



U.S. ARMY

Western Review of Legislative & Regulatory Actions Region 10



The U.S. Army Regional Environmental & Energy Office

July 2015

The **REGION 10 WESTERN REVIEW** publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the four states in Federal Region 10, 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 select "Publications." To receive a copy of this electronic publication, send an [email request](#).

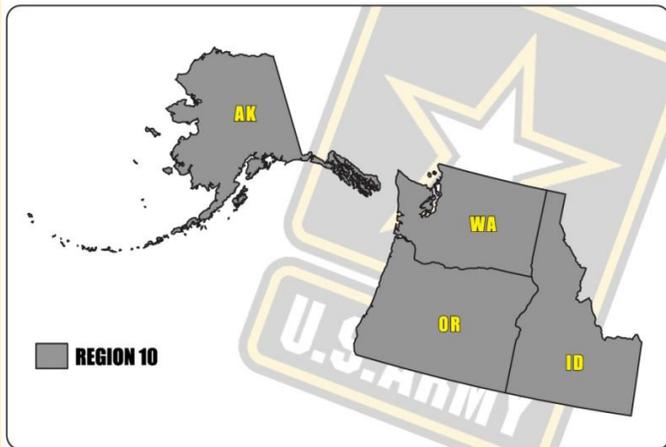


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NEW UNDERGROUND STORAGE TANK REGULATIONS FOR 2015

Prior to publication in the Federal Register, the Environmental Protection Agency (EPA) released a [new underground storage tank \(UST\) regulation](#) and state program approval regulation for 2015. According to EPA, the revisions to the UST program increase emphasis on properly operating and maintaining UST equipment. The revisions:

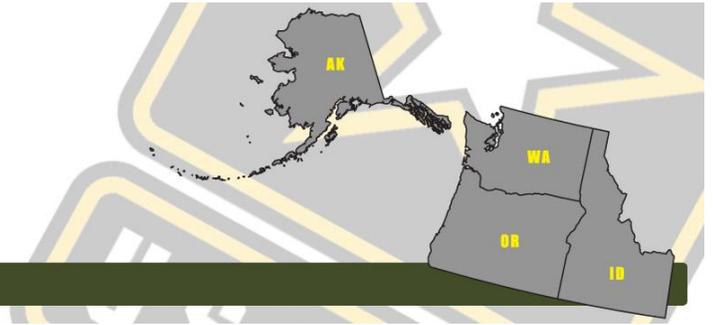
- Add secondary containment requirements for new and replaced tanks and piping;
- Add operator training requirements;
- Add periodic operation and maintenance requirements for UST systems;
- Add requirements to ensure UST system compatibility before storing certain biofuel blends;
- Remove prior deferrals for emergency generator tanks, airport hydrant systems, and field-constructed tanks;
- Update codes of practice; and
- Make editorial and technical corrections.

States approved to run their own programs are required to adopt requirements similar to the final 2015 UST regulation within three years. Currently, 38 states plus the District of Columbia and Puerto Rico have approved UST programs. Sixteen states and territories follow federal UST program rules. Owners and operators of UST systems in these states must meet the federal requirements according to the schedule in the 2015 UST regulation. Indian country UST owners and operators must also meet federal requirements according to the schedule in the 2015 UST regulation. The final rule is effective 90 days after publication in the Federal Register.

For more information, including a comparison of the 1988 UST regulations and the 2015 regulations, new and updated forms, a regulatory impact analysis, and a [map](#) of states with authorized programs, click [here](#).

Region 10

For more information or to comment on any state issues in Region 10, contact [Park Haney](#), Army Regional Coordinator, Region 10, (303) 844-0957.



TOXICS

NATURALLY OCCURRING ASBESTOS PROGRAM The Alaska Department of Transportation and Public Facilities [adopted](#) the [Naturally Occurring Asbestos \(NOA\) Program](#), which provides procedures for landowners and contractors to obtain immunity for causing asbestos related injuries when extracting and placing gravel or aggregate material containing NOA. Under the program, a designated area will define the area where NOA material may be extracted and placed. After a designated area is established, an applicant provides a Site Specific Plan to the department. The plan explains how the NOA material will be handled, placed and covered so that asbestos fibers will not become airborne. The final rule was effective 13 JUN 15.

LEGISLATIVE DEVELOPMENTS

The [Alaska 2015 legislative session](#) began 20 JAN 15 and adjourned 17 APR 15. The state held a special session 28 APR 15 through 21 MAY 15. A second special session began 21 MAY 15 and adjourned 11 JUN 15. For information about legislation in 2015, refer to the [June 2015](#) edition of the Review.



WATER

TOTAL COLIFORM RULE The Idaho Department of Environmental Quality (IDEQ) [is proposing](#) to adopt the federal Revised Total Coliform Rule, codified at Title 40 Code of Federal Regulation (CFR) Part 141 Subpart Y, into state rules. The federal rule, promulgated 13 FEB 13, is intended to reduce potential pathways of entry for fecal contamination into public water distribution systems. IDEQ is proposing to incorporate most of the rule by reference including definitions, sample siting plans, maximum contaminant levels (MCLs), assessment triggers and requirements, as well as monitoring and reporting requirements. IDEQ is proposing to negotiate where the rule provides, such as reduced monitoring provisions, qualifications of assessors for Level 2 Assessments, criteria for waiving seasonal system start-up requirements, methods for consulting with the state, and types of sanitary defects. A public meeting was held 14 JUL 15. Comments are due 29 JUL 15. The department intends to present the final proposal to the Board of Environmental Quality in the fall of 2015 for adoption as a pending rule. For more information, click [here](#) then scroll to Docket No. 58.01.08.

LEGISLATIVE DEVELOPMENTS

The [Idaho 2015 legislative session](#) began 12 JAN 15 and adjourned 11 APR 15. For information about legislation in 2015, refer to the [April 2015](#) edition of the Review.



AIR

OREGON SIP: PM2.5 The Oregon Department of Environmental Quality (ODEQ) [is proposing](#) to update the Oregon State Implementation Plan (SIP) to ensure it has the authority to implement the current national ambient air quality standards (NAAQS) for fine particulate matter (PM 2.5). The rulemaking would amend Chapter 340 Oregon Administrative Rules (OAR) to update the Oregon Clean Air Act SIP, incorporate the annual primary ambient air quality standard for PM2.5, and include PM2.5 in the definitions of NAAQS. Public hearings are scheduled for 16 JUL 15 and 18 AUG 15. Comments are due 20 AUG 15.

OREGON SIP: GRANTS PASS ODEQ [adopted](#) limited maintenance plans designed to protect air quality in Grants Pass for carbon monoxide and coarse particulate matter (PM10). The limited maintenance plans streamline requirements and eliminate costly computer modeling for requirements for transportation conformity. The rules will be submitted to EPA for its approval under the Clean Air Act (CAA). Grants Pass was reclassified to attainment for carbon monoxide in 2000 and PM10 in 2020. EPA requires Oregon to establish second maintenance plans to ensure compliance through 2025. The agency provides an option for states to adopt simplified plans, referred to as limited maintenance plans, for certain low-risk areas such as Grants Pass.

THREATENED AND ENDANGERED SPECIES

GREATER SAGE-GROUSE: HABITAT MITIGATION The Oregon Department of Fish and Wildlife [is proposing](#) to amend administrative rules for managing sage-grouse in Oregon. The proposed rule changes will address mitigation of impacts to sage-grouse habitat in accordance with Oregon Revised Statutes (ORS) [498.500](#) and [498.502](#). A public hearing is scheduled for 21-22 JUL 15. Comments are due 27 JUL 15.

GREATER SAGE-GROUSE PROTECTION ON NON-FEDERAL LANDS The Oregon Land Conservation and Development Commission [is proposing](#) a new rule commonly referred to as "Goal Rule 5." The new rule will establish protections for Oregon's greater sage-grouse and habitat on non-federal lands. It establishes areas of significant habitat, identifies conflicting uses, and identifies processes for Baker, Crook, Deschutes, Harney, Lake, Malheur and Union county decision makers to apply when considering proposals for large-scale development and other land use activities on significant sage-grouse habitat. The rule also creates a direct monitoring framework and includes metering standards, as well as overall development thresholds for the best greater sage-grouse habitat. It will apply directly to local governments until a county establishes its own program for protecting greater sage-grouse habitat. A public hearing is scheduled for 23 JUL 15. Comments are due the same day.

LEGISLATIVE DEVELOPMENTS

The [Oregon 2015 legislative session](#) began 2 FEB 15 and adjourned 11 JUL 15.

Oregon Bill Number, Sponsor, and Description	Bill Introduced	Passed 1 st House	Passed 2 nd House	Status
AIR/CLIMATE CHANGE				
HB 2499 <i>Representative Gail Whitsett (R)</i> Proposes to prohibit the Department of Environmental Quality from adopting any air (or water) quality standard that exceeds that imposed by federal law.	✓			
HB 2572 <i>Representative Phil Barnhart (D)</i> Proposes to require carbon footprint labeling on all consumer products sold or offered for sale in state on and after 1 JAN 16.	✓			
HB 3250 <i>House Interim Committee on Energy And Environment</i> Proposes to require the Department of Environmental Quality to adopt a carbon cap-and-trade program.	✓			
HB 3310 <i>Representative Mitch Greenlick (D)</i> Proposes to require the Environmental Quality Commission to adopt standards and programs for on-road and nonroad diesel engines by 1 JAN 20.	✓			
HB 3470 <i>Representative Phil Barnhart (D)</i> Proposes to require the Environmental Quality Commission to adopt statewide greenhouse gas emissions limits for years 2020 and 2050 and to adopt interim limits consistent with 2050 limit every five years. Requires the commission to adopt an action plan for ensuring statewide greenhouse gas emissions do not exceed limits.	✓			
HJR 10 <i>House Interim Committee on Revenue</i> Proposes to allow the legislature to tax carbon emissions in order to reduce carbon emissions and carbon fuel use.	✓			
SB 21 <i>Senate Interim Committee on Environment and Natural Resources</i> Proposes to establish a task force on clean air fee or tax implementation to develop recommendations to implement a clean air fee or tax.	✓			
SB 965 <i>Senator Michael E. Dembrow (D)</i> Proposes to require the Environmental Quality Commission to adopt statewide greenhouse gas cap-and-dividend program to reduce statewide greenhouse gas emissions to meet certain benchmarks adopted by the commission.	✓			
ENERGY				
HB 2946 <i>House Interim Committee on Energy And Environment</i> Proposes to allow the Public Utility Commission to allow electric utilities to include energy conservation costs when setting rates.	✓			
SB 95 <i>Senate Interim Committee on Veterans and Emergency Preparedness</i> Proposes to address safety systems for fuel distribution. Requires facilities dispensing class I flammable liquids (or diesel) to have a manually operated system capable of dispensing fuel if its electrical power supply is disrupted.	✓			
SB 477 <i>Senator Chris Edwards (D)</i> Proposes to require electric companies to reduce electricity from coal-derived generating resources to zero on or before 1 JAN 25.	✓			

<i>Oregon Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
LAND USE				
HB 3240 <i>Representative Carl Wilson (R)</i> Proposes to establish a task force on the transfer of federal land ownership in Oregon.	✓			
HB 3444 <i>Representative Jim Weidner (R)</i> Proposes to require the United States to extinguish title to public lands and transfer title to public lands to state on or before 13 DEC 18.	✓			
HJM 7 <i>Representative Bill Kennemer (R)</i> Proposes to urge the U.S. Congress to return all public lands, including lands operated by the Department of Defense, to the state.	✓			
NATURAL RESOURCES				
OTHER				
HB 2189 <i>House Interim Committee on Energy and Environment</i> Proposes to require the Department of Health to adopt standards for labeling articles containing "hazardous substances." Defines hazardous substance.	✓			
HB 2241 <i>Representative John Davis (R)</i> Proposes to address cleanup of hazardous waste. Requires the Department of Environmental Quality to develop a single process to meet state and federal requirements for hazardous waste cleanup and release from liability.	✓			
HB 2589 <i>Representative Paul R. Holvey (D)</i> Proposes to prohibit the application of neonicotinoid pesticides in the state.	✓			
HB 3491 <i>Representative Brian L. Clem (D)</i> Proposes to establish a task force on pesticide use notification.	✓			
SB 882 <i>Senator Floyd Prozanski (D)</i> Proposes to prohibit nitro-group neonicotinoid pesticides.	✓			
WASTE				
SB 245 <i>at the request of Governor John A. Kitzhaber</i> Proposes to modify solid waste facility permit fees. Adjusts tipping and other fees. Authorizes the Department of Environmental Quality to establish compost facility fees.	✓	✓	✓	Enacted
SB 263 <i>at the request of Governor John A. Kitzhaber</i> Proposes to expand recycling of solid waste. Updates statewide goals for recovery of materials from solid waste. Establishes specific recovery goals for specified materials.	✓	✓	✓	Enacted
SB 412 <i>Senator Arnie Roblan (D)</i> Proposes to define when rock, gravel, sand, silt, and other similar materials removed from waters of the state are not solid waste.	✓	✓	✓	Enacted

<i>Oregon 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 2498 <i>Representative Gail Whitsett (R)</i> Proposes to prohibit the Department of Environmental Quality from adopting water quality standards that exceed those imposed by federal law.	✓			
SB 262 <i>at the request of Governor John A. Kitzhaber</i> Proposes to increase fees associated with the oil spill prevention program.	✓	✓	✓	Enacted
SB 537 <i>Senator Jeff Kruse (R)</i> Proposes to establish a task force to address "standing" in water proceedings. Requires the task force to review and evaluate Oregon laws, policies, and procedures affecting the ability to obtain standing in an administrative or judicial proceeding. Requires the task force to prepare a report to the legislature.	✓			



AIR

NORTHWEST CLEAN AIR AGENCY The Northwest Clean Air Agency [is proposing](#) to update its air quality rules. The rulemaking would align local rules with state and federal requirements, update civil penalties, update external adoptions by reference, make housekeeping changes, and adopt by reference certain portions of 40 CFR Part 63 so that the Northwest Clean Air Agency will be the implementing agency rather than EPA. Comments are due 5 AUG 15.

ENDANGERED SPECIES

STELLER SEA LION The Washington Department of Fish and Wildlife [removed](#) Steller sea lions from the list of threatened species in Washington Administrative Code (WAC) [232-12-011](#) (Wildlife classified as protected shall not be hunted or fished). The removal is based on department review of data showing that the Washington Steller sea lion population has strongly increased in number, indicating the species no longer needs to be listed as threatened. As a mammal of the order Pinnipedia, the Steller sea lion will continue to be protected under WAC 232-12-011 under other protected wildlife. The final rule was effective 28 MAY 15.

WATER

STORMWATER DISCHARGE PERMITTING The Washington Department of Ecology (WADOE) [is proposing](#) to revise and reissue the construction stormwater national pollutant discharge elimination system (NPDES) and state waste discharge general permit. The current permit was issued 1 DEC 10 and will expire 31 DEC 15. The proposed permit authorizes the discharge of stormwater and authorized nonstormwater associated with construction activity. The permit covers all areas of Washington State, excluding most tribal lands. (The permit does cover most of the Puyallup Reservation). The proposed construction stormwater general permit (CSWGP) limits the discharge of pollutants to surface waters under the authority of the Federal Water Pollution Control Act (33 U.S.C. 1251) and limits the discharge of pollutants to surface and groundwater under the authority of the State Water Pollution Control Act (chapter 90.48 RCW). Public workshops are scheduled in July 2015. A public hearing is scheduled for 5 AUG 15. Comments are due 10 AUG 15. For more information, click [here](#).

DISCHARGE FEES WADOE [is proposing](#) to increase most permit fee types to support its costs of administering the permit program during the next biennium. Additionally, the department has recently issued or will be issuing new permits which will require fee categories to be developed. The new permit categories include bridge washing, in-water vessel deconstruction, and wineries. WADOE anticipates filing a formal rule proposal mid-July 2015.

RECLAIMED WATER WADOE [is proposing](#) a new rule for producing, distributing, and using reclaimed water. The new rule will be codified at [Chapter 173-219 WAC](#) (Reclaimed Water). The rule is intended to establish an implementation framework, including standards and permitting requirements to address the production, distribution and beneficial uses of reclaimed water. It will codify existing practices and replace the 1997 Water Reclamation and Reuse Standards and several statutes. In addition, WADOE released a proposed guidance document, [Reclaimed Water Treatment Facilities Manual: The Purple Book](#), for public comment. Public hearings are scheduled for 21 and 23 JUL 15. Comments are due 21 AUG 15. For more information, click [here](#).

LEGISLATIVE DEVELOPMENTS

The [Washington 2015 legislative session](#) began 12 JAN 15 and adjourned 26 APR 15. A second special session began 29 May 15 and adjourned 28 JUN 15. A third special session began 28 JUN 15 and is scheduled to adjourn 10 JUL 15.

Department of Defense Activity

ENERGY

WAVE ENERGY TEST DELIVERS POWER TO NAVY BASE A test of the potential for wave energy to power onshore facilities has begun generating electricity at the Navy's Wave Energy Test Site in Kaneohe Bay on Oahu, Hawaii. The Navy, Northwest Energy Innovations (NWEI), and the Department of Energy (DOE) are working with a prototype of the Azura wave energy converter device to produce electricity from the motion of the choppy ocean waters. For more information, click [here](#) to read an article from DefenseCommunitis360, [here](#) to view a news article from ClickGreen, or [here](#) to view a press release from NWEI.

NAVY SET TO SURPASS TARGET FOR RENEWABLE ENERGY USE With the Navy on course to meet its goal of producing 1 gigawatt of renewable energy at its installations by 1 JAN 16, five years ahead of schedule, Secretary Ray Mabus is ready to raise the bar. "I'm not satisfied stopping there. We can do better than that over the next five years," Mabus said at the 2015 GreenGov Symposium in Washington. To increase its shore installations' reliance on renewables, the Navy is exploring a variety of alternative sources, including solar, wind, geothermal, hydrothermal and wave energy. The Air Force and Army also are striving to produce 1 gigawatt of renewable energy at their installations, but they don't expect to reach that goal until 2020 at the earliest. To read more, click [here](#).

Federal Activity

For more information or to comment on any issues in the *Western Review*, contact [Park Haney](#), Army Region 10 Environmental Coordinator, (303) 844-0957.

EPA REGULATORY AGENDA EPA published the spring edition of its semiannual [regulatory agenda](#) for 2015 ([80 FR 35081](#)). According to the agenda, in 2015 EPA intends to publish five proposed rules, five final rules, and one notice. The proposed rules would address certification of pesticide applicators, management of pharmaceutical waste,

hazardous waste generator rules, hazardous waste export-import, and the hazard ranking system (HRS). For more information, visit reginfo.gov and click on EPA, then proposed rule, final rule, and notice.

NRC REGULATORY AGENDA The Nuclear Regulatory Commission (NRC) published its semiannual regulatory agenda for 2015 ([80 FR 35169](#)). According to the agenda, NRC intends to publish a notice of proposed rulemaking in 2015 addressing fee structures for small modular power reactors, (Regulation Identifier Number (RIN) 3150-AI54), a final rule amending fee schedules (licensing, inspection, and annual fees) for Fiscal Year (FY) 2015 (RIN 3150-AJ44), and a final rule on low-level radioactive waste disposal (RIN 3150-AI92). In addition, under long-term actions with no date identified, NRC intends to issue an advanced notice of proposed rulemaking [controlling the disposition of solid materials](#). Comments are due 20 JUL 15. For a complete list of all regulatory activities on NRC's regulatory agenda, [click here](#) and select NRC from the picklist.

AIR

AIRCRAFT GHG EMISSIONS In response to a [petition](#), EPA [announced](#) a proposed finding that greenhouse gas (GHG) emissions from aircraft pose a risk to human health. The [endangerment finding and advanced notice of proposed rulemaking](#) are the first step in regulating emissions from the U.S. aviation industry. EPA intends to implement the carbon dioxide (CO₂) emissions standard being developed by the International Civil Aviation Organization (ICAO), which is scheduled to release its CO₂ standard in February 2016. EPA's proposed action does not apply to small piston-engine planes (the type of plane often used for recreational purposes) or to military aircraft. EPA is seeking public input to inform future steps. Public comments will be accepted for 60 days following publication in the Federal Register. Click [here](#) to view a press release or [here](#) to visit EPA's website for aircraft emissions, including a copy of the endangerment finding, fact sheet, and more.

GHG EMISSIONS, FUEL EFFICIENCY FOR MEDIUM & HEAVY-DUTY ENGINES, VEHICLES In advance of publication in the Federal Register, EPA and the U.S. Department of Transportation (DOT) [released](#) the text of Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles that will establish a second phase of GHG emissions and fuel efficiency standards for medium- and heavy-duty vehicles. The standards will phase in incrementally between model years 2021 and 2027. Proposed standards cover combination tractor-trailers, specific types of trailers, trucks, busses, delivery and other vocational vehicles, heavy duty pickup trucks, and vans. Expected decreases in fuel consumption and CO₂ emissions range from 8% (specific trailers) to 24% (tractor trailer combinations) once fully phased in. The agencies are also proposing separate standards and test cycles for tractor engines, vocational diesel engines, and vocational gasoline engines. The proposed diesel engine standards would reduce CO₂ emissions and fuel consumption by up to 4% compared to Phase 1 standards. Because certain refrigerants are also extremely potent GHGs, the program includes EPA-proposed standards to control leakage of hydrofluorocarbons (HFCs) from air conditioning systems in vocational vehicles.

SIP REVISIONS: SSM EPA is taking final action on a petition that concerns how provisions in EPA-approved SIPs treat excess emissions during periods of startup, shutdown or malfunction (SSM) ([80 FR 33839](#)). In addition, EPA is clarifying, restating, and revising its guidance concerning its interpretation of CAA requirements with respect to treatment in SIPs of excess emissions that occur during periods of SSM. The agency is issuing a finding that certain SIP provisions in 36 states (applicable in 45 statewide and local jurisdictions) are substantially inadequate and is issuing a SIP call for those 36 states. The deadline for each state to submit its corrective SIP revision is 22 NOV 16.

CLEANUP

VAPOR INTRUSION GUIDELINES EPA released two technical guides for assessing and mitigating vapor intrusion at contaminated sites around the country, outlining a process the agency says is a flexible framework that takes into account site-specific circumstances while also promoting consistency. The [primary guide](#) applies to all sites being investigated under various cleanup programs, including Superfund sites, Resource Conservation and Recovery Act

(RCRA) corrective action sites, brownfields, and state-led sites pursuant to the Superfund law. The [second guide](#) generally addresses releases of petroleum hydrocarbons from underground storage tanks. According to EPA, the guide recommends a framework for planning and conducting vapor intrusion investigations, rather than a prescriptive step-by-step approach to be applied at every site. Broadly speaking, the guide says there are two levels of vapor intrusion assessments: a preliminary analysis that relies on available and easily ascertainable information to understand initially the potential for human health risks, and a subsequent detailed investigation recommended after the earlier analysis shows vapor-forming chemicals may be present due to subsurface contamination. The guide lists five conditions that must be present for a vapor intrusion pathway to be complete: a subsurface source of vapor-forming chemicals near the building; a route to migrate toward the building; a building susceptible to soil gas entry; vapor-forming chemicals found in the indoor air; and that the building is occupied. For more information, click [here](#).

CLIMATE CHANGE

UNDER 2 MOU On 10 MAY 15, the Governors of California, Oregon, Washington, and Vermont and leaders of eight other states and international provinces collectively signed the [Global Climate Leadership Memorandum of Understanding](#) (MOU), also known as "Under 2 MOU." The MOU promotes actions intended to limit the global increase in average temperature to below 2 degrees Celsius. Under the MOU, each state or province commits to either reduce GHG emissions by 80 to 95% below 1990 levels by 2050 or achieve a per capita annual GHG emissions target of less than 2 metric tons of carbon dioxide equivalent (CO₂e) by 2050. Specific agreed-upon activities include:

- Sharing technology, scientific research, and best practices to promote energy efficiency and renewable energy;
- Collaborating to expand the use of zero-emission vehicles;
- Ensuring consistent monitoring and reporting of GHG emissions;
- Improving air quality by reducing pollutants such as black carbon and methane; and
- Assessing the projected impacts of climate change on communities.

ENERGY

GAO REPORT: ENERGY SAVINGS PERFORMANCE CONTRACTS The Government Accountability Office (GAO) issued a report on energy savings performance contracts (ESPCs) at seven federal agencies, covering fiscal years 1995 through 2014 ([GAO-15-432](#)). Agencies reviewed included the Air Force, Army, Navy, DOE, the Departments of Justice and Veterans Affairs, and the General Services Administration (GSA). GAO found that the seven agencies it reviewed conducted limited oversight and evaluation of their ESPC projects. In GAO's sample of 20 projects, agency representatives did not perform some oversight activities included in guidance because they were unaware of these duties or how to perform them, among other reasons. GAO recommended improvements to oversight of ESPC projects through clearer reporting of savings, improved training, and systematic evaluations of portfolios.

ENERGY EFFICIENCY IMPROVEMENTS IN THE 2015 IECC DOE has determined that the 2015 edition of the International Energy Conservation Code (IECC) would improve energy efficiency in buildings relative to the 2012 edition for residential structures ([80 FR 33250](#)). Upon publication of this affirmative determination by DOE, each state is required by statute to certify that it has reviewed the provisions of its residential building code regarding energy efficiency and made a determination as to whether to update its code to meet or exceed the 2015 IECC. Additionally, this notice provides guidance to states on these processes and associated certifications.

SUNZIA TRANSMISSION LINE The developer of a 515-mile high-voltage transmission line from New Mexico to Arizona has proposed rerouting a portion of the project that crosses the northern tip of White Sands Missile Range in an attempt to avoid the need to bury a portion of the line. The project gained the federal government's approval in January after DOD and the Bureau of Land Management (BLM) reached a compromise calling for SunZia to bury five miles of the line to eliminate conflicts with training and weapons testing on White Sands' northern extension. Since

January 2015, SunZia has begun discussions with the New Mexico State Land Office and DOD about shifting the transmission line north of White Sands to move most of it out of the range's call-up zone, reported the [Albuquerque Journal](#). So far, it's not clear whether SunZia and the other stakeholders will be able to agree on a new arrangement. To read more, click [here](#).

SUSTAINABILITY

PLANNING FOR FEDERAL SUSTAINABILITY IN THE NEXT DECADE: IMPLEMENTING INSTRUCTIONS The White House Council on Environmental Quality issued a [77-page guidance document](#) providing the "Implementing Instructions for [Executive Order 13693](#) Planning for Federal Sustainability in the Next Decade." This guidance revokes and supersedes the Instructions for Implementing Executive Order 13423 issued 29 MAR 07. The instruction summarizes current requirements, occasionally contrasting previous requirements, and provides links to additional reference material covering all Executive Order (EO) subject sections.

GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL PROCUREMENT To reflect changes imposed by the 2014 Farm Bill, the U.S. Department of Agriculture (USDA) issued a final rule amending its regulations on designating biobased products for federal procurement ([80 FR 34023](#)). The amended rule provides that "no later than 15 JUN 16 each Federal agency shall establish a targeted biobased-only procurement requirement under which the procuring agency shall issue a certain number of biobased-only contracts."

THREATENED AND ENDANGERED SPECIES

BULL TROUT: RECOVERY UNIT IMPLEMENTATION PLANS The Fish and Wildlife Service (FWS) announced the availability of six draft recovery unit implementation plans that are part of the recovery plan being developed for the coterminous U.S. population of [bull trout](#) (*Salvelinus confluentus*) ([80 FR 31916](#)). The individual draft plans propose site-specific conservation actions for each of six recovery units (Coastal, Klamath, Mid-Columbia, Columbia Headwaters, Upper Snake, and St. Mary). Comments are due 20 JUL 15. The draft recovery plans are available [here](#).

TECHNICAL CORRECTIONS TO LIST OF THREATENED AND ENDANGERED SPECIES FWS is revising the taxonomy of four wildlife and 50 plant species in the Hawaiian Islands, Guam, Idaho, and Oregon ([80 FR 35860](#)). The final rule is effective 21 SEP 15 unless the agency receives adverse comment by 21 JUL 15.

GREEN SEA TURTLE FWS and the National Marine Fisheries Service (NMFS) extended the public comment period on their [23 MAR 15 proposal](#) to replace the existing range-wide listing for the [green sea turtle](#) (*Chelonia mydas*) and, in its place, list eight distinct population segments (DPSs) as threatened and three as endangered ([80 FR 34594](#)). The agencies also scheduled additional public hearings Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and American Samoa. The agencies propose to apply existing protective regulations to the eight turtle DPSs. The agencies also announced they will not delist the Hawaiian green turtle, as requested in a petition. Specifically, the agencies are seeking information and comment on whether each of the 11 proposed green turtle DPSs qualify as DPSs, whether listing of each DPS is warranted, and if so, whether they should be classified as threatened or endangered. The public comment period was extended to 27 JUL 15.

WATER

FINAL MSGP FOR INDUSTRIAL DISCHARGES EPA Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 issued their final 2015 NPDES general permit for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP) ([80 FR 34403](#)). The permit replaces coverage for stormwater discharges from industrial facilities in EPA Regions 1, 2, 3, 5, 6, 9, and 10 that expired 29 SEP 13 and provides coverage for industrial facilities in areas [where EPA is the NPDES permitting authority](#) in EPA Regions 7 and 8. The MSGP consists of 44 separate regional EPA general permits that may vary from each other based on state or tribal certifications and water quality-based requirements. As

with earlier permits, this permit authorizes the discharge of stormwater associated with industrial activities. Industrial dischargers have the option to instead seek coverage under an individual permit. An individual permit may be necessary if the discharger cannot meet the terms and conditions or eligibility requirements in this permit. The permit, effective 4 JUN 15, has been issued for a period of five years. For more information, visit EPA's [MSGP website](#), or view this [fact sheet](#).

MSGP ELECTRONIC REPORTING Facilities covered under the 2015 Federal EPA MSGP are required to [electronically submit](#) notices of intent (NOIs), annual reports, notices of termination (NOTs), discharge monitoring reports (DMRs), and no exposure certifications unless the EPA Regional Office has granted the operator an electronic reporting waiver, in which case the operator may mail the paper forms provided in the [2015 MSGP](#). Operators without an EPA-granted electronic reporting waiver must use:

- [NeT-MSGP](#) (the NPDES eReporting Tool for the MSGP) to electronically prepare and submit NOIs, annual reports, NOTs and no exposure certifications; and
- [NetDMR](#) to electronically prepare and submit DMRs.

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

DEFINITION OF WATERS OF THE U.S. EPA and the U.S. published a final rule defining the scope of waters protected under the Clean Water Act (CWA) ([80 FR 37053](#)). The final rule is considered to be a definitional rule that clarifies the scope of "waters of the United States" consistent with the CWA, Supreme Court precedent, and science. It does not establish any regulatory requirements. Programs established by the CWA, such as the section 402 NPDES permit program, the section 404 permit program for discharge of dredged or fill material, and the section 311 oil spill prevention and response programs, all rely on the definition of "waters of the United States." The final rule is effective 28 AUG 15.

UPDATED AMBIENT WATER QUALITY CRITERIA EPA released final updated recommended ambient water quality criteria for ninety-four chemical pollutants ([80 FR 36986](#)). The updated criteria reflect the latest scientific information and implementation of existing EPA policies found in Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000). The criteria provide technical information for states and authorized tribes to establish water quality standards (i.e., criteria) to protect human health under the CWA. The [final 2015 recommendations](#) supersede EPA's previous recommendations.

CYANOBACTERIAL TOXINS IN DRINKING WATER EPA released [10-day health advisories](#) for two cyanobacterial toxins and health effect support documents for three cyanobacterial toxins ([80 FR 34637](#)). The health advisories provide states, drinking water utilities, and the public with information on health effects of microcystins and cylindrospermopsin, analytical methods to test for cyanotoxins in water samples, and treatment technologies to remove cyanobacterial toxins in drinking water. Additionally, EPA released a support document for states and utilities to assist them as they consider whether and how to manage cyanobacterial toxins in drinking water. The [recommendations in the support document](#) are intended to assist public drinking water systems (PWSs) manage the risks from cyanobacterial toxins in drinking water, including information and a framework that PWSs can consider in their cyanotoxin risk management efforts. For more information, visit EPA's website for [drinking water science and regulatory support](#).

POTENTIAL IMPACTS TO DRINKING WATER RESOURCES FROM HYDRAULIC FRACTURING ACTIVITIES EPA released [a draft assessment](#) of the potential impacts of hydraulic fracturing activities on drinking water resources. The assessment, done at the request of Congress, shows that while hydraulic fracturing activities in the U.S. are carried out in a way that have not led to widespread, systemic impacts on drinking water resources, there are potential vulnerabilities in the water lifecycle that could impact drinking water. Vulnerabilities to drinking water resources include:

- Water withdrawals in areas with low water availability;
- Hydraulic fracturing conducted directly into formations containing drinking water resources;

- Inadequately cased or cemented wells resulting in below ground migration of gases and liquids;
- Inadequately treated wastewater discharged into drinking water resources; and
- Spills of hydraulic fluids and hydraulic fracturing wastewater, including flowback and produced water.

STUDY: GROUNDWATER BASINS WORLDWIDE ARE IN DISTRESS According to a new study led by the University of California, Irvine, nearly one third of Earth's largest groundwater basins are being rapidly depleted by human consumption. In a companion paper, the scientists conclude that the total remaining volume of the world's usable groundwater is poorly known, with estimates that often vary widely. After comparing satellite-derived groundwater loss rates to what little data exist on groundwater availability, the researchers found major discrepancies in projected "time to depletion," leading them to the conclusion that total groundwater volume is likely far less than rudimentary estimates made decades ago. Abstracts of the papers are available [here](#) and [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 from the Department of Energy's Wind Program offers 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.

19-20 AUG, JOINT BASE PEARL HARBOR-HICKAM DoD Native Hawaiian Cultural Communication and Consultation Course This free course provides valuable information for DoD employees in Hawaii whose work may have an effect on Native Hawaiians and for those already working with Native Hawaiians and Native Hawaiian Organizations. For more information or to register, please contact Mr. [Chris Allen](#) or [Elisia Lukasik](#) by 31 JUL 15.

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How the Regional Offices Work for You

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

To comment on item in the *Western Review*, please contact the Regional Environmental Coordinator listed at the top of each region's section.

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