29 APR 15. For more information, contact [Adam Clark](#) at (303) 312-7104.

CLIMATE CHANGE

CLIMATE FRIENDLY REFRIGERANTS EPA [approved](#) new refrigerants used in various kinds of refrigeration and air conditioning equipment that offer better climate protection without harming the ozone layer. The agency's Significant New Alternatives Policy (SNAP) program evaluates substitute chemicals and technologies that are safe for the ozone layer. The new final rule expands the list of SNAP-approved substitutes to include more low-global warming potential (GWP) alternatives that can replace both the ozone-depleting substances and high-GWP hydrofluorocarbons (HFCs). In addition to adding the climate-friendly alternatives, the agency is also exempting the newly approved substances, except HFC-32, from the CAA venting prohibition, as current evidence suggests that their venting, release, or disposal does not pose a threat to the environment. For more information, contact [Margaret Sheppard](#) at (202) 343-9163 or visit the [SNAP website](#).

ENERGY

DSIRE UPGRADE The Department of Energy (DOE) and the North Carolina Clean Energy Technology Center launched a new version of their renewable energy incentives database (i.e., [DSIRE](#)) that makes it easier for citizens to find information. The improvements include:

- Expanded data accessibility with information on over 2,800 active policies and incentives for all renewable energy and energy efficiency technologies;
- An application program interface (API) freely available for download that contains all of the data on DSIRE in an easy-to-read format;
- Interactive maps so that users can customize policy maps in real-time based on their preferences and needs; and
- Enhanced search that allows users to find incentives by zip code.

The new site includes a more streamlined, user-friendly design that highlights DSIRE's tools and services. For more information, [click here](#) to view a press release.

WIND ENERGY REPORT DOE examined the future of the wind industry in a new report titled [Wind Vision: A New Era for Wind Power in the United States](#). The report highlights the importance of wind in the nation's energy portfolio, offers a roadmap for further development, and considers barriers and steps to advance wind energy to 35% of national electricity demand by 2050. For comparison, wind supplied 4.5% of U.S. electricity demand in 2013.

WAVE ENERGY COMPETITION DOE is developing draft rules for a wave energy prize competition ([80 FR 13365](#)). The competition is intended to promote the development of game-changing performance enhancements to wave energy conversion (WEC) devices, establishing a pathway to sweeping cost reductions on a commercial scale. DOE intends to launch the Wave Energy Prize competition in April 2015. For more information, contact [Jose Zayas](#) or visit [waveenergyprize.org](#).

GREEN THE BUILDING TOOL The General Services Administration (GSA) released an innovative [green building learning simulation](#) as a part of its Sustainable Facilities Tool ([SFTool](#)). The Green the Building simulation places users in the role of a resource-constrained decision-maker, charged with greening buildings through strategic energy, waste, water, and occupant satisfaction improvements. Users choose technologies, implement best practices, support behavior changes, and plan carefully to create buildings that conserve resources, reduce waste, save money, and keep occupants happy and healthy. Embedded links provide background and explanations.

FEMP FUNDING OPPORTUNITY The Federal Energy Management Program (FEMP) issued a funding opportunity announcement titled [Assisting Federal Facilities with Energy Conservation Technologies \(AFFECT\), 2015 \(DE-FOA-0001297\)](#). Through the funding opportunity, FEMP will provide grants to federal agencies to help fund renewable energy projects incorporated into a privately financed performance contract, such as an energy savings performance contract or utility energy service contract, or as part of a renewable energy power purchase agreement. Applications for renewable energy projects financed through appropriations will also be considered. The anticipated total funding level for AFFECT is \$2.85 million, with anticipated funding to be between approximately \$50,000 and \$1 million per award. Slides from a webinar, held 19 MAR 15, are available [here](#). A question and answer log is available [here](#).

NATURAL RESOURCES

AQUATIC INVASIVE SPECIES: SNAKEHEAD CONTROL AND MANAGEMENT PLAN The Fish and Wildlife Service (FWS) released the draft [National Control and Management Plan for Members of the Snakehead Family \(Channidae\)](#) for public comment ([80 FR 13886](#)). The goal of the plan is to use the best available science and management practices to prevent the introduction of snakehead into new areas, contain (and where possible eradicate) newly established and localized populations, and minimize impacts in areas where they are established and eradication is not feasible. Comments are due 16 APR 15. For more information, contact [Laura Norcutt](#) at (703) 358-2398 or [click here](#) to visit the Aquatic Nuisance Species (ANS) website.

OTHER

SAFER PRODUCT LABELING EPA is making several changes to its Safer Product Labeling Program and conforming changes to the program's Standard for Safer Products ([80 FR 12171](#)). The changes include new label designs, changing the labeling program name, a new fragrance-free label, and related changes to the standard that qualifies products for the label. The labeling program applies to anyone who participates in the Design for Environment (DfE) Safer Product Labeling Program. Among potentially affected are consumers, institutional purchasers, retailers, and distributors of DfE-labeled products who use the logo to identify products that have met the EPA's safer-product criteria. Comments are due 1 MAY 15. For more information, contact [David DiFiore](#) at (202) 564-8796 or click here to view a [summary of changes](#).

WASTE

LOW-LEVEL RADIOACTIVE WASTE REGULATORY PROGRAM NRC is requesting comment on a draft list of prioritized low-level radioactive waste (LLW) tasks the agency will conduct to improve the low-level radioactive waste regulatory program ([80 FR 13451](#)). The commission developed the list of tasks based upon updates to an assessment it performed in 2007. Comments are due 13 APR 15. For more information, contact [Stephen Dembek](#) at (301) 415-2342.

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITIES NRC is proposing amendments to regulations governing LLW disposal facilities ([80 FR 16081](#)). The proposed amendments would require new and revised site-specific technical analyses, permit the development of site-specific criteria for LLW acceptance based on the results of these analyses, facilitate implementation, and better align the requirements with current health and safety standards. This proposed rule would affect LLW disposal licensees or license applicants that are regulated by the NRC or the Agreement States. Comments are due 26 MAY 15. For more information, contact [Gary Comfort](#) at (301) 415-8106.

WATER

SPCC CHECKLIST [FedCenter.gov](#) published the [checklist](#) used by EPA inspectors when conducting inspections of facility compliance with the Spill Prevention, Control, and Countermeasure (SPCC) rule at 40 CFR Part 112. The checklist is a required tool to help federal inspectors record observations for the site inspection and review of the SPCC Plan. The checklist must be completed in order for an inspection to count toward an agency measure. The completed checklist and supporting documentation serve as the inspection report. It addresses requirements for onshore facilities including Tier II Qualified Facilities that meet the eligibility criteria set forth in [§112.3\(g\)\(2\)](#). For more information, refer to [40 CFR Part 112](#).

HYDRAULIC FRACTURING ON PUBLIC LANDS The Department of the Interior (DOI), Bureau of Land Management (BLM) released final standards governing hydraulic fracturing (fracking) on public lands ([80 FR 16127](#)). The final rule requires drillers on federal lands to reveal the chemicals they use, meet well construction standards, and safely dispose of contaminated water. Key components of the rule include:

- Provisions for ensuring the protection of groundwater supplies by requiring a validation of well integrity and strong cement barriers between the wellbore and water zones through which the wellbore passes;
- Increased transparency by requiring companies to publicly disclose chemicals used in hydraulic fracturing to BLM through the website [FracFocus](#), within 30 days of completing fracturing operations;
- Higher standards for interim storage of recovered waste fluids from hydraulic fracturing to mitigate risks to air, water, and wildlife;
- Measures to lower the risk of cross-well contamination with chemicals and fluids used in the fracturing operation, by requiring companies to submit more detailed information on the geology, depth, and location of preexisting wells to afford BLM an opportunity to better evaluate and manage unique site characteristics.

The final rule is effective 24 JUN 15. For more information, contact Steven Wells at (202) 912-7143.

PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX EPA scheduled a public meeting and webinar to obtain input on potential revisions to regulations for the Prohibition on Use of Lead Pipes, Solder and Flux ([80 FR 17020](#)). The Safe Drinking Water Act (SDWA) prohibits the use or introduction into commerce of pipes, pipe or plumbing fittings or fixtures, solder and flux that are not lead free. The revisions are necessary due to SDWA amendments enacted by Congress in the Reduction of Lead in Drinking Water Act of 2011 and the Community Fire Safety Act of 2013. For more information, contact [Brian D'Amico](#) at (202) 566-1069 or [click here](#).

Professional Development

USACE PROSPECT TRAINING USACE announces course availability for the FY15 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to all 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 U.S. government, free of charges. Travel costs are borne by the student.

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

FEDERAL TRAINING SOURCES

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. 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.

ONLINE TRAINING: SCHEDULED EVENTS

SERDP AND ESTCP WEBINAR SERIES The DoD environmental research and development funding programs ([SERDP and ESTCP](#)) are launching 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.

- Management of Contaminated Sediments Sites (20 NOV 14)
- Waste to Energy Technologies (4 DEC 14)
- Energy Audits (18 DEC 14)
- DNAPL (Dense Non-Aqueous Phase Liquid) Source Zone Management (8 JAN 15)
- Sustainable Materials (22 JAN 15)
- Acoustic Methods for Underwater Munitions (5 FEB 15)
- Solar Technologies (19 FEB 15)
- Lead Free Electronics (5 MAR 15)
- Bioremediation Approaches at Chlorinated Solvent Sites (19 MAR 15)
- Resource Conservation and Climate Change (26 MAR 15)
- Blast Noise Measurements and Community Response (16 APR 15)
- Munitions Mobility (7 MAY 15)
- Managing Munition Constituents on Training Ranges (28 MAY 15)

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](#) at (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)

ENERGY STAR WEBCASTS. Among the offerings:

- [Portfolio Manager 101](#) – This webcast demonstrates the core functionality of EPA's Energy Star Portfolio Manager tool. Attendees will learn to navigate the Portfolio Manager, add a property and enter details, enter

energy and water consumption data, share properties, generate performance reports to assess progress, and respond to data requests.

- [Portfolio Manager 201](#) – This webcast will explore advanced functionalities of EPA’s Energy Star Portfolio Manager tool, including managing and tracking changes to property uses over time; using spreadsheet templates to update property data; setting goals and targets to plan energy improvements for properties; generating and using custom reports; and using the Sustainable Buildings Checklist.

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.

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.

EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of live and archived webinars. Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management (SMM) is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

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.

ONLINE TRAINING: AVAILABLE ANYTIME

CLIMATE READY WATER UTILITIES EPA’s Climate Ready Water Utilities initiative assists the water sector (drinking water, wastewater, and stormwater utilities) in addressing impacts from climate change. This information helps utility owners and operators better prepare their systems for the impacts of climate change. The website has links to [tools and resources](#), new and recorded [training webinars](#), and more.

WATER’S IMPACT ON THE ENERGY SECTOR This on-demand webinar features Stacy Tellinghuisen, senior energy/water policy analyst at Western Resource Advocates, who shares new research on the national impacts of water scarcity on the energy sector, including how the expanded use of renewable energy and energy efficiency can help reduce the potential impacts that prolonged droughts will have on the energy sector.

EPA RCRA TRAINING RCRA-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.

AREA SOURCE BOILER RULE VIDEO SERIES This [EPA video series](#) explaining the Area Source Boiler Rule consists of modules regarding:

- An overview of rule applicability, including specific rule requirements and compliance dates;
- How to conduct an energy assessment;
- How to conduct a boiler tune-up; and
- Recordkeeping and reporting requirements of the rule.

Area sources are commercial (e.g., laundries, apartments, hotels), institutional (e.g., schools, churches, medical centers, municipal buildings) or industrial (e.g., manufacturing, refining, processing, mining) facilities that emit or have the potential to emit less than 10 tons per year (tpy) of a single hazardous air pollutant, or less than 25 tpy combined hazardous air pollutants. The Area Source Boiler Rule affects boilers at these facilities that burn coal (including coal refuse, petroleum coke, or synthetic fuels derived from coal), oil or other liquid fuel, biomass, and non-waste materials.

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. Learners will 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.

PRELIMINARY ASSESSMENT AND SITE INSPECTION (PA/SI) WEBINAR SERIES The CERCLA Education Center is offering archived versions of its nine-part Preliminary Assessment and Site Inspection (PA/SI) [webinar series](#). PA/SI is an intermediate training course designed for personnel who are required to compile, draft, and review PA, SI, and hazard ranking system (HRS) documentation records and packages submitted for sites proposed for the National Priorities List (NPL). More information is available at www.clu-in.org.

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.

EPA AIR POLLUTION TRAINING INSTITUTE (APTI) EPA's [Air Pollution Training Institute](#) (APTI) offers a variety of online self instructional courses and videos for air pollution professionals. Although APTI courses are designed for state and local government officials, the courses, webinars, and videos are available to anyone.

AVERT TUTORIAL This training provides an overview of EPA's Avoided Emissions and generation tool (AVERT). AVERT estimates the potential of energy efficiency/renewable energy (EE/RE) programs to displace electricity system-related SO₂, NO_x, and CO₂ emissions in the continental United States. The tool can be used to evaluate county, state and regional level emissions displaced by energy efficiency and renewable energy programs without the need for specialized resources or electricity system expertise.

FEMP TRAINING SEARCH TOOL The FEMP Training Search is a web tool that lists free training opportunities to help agencies meet federal energy, water, and sustainability laws and requirements. The new search tool provides options to easily find and select training offerings by topic area, topic series, course format and type, and by level of difficulty—introductory (101), intermediate (201), and advanced (301).

EPA TMDL AND NPDES PERMIT TRAINING EPA developed three web-based training modules on topics related to TMDLs and NPDES permitting. The presentations are intended for TMDL developers and NPDES permitting staff to gain a better understanding of TMDL implementation through NPDES permits. Each module is offered as a recorded presentation that enables participants to review the material on demand in a self-paced environment. The modules are

also available as unrecorded PowerPoint presentations with slides and scripts. Each recorded session is approximately two hours long.

- Module 1: Understanding TMDLs: A Primer for NPDES Permit Writers
- Module 2: Understanding Waste Load Allocation Implementation in Permits: A Primer for TMDL Developers
- Module 3: Understanding TMDLs with Stormwater Sources and the NPDES Stormwater Permitting Process

CLASSROOM/INTERNET TRAINING SOURCES

EPA NPDES TRAINING COURSES AND WORKSHOPS Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES permit program. They are designed for permit writers, dischargers, EPA officials, and other interested parties. Topics include vessel general permits, combined sewer overflows, energy management, green infrastructure, pesticides, pretreatment, sanitary sewer overflows, and stormwater.

How the Regional Offices Work for You

When used within the framework of ISO 14001, the *Western 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 cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations.

The US Army Regional Environmental and Energy Offices monitor state legislative and regulatory 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.

Want to comment on a rule or bill in the Review?

Please contact your Regional Environmental Coordinator listed in the Staff Directory.

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Acronyms

ACHP	Advisory Council on Historic Preservation
ACUB	Army Compatible Use Buffer
AFFF	aqueous film forming foam
ARM	Administrative Rules of Montana
ATSDR	Agency for Toxic Substances and Disease Registry
BACT	best available control technology
BART	best available retro-fit technology
BLM	Bureau of Land Management
BTU	British thermal unit
CAA	Clean Air Act
CAFE	corporate average fuel economy
CATEX	categorical exclusion
CCR	Code of Colorado Regulations
CDNR	Colorado Department of Natural Resources
CDPHE	Colorado Department of Public Health and Environment
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulation
CH ₄	methane
CNOR	candidate notice of review
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalent
CrVI	hexavalent chromium
CSB	Chemical Safety Board
CWA	Clean Water Act
CWQCC	Colorado Water Quality Control Commission
DA	Department of Agriculture
DO	dissolved oxygen
DoD	Department of Defense
DOE	Department of Energy
DOI	Department of Interior
DOT	Department of Transportation
DPS	distinct population segment
ECF	emission comparable fuel
EIS	environmental impact statement
EO	Executive Order
EPA	Environmental Protection Agency
EQC	Environmental Quality Council
ESA	Endangered Species Act of 1973
ESTCP	Environmental Security Technology Certification Program
FERC	Federal Energy Regulatory Commission
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FONSI	finding of no significant impact
FS	Forest Service
FWS	Fish and Wildlife Service
FY	fiscal year
GAO	Government Accountability Office
GHG	greenhouse gas
GSA	General Service Administration
HCFC	hydrochlorofluorocarbon
HFC	hydrofluorocarbon
HFE	hydrofluorinated ethers

INRMP	integrated natural resource management plan
ISEERB	Interservice Environmental Education Review Board
ITRC	Interstate Technology and Regulatory Council
JLUS	Joint Land Use Study
LBP	lead-based paint
LEED	Leadership in Energy and Environmental Design
LID	Low-Impact Development
MACT	maximum achievable control technology
MBER	Montana Board of Environmental Review
MCL	maximum contaminant level
MCLG	maximum contaminant level goal
MDEQ	Montana Department of Environmental Quality
MDNRC	Montana Department of Natural Resources and Conservation
MERIT	Materials of Evolving Regulatory Interest Team
MGA	Midwestern Governors Association
MOU	memorandum of understanding
MMS	Minerals Management Service
MS4	municipal separate storm sewer system
MSGP	multi-sector general permit
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NCSL	National Conference of State Legislatures
NDDOH	North Dakota Department of Health
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NF ₃	nitrogen trifluoride
NHTSA	National Highway Transportation Safety Administration
NIST	National Institute of Standards and Technology
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NO ₂	nitrogen dioxide
NOx	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRC	National Research Council
NSPS	New Source Performance Standard
NSR	New Source Review
OIE	Office of Energy Initiatives
OMB	Office of Management and Budget
ORCR	Office of Resource Conservation and Recovery
ORW	outstanding resource water
P2	pollution prevention
PBDE	polybrominated diphenyl ethers
PFC	perfluorocarbons
PFOA	perfluorooctanoic acid
PFOS	perfluorooctane sulfonic acid
PM	particulate matter
PM _{2.5}	particulate matter 2.5 microns in diameter or less
PM ₁₀	particulate matter 10 microns in diameter or less
POP	persistent organic pollutant
ppb	parts per billion
PSD	Prevention of Significant Deterioration
PWS	public water system
RCRA	Resource Conservation and Recovery Act
RGGI	Regional Greenhouse Gas Initiative
RoC	Report on Carcinogens
RoHS	European Union's Restriction of Hazardous Substances

RRP	Renovation, Repair, and Painting
SDDENR	South Dakota Department of Environment and Natural Resources
SERDP	Strategic Environmental Research and Development Program
SI	spark-ignition
SIP	State Implementation Plan
SNAP	significant new alternatives policy
SNUR	significant new use rule
SO ₂	sulfur dioxide
SO _x	sulfur oxides
SPCC	spill prevention, control, and countermeasures
TMDL	total maximum daily load
tpy	tons per year
TRI	Toxics Release Inventory
TSCA	Toxic Substance Control Act
UDEQ	Utah Department of Environmental Quality
UDNR	Utah Department of Natural Resources
UFC	Unified Facilities Criteria
ug/m ³	micrograms per cubic meter
UPDES	Utah Pollutant Discharge Elimination System
U.S.	United States
USACE	United States Army Corps of Engineers
USAEC	United States Army Environmental Command
USGS	United States Geological Survey
UST	underground storage tank
USTCA	Underground Storage Tank Compliance Act
VOC	volatile organic compound
WCI	Western Climate Initiative
WDEQ	Wyoming Department of Environmental Quality
WGA	Western Governors' Association
WOSL	Wyoming Office of State Lands
WRAP	Western Regional Air Partnership

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 offer language to support or oppose the issue.

To comment on an item in the *Western Review*, please contact the Regional Environmental Coordinator listed at the top of page 2 and/or in the [Staff Directory](#).

To be added to the Region 8 *Western Review* distribution list, email [Nancy Reese](#).