



U.S. ARMY

Western Review of Legislative & Regulatory Actions Region 8



The U.S. Army Regional Environmental & Energy Office

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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 select "Publications." To receive a copy of this electronic publication, send an [email request](#).

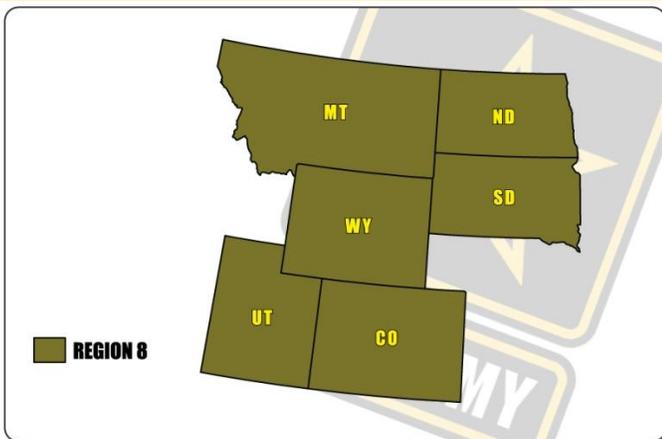


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NEW UNDERGROUND STORAGE TANK REGULATIONS FOR 2015

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 8

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



AIR

REGULATION 6: NEW SOURCE PERFORMANCE STANDARDS The Colorado Department of Public Health and Environment (CDPHE) [is proposing](#) revisions to Regulation Number 6 (Standards of Performance for New Stationary Sources) Part A. The revisions incorporate by reference changes to Title 40 Code of Federal Regulation (CFR) [Part 60](#) (Standards of Performance for New Stationary Sources)). Additionally, CDPHE is requesting that the Colorado Air Quality Control Commission approve of Colorado's revised Clean Air Act (CAA) Section 111(d) State Plan for Hospital/Medical/Infectious Waste Incinerators (HMIWI), which implements the emission guidelines and compliance times for this source category specified in 40 CFR Part 60 Subpart Ce. A [public hearing](#) is scheduled for 20 AUG 15.

REGULATION 8: HAZARDOUS AIR POLLUTANTS CDPHE [is proposing](#) revisions to Regulation Number 8 (Control of Hazardous Air Pollutants) Parts A (General Provisions) and E (National Emission Standards for Mercury). The revisions would incorporate by reference revisions to 40 CFR [Part 61](#) (National Emission Standards for Hazardous Air Pollutants (NESHAP)) published in the Federal Register as of July 2014. A [public hearing](#) is scheduled for 20 AUG 15.

TOXICS

PHYSICAL PROTECTION OF RADIOACTIVE MATERIALS CDPHE, Hazardous Material and Waste Management Division [adopted](#) a new rule titled [Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material](#). The new rule, codified at Title 6 Colorado Code of Regulation (CCR) 1007-1 Part 22, is required to maintain compatibility with requirements of the U.S. Nuclear Regulatory Commission (NRC) and implements 10 CFR Part 37. The new rule addresses security requirements for certain radioactive materials licensees possessing Category 1 or Category 2 radioactive materials to protect the public against theft, diversion, or unauthorized use. Category 1 and 2 radioactive materials are those materials that have been determined by national and international agencies to present a potential risk to national security and public health and safety due to the types and amounts of radioactivity involved. The [final rule](#) is effective 16 JUN 15.

WATER

WATER QUALITY STANDARDS: GUNNISON AND LOWER DOLORES RIVER BASINS, REGULATION 35 CDPHE [adopted](#) amendments to Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins, Regulation Number 35 (5 CCR 1002-35). The rulemaking involves new temporary modifications of water quality standards and temporary modifications expiring on or before 31 DEC 16 and new site-specific standards that allow for the deletion of current temporary modifications. The [final rule](#) was effective 30 JUN 15.

LEGISLATIVE DEVELOPMENTS

The [Colorado 2015 legislative session](#) began 14 JAN 15 and adjourned 6 MAY 15.

<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				
<p>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.</p>	✓	✓	✓	Enacted
<p>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.</p>	✓			Failed upon adjournment
ENERGY				
<p>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.</p>	✓			Failed upon adjournment
<p>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.</p>	✓	✓	✓	Enacted
<p>HB 1377 <i>Representative Dominick Moreno (D)</i> Proposes to amend law governing cooperative electric associations. Allows electric co-ops to meet retail distributed generation requirements from small wind, small hydroelectric, geothermal, and biomass.</p>	✓	✓	✓	Enacted
<p>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.</p>	✓	✓		Failed upon adjournment
<p>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.</p>	✓	✓	✓	Enacted
<p>SB 254 <i>Senator Kevin Grantham (R)</i> Proposes to extend a deadline related to use of a multiplier for solar electric energy generation to meet the renewable energy portfolio standards. Extends the 1 JUL 15 deadline to 31 DEC 16 for municipally owned electric utilities.</p>	✓	✓	✓	Enacted

<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>
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.	✓			Failed upon adjournment
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.	✓	✓	✓	Enacted
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.	✓	✓	✓	Enacted
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.	✓			Failed upon adjournment
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.	✓	✓	✓	Enacted
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.	✓	✓	✓	Enacted
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.	✓	✓		Failed upon adjournment
HB 1093 <i>Representative Timothy Dore (R)</i> Proposes to repeal rules requiring water-efficient indoor plumbing.	✓			Failed upon adjournment
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.	✓	✓	✓	Enacted

<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>
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.	✓	✓	✓	Enacted
HB 1259 <i>Representative Daneya Esgar (D)</i> Proposes to allow residential rain barrels to collect precipitation from rooftops, under certain conditions.	✓	✓		Failed upon adjournment
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.	✓	✓	✓	Enacted
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.	✓	✓		Failed upon adjournment
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.	✓			Failed upon adjournment
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.	✓	✓	✓	Enacted
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.	✓	✓	✓	Enacted
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.	✓			Failed upon adjournment



AIR

INCORPORATION BY REFERENCE The Montana Department of Environmental Quality [adopted](#) amendments to state air quality rules Chapter [17.8.102](#) and [17.8.103](#). The amendments update the publication date of federal rules incorporated by reference to 1 JUL 14. The [final rules](#) were effective 26 JUN 15.

LEGISLATIVE DEVELOPMENTS

The [Montana 2015 legislative session](#) began 5 JAN 15 and adjourned 28 APR 15. For information about legislation in 2015, refer to the [May 2015](#) edition of the Review.



AIR

NORTH DAKOTA SIP The North Dakota Department of Health [is proposing](#) revisions to the North Dakota State Implementation Plan (SIP). The revisions consist of an [Infrastructure SIP](#) to demonstrate that the North Dakota SIP is adequate to meet the requirements of the 2012 fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS). The Infrastructure SIP addresses requirements in CAA Sections 110(a)(1) and 110(a)(2). Comments are due 25 JUL 15.

LEGISLATIVE DEVELOPMENTS

The [North Dakota 2015 legislative session](#) began 6 JAN 15 and adjourned 29 APR 15. For information about legislation in 2015, refer to the [May 2015](#) edition of the Review.



LEGISLATIVE DEVELOPMENTS

The [South Dakota 2015 legislative session](#) began 13 JAN 15 and adjourned 30 MAR 15. For information about legislation in 2015, refer to the [April 2015](#) edition of the Review.



AIR

INCORPORATION BY REFERENCE: STATIONARY SOURCES The Utah Department of Environmental Quality (UDEQ) [adopted amendments](#) to rule [R307-210](#) that incorporate the majority of 40 CFR Part 60 into Utah air quality rules. Since 1 JUL 11, 40 CFR Part 60 has undergone many substantive changes that have not been incorporated into state rules. Incorporating federal rules into the state rule allows the Utah Division of Air Quality to enforce the standards. The [final rule](#) was effective 4 JUN 15.

WATER

ANTIDegradation Implementation Guidance UDEQ released [is requesting public comment](#) on [version 2.0 of the Antidegradation Implementation Guidance](#). The purpose of the Implementation Guidance is to document UDEQ's policies and procedures for implementing the antidegradation rule. Utah rule [R317-2-3](#) (Antidegradation Policy) protects state waters from degradation. Comments are due 28 AUG 15.

WATER CONSERVATION The Office of the Governor issued [Executive Order \(EO\) No. 2015-4](#) relating to water conservation. The EO, which applies to state agencies, encourages practices, policies, and equipment to conserve water used for landscape irrigation and indoor water use.

LEGISLATIVE DEVELOPMENTS

The [Utah 2015 legislative session](#) began 16 JAN 15 and adjourned 12 MAR 15. For information about legislation in 2015, refer to the [April 2015](#) edition of the Review.



LEGISLATIVE DEVELOPMENTS

The [Wyoming 2015 legislative session](#) began 13 JAN 15 and adjourned 6 MAR 15. For information about legislation in 2015, refer to the [April 2015](#) edition of the Review.

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 DefenseCommunitites360, [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 [Julia Miller](#), Army Region 8 Program Coordinator, (303) 844-0952.

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 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 the proposed 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.

COLORADO SIP EPA is proposing to approve revisions to the Colorado SIP that address interstate transport ([80 FR 30974](#)). Specifically, the revisions demonstrate the state meets the 2008 lead and 2010 nitrogen dioxide (NO₂) NAAQS. Comments were due 1 JUL 15.

MONTANA SIP EPA is proposing to approve a suite of revisions to the Montana SIP ([80 FR 30984](#)). The revisions approve local burning regulations, provide a process for revocation of air permits under certain circumstances, update citations and references, and make housekeeping corrections. Comments were due 1 JUL 15.

UTAH SIP EPA is proposing to approve revisions to the Utah SIP that revise rules, general requirements, and test methods and update the version of the CFR incorporated by reference ([80 FR 35295](#)). Comments are due 20 JUL 15.

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 [EO 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](#).

TOXICS

UTAH: LEAD-BASED PAINT RRP IN TARGET HOUSE AND CHILD-OCCUPIED FACILITIES EPA announced that on 20 APR 10 the state of Utah was deemed authorized under section 404(a) of the Toxic Substances Control Act (TSCA) to administer and enforce requirements for a lead-based paint renovation, repair and painting (RRP) program ([80 FR 31871](#)). EPA is seeking public comment on whether Utah's program is at least as protective as the federal program and provides for adequate enforcement. Comments are due 20 JUL 15.

WATER

FINAL MSGP FOR INDUSTRIAL DISCHARGES EPA Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 issued their final 2015 National Pollutant Discharge Elimination System (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](#).