



U.S. ARMY

# Western Review

## of Legislative & Regulatory Actions

### Region 8



The U.S. Army Regional Environmental & Energy Office

October 2015

The **REGION 8** *Western Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the six states in Federal Region 8, the *Western Review* gives early notice of legislative and regulatory activities relevant to DOD interests. The *Review* also helps installations meet ISO 14001 environmental management system requirements.

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



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## Stormwater Guidance

DOD updated and reissued the Unified Facilities Criteria (UFC) for Low Impact Development (LID) ([UFC 3-210-10](#)), which clarifies requirements governing stormwater runoff at DOD construction projects with a footprint greater than 5,000 square feet (ft<sup>2</sup>). LID is a stormwater management strategy designed to maintain site hydrology and mitigate the adverse impacts of stormwater runoff and nonpoint source pollution. Under the requirements of section 438 of the Energy Independence and Security Act of 2007 (EISA 438), federal construction or reconstruction projects with a footprint greater than 5,000 ft<sup>2</sup> are required to maintain predevelopment hydrology to the maximum extent feasible.

The updated UFC clarifies the applicability of LID requirements for federal projects, specifies project documentation requirements and designer responsibilities, and discusses the relationship between EISA 438 and the Clean Water Act (CWA). The updated UFC addresses:

- Ambiguity and inconsistency in applying LID requirements to projects with mixtures of building and pavement areas, particularly with regard to calculation of the applicable "footprint";
- Unclear and/or infeasible documentation requirements; and
- Unclear relationship between EISA requirements and CWA requirements, resulting in the potential to inappropriately include LID design goals in CWA permits.

According to DOD, the update will improve:

- Objectivity and consistency in applying stormwater management requirements of EISA 438 to DOD construction projects;
- Documentation of project LID goals and performance; and
- Understanding of the relationship between EISA 438 and CWA requirements to preclude inappropriate CWA permit stipulations.

The updated UFC describes how it relates to the Environmental Protection Agency's (EPA's) guidance on implementing stormwater runoff requirements for federal projects under EISA 438 ([EPA 841-B-09-001](#)) and [DOD's 2010 memorandum](#) on stormwater.

# Region 8

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



## *AIR*

**STARTUP, SHUTDOWN, AND MALFUNCTION IN COMMON PROVISIONS REGULATION** The Colorado Department of Public Health and Environment (CDPHE) [is proposing](#) revisions to the Common Provisions Regulation, Title 5 Colorado Code of Regulation (CCR) 1001-2. The department is proposing to revise the affirmative defense provisions in sections II.E and II.J, consistent with an EPA state implementation plan (SIP) call to amend provisions applying to excess emissions during periods of startup, shutdown, and malfunction (SSM). A public hearing is scheduled for 19 NOV 15. The revised text is available [here](#). Additional information is available [here](#).

**REGULATION 6: NEW SOURCE PERFORMANCE STANDARDS** CDPHE [adopted 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). In addition, the Colorado Air Quality Control Commission approved 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. The final rule was effective 15 OCT 15. For more information, click [here](#).

**REGULATION 8: HAZARDOUS AIR POLLUTANTS** CDPHE [adopted revisions](#) to Regulation Number 8 (Control of Hazardous Air Pollutants) Parts A (General Provisions) and E (National Emission Standards for Mercury). The revisions 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. The final rule was effective 15 OCT 15. For more information, click [here](#).

## *NATURAL RESOURCES*

**NOXIOUS WEEDS** The Colorado Department of Agriculture [is proposing](#) to amend the Colorado Noxious Weed Act. The [revisions](#) would move two plant species from the Watch List to List A; add two hybrid species to List B; update management plans for nine List B species; revise figures; correct nonsubstantive typographical errors; and update internal citations to reflect the new rules. A [public hearing](#) is scheduled for 20 OCT 15.

## *WATER*

**TRIENNIAL REVIEW OF CLASSIFICATIONS AND NUMERIC STANDARDS FOR SOUTH PLATTE RIVER BASIN** CDPHE adopted revised water quality classifications, standards, and designations for multiple segments in the Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation 38 (Title 5 Colorado Code of Regulation (CCR) Section 1002-38). The final rule is effective 31 DEC 15. The final rule is available [here](#) and [here](#).

## ***LEGISLATIVE DEVELOPMENTS***

The [Colorado legislature](#) meets every year. Bills do not carry over from prior years. The 2016 session begins 13 JAN 16 and is estimated to adjourn 4 MAY 16. For information about legislation in 2015, refer to the [July 2015](#) edition of the *Western Review*.



## ***TOXICS***

**ASBESTOS PROJECT PERMITTING** The Montana Department of Environmental Quality (MDEQ) [extended the public comment period](#) for [proposed amendments](#) to rules associated with the asbestos project permit program, including revisions to training provider requirements, permit fees, accreditation and accreditation renewal fees, and course approval and renewal fees. MDEQ is also proposing to repeal rules pertaining to course audit fees. The proposed amendments would increase fees for department-issued accreditations, training course providers, and asbestos projects. The rulemaking would amend Administrative Rules of Montana (ARM) 17.74.359, 17.74.364, 17.74.401, 17.74.402, and 17.74.403, and repeal ARM 17.74.404. The public comment period is extended to 2 NOV 15.

## ***LEGISLATIVE DEVELOPMENTS***

The [Montana legislature](#) meets during odd numbered years. The legislature is not in session in 2016. For information about legislation in 2015, refer to the [May 2015](#) edition of the *Western Review*.



## ***AIR***

**AIR POLLUTION CONTROL** The North Dakota Department of Health (NDDOH) [is proposing](#) revisions to the North Dakota SIP. The revisions implement requirements under the federal CAA and clarify and update existing rules. The rule changes affect industrial/commercial/institutional boilers and electric utility steam generators. Other amendments include changes to permitting requirements, revisions to public comment procedures, and increases to filing fees for a permit to construct. A public hearing is scheduled for 10 NOV 15. Comments are due 20 NOV 15. The proposed revisions are available [here](#).

## ***LEGISLATIVE DEVELOPMENTS***

The [North Dakota legislature](#) meets during odd numbered years. The legislature is not in session in 2016. For information about legislation in 2015, refer to the [May 2015](#) edition of the *Western Review*.



# South Dakota

## LEGISLATIVE DEVELOPMENTS

The [South Dakota legislature](#) meets every year. Bills do not carry over from prior years. The 2016 session begins 12 JAN 16 and is estimated to adjourn 28 MAR 16. For information about legislation in 2015, refer to the [April 2015](#) edition of the *Western Review*.



# Utah

## TOXICS

**LICENSES FOR RADIOACTIVE MATERIALS** The Utah Department of Environmental Quality (UDEQ) [adopted amendments](#) to rule [R313-22](#) (Specific Licenses). The amendments align state rules with federal requirements and make the licensing process more efficient and effective. The final rule is intended to make requirements for distributors of radioactive material clearer, less prescriptive, more risk-informed, and up-to-date. The amendments redefine categories of devices to be used under exemptions, add explicit provisions regarding the sealed source and device registration process, and add flexibility to the licensing of users of sealed sources and devices. The final rule was published 15 SEP 15, [effective](#) 26 AUG 15.

## LEGISLATIVE DEVELOPMENTS

The [Utah legislature](#) meets every year. Bills from prior years do not carry over. The 2016 session begins 25 JAN 16 and is estimated to adjourn 11 MAR 16. For information about legislation in 2015, refer to the [April 2015](#) edition of the *Western Review*.



# Wyoming

## LEGISLATIVE DEVELOPMENTS

The [Wyoming legislature](#) meets every year. Bills from prior years do not carry over. The 2016 session begins 8 FEB 16 and is estimated to adjourn 3 MAR 16. For information about legislation in 2015, refer to the [April 2015](#) edition of the *Western Review*.

# Department of Defense Activity

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

## ***DOD PUBLICATIONS***

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

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

## ***ENERGY***

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

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

# **Federal Activity**

## ***AIR***

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

**GHG EMISSIONS AND FUEL EFFICIENCY STANDARDS FOR MEDIUM- AND HEAVY-DUTY ENGINES AND VEHICLES** EPA and the Department of Transportation (DOT) extended the public comment period on their [proposed](#) national program to reduce greenhouse gas (GHG) emissions and fuel consumption for new on-road heavy-duty vehicles ([80 FR 53756](#)). The standards would be phased in, beginning with the 2018 model year over a 10-year period. DOT's proposed fuel consumption standards and EPA's proposed carbon dioxide (CO<sub>2</sub>) emission standards are tailored to each of four

regulatory categories of heavy-duty vehicles: combination tractors, trailers used in combination with those tractors, heavy-duty pickup trucks and vans, and vocational vehicles. The proposal also includes separate standards for the engines that power combination tractors and vocational vehicles. In addition, EPA is proposing hydrofluorocarbon standards to control leakage from air conditioning systems in vocational vehicles and nitrous oxide and methane standards for heavy-duty engines. The public comment period was extended to 1 OCT 15.

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

**COLORADO SIP: REGULATION 3 AND COMMON PROVISIONS** EPA is proposing to approve revisions to the Colorado SIP ([80 FR 55055](#)). The revisions amend [Regulation No. 3](#) (Stationary Source Permitting and Air Pollutant Emission Notice Requirements) and the [Common Provisions Regulation](#). The revisions include administrative changes to permitting requirements for stationary sources, updates to the fine particulate matter (PM<sub>2.5</sub>) implementation rules related to the federal New Source Review (NSR) program, changes to address previous revisions to Air Pollutant Emission Notice (APEN) regulations, and housekeeping revisions and corrections. Comments are due 14 OCT 15.

**UTAH SIP: VEHICLE INSPECTION AND MAINTENANCE** EPA approved revisions to the Utah SIP that address motor vehicle inspection and maintenance and associated provisions ([80 FR 54237](#)). The revisions involve amendments to Section X (Vehicle Inspection and Maintenance Program), Part A (General Requirements and Applicability); the addition of Section X Part F (Cache County); and revisions to Utah rules R307-110-1, R307-110-31, and R307-110-36. The final rule was effective 9 OCT 15.

## **CLEANUP**

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

## **CLIMATE CHANGE**

**CLIMATE RESILIENCE TOOLKIT** As part of the [Obama Administration's Climate Data Initiative](#), a new set of online climate data resources is available to help with climate change planning, adaptation, and management. The [U.S. Climate Resilience Toolkit](#) was developed by the National Oceanic and Atmospheric Administration and other federal agencies. The toolkit will boost climate resiliency by using data-driven tools, information, and subject-matter expertise. Future updates will include climate impact information specific to tribal nations.

## **EMERGING CONTAMINANTS**

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

## **ENERGY**

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

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

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

**MILITARY RENEWABLE ENERGY PROJECTS AID CLEAN POWER PLAN GOALS** According to a 17 SEP 15 report in the *Washington Post*, military emphasis on renewable energy could make it easier for some states to comply with new mandates to reduce CO<sub>2</sub> and other GHG emissions. Clean Power Plan regulations adopted by EPA in August require states to cut back on pollutants from power plants beginning in 2022, with incentives to replace coal with renewable energy, such as solar or wind. Each state has different emission reduction goals. "If the Army, Navy and Air Force met their combined announced goals of renewable energy capacity, the Defense Department could meet South Dakota's challenging emissions reduction requirements nearly one and a half times over," said a representative of a nonprofit association made up of companies involved in clean-energy technologies. To read the full article, click [here](#).

## **ENFORCEMENT**

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

- *Protecting Communities from Exposure to Toxic Air Emissions* – EPA is considering expanding the [current initiative](#) to include emissions from organic liquid storage tanks and hazardous waste activities.
- *Keeping Industrial Pollutants Out of the Nation's Waters* - This potential NEI would focus on the mining, chemical manufacturing, food processing, and primary metals manufacturing sectors that contribute to surface water pollution.
- *Reducing the Risks and Impacts of Industrial Accidents and Releases* - This potential NEI would focus on the facilities and the chemicals that pose the greatest risks, with a goal of increasing industry attention to preventing accidents, instead of addressing problems after accidents happen. Facilities subject to this NEI

could include any of the thousands of facilities across the country that produce, process, store, and use extremely hazardous or acutely toxic substances, from municipal water treatment plants to large refineries.

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

## ***ENVIRONMENTAL MANAGEMENT***

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

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

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

## ***NATURAL AND CULTURAL RESOURCES***

**NATIONAL WETLAND PLANT LIST** USACE, as part of an interagency effort with EPA, the Fish and Wildlife Service (FWS), and the Natural Resources Conservation Service, is announcing the availability of the [draft National Wetland Plant List 2015 \(80 FR 55103\)](#). Comments are due 13 NOV 15.

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

## ***SUSTAINABILITY***

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

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

**FWS DECLINES TO LIST GREATER SAGE-GROUSE** An unprecedented, landscape-scale conservation effort across the western U.S. has significantly reduced threats to the greater sage-grouse across 90% of the species' breeding habitat and led the FWS to conclude that the rangeland bird does not warrant protection under the Endangered Species Act (ESA). The collaborative, science-based greater sage-grouse strategy is the largest land conservation effort in U.S. history. FWS reached its determination after evaluating the bird's population status, along with the collective efforts by

the Bureau of Land Management (BLM), FS, state agencies, private landowners, DOD, and other partners to conserve its habitat. Despite long-term population declines, sage-grouse remain relatively abundant and well-distributed across the species' 173-million-acre range. After an analysis of the best available scientific information and taking into account ongoing key conservation efforts and their projected benefits, FWS has determined the bird does not face the risk of extinction now or in the foreseeable future and therefore does not need protection under ESA. For more information, click [here](#). To read brief evaluation of the impact of the ruling on the military, click [here](#).

**GREATER SAGE-GROUSE AND SAGEBRUSH CONSERVATION** BLM and FS finalized land use plans that will conserve key sagebrush habitat, address identified threats to the greater sage-grouse, and promote sustainable economic development in the West. The plans are a critical component that led FWS to conclude that the rangeland bird no longer warrants protection under ESA.

Land use plans focus on conserving priority habitat areas that have been identified as having the highest value to maintaining the species and its habitat. The plans identify land use measures in priority habitat that are designed to minimize or avoid habitat disturbance. Within priority habitat, the plans identify sagebrush focal areas as important landscape blocks with high breeding population densities of sage-grouse and existing high quality sagebrush. The plans also designate general habitat management areas, which provide greater flexibility for land use activities. The plans contain three common approaches:

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

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

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

**BULL TROUT RECOVERY PLAN** FWS released the final [Recovery Plan for the Coterminous United States Population of Bull Trout](#), including [six final recovery unit implementation plans \(80 FR 58767\)](#). The recovery plan includes specific goals, objectives, and criteria that should be met in order to consider removing the species from the Federal List of Endangered and Threatened Wildlife. [Bull trout](#) (*Salvelinus confluentus*) are native Washington, Oregon, Idaho, Nevada, Montana and western Canada.

## ***TOXICS***

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

## ***WASTE***

**HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE** EPA is proposing to update hazardous waste generator regulations to make them easier to understand, facilitate better compliance, provide greater flexibility in how

hazardous waste is managed, and close gaps in the regulations ([80 FR 57919](#)). Among the many proposed changes are revisions to hazardous waste container labeling requirements and satellite accumulation point management. The agency is proposing flexibility by:

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

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

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

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

## ***WATER***

**NPDES ELECTRONIC REPORTING** In advance of formal publication in the Federal Register, EPA released the text of a [final rule](#) that will require National Pollutant Discharge Elimination System (NPDES) permit related reporting to be filed electronically. This rulemaking is part of EPA's Next Generation Compliance strategy, as well as the E-Enterprise for the Environment strategy with states and tribes, to take advantage of new tools and innovative approaches to increase compliance and reduce pollution. EPA expects to publish the final rule in the Federal Register in October, 2015. The final rule will be effective 60 days following publication.

**SURFACE WATER PROTECTION FROM COAL MINING** The U.S. Department of Interior, Office of Surface Mining and Reclamation extended the public comment period on its proposed [Stream Protection Rule](#), [draft Environmental Impact Statement](#), and [draft regulatory impact analysis](#) developed in association with the rule ([80 FR 54590](#)). The proposed rule, intended to prevent or minimize impacts to surface water from coal mining operations, would revise [regulations for coal mining](#) that have been in place since 1983. The proposed rule requires coal companies to test and monitor the condition of streams that their mining might impact before, during, and after their operations, providing baseline data to ensure that operators could detect and correct problems if or when they arise. It also requires companies to restore

streams and return mined-over areas to the uses they were capable of supporting prior to mining activities and to replant them with native trees and vegetation unless a conflicting land use is implemented. The public comment period was extended to 26 OCT 15.

**2015 UST RULE: SUPPLEMENTARY INFORMATION** EPA released a [questions and answers](#) document regarding its 2015 underground storage tank (UST) rule. In addition, the agency released a brochure to answer questions about [implementation time frames](#). For more information about the 2015 UST rule, click [here](#).

# Professional Development

**USACE PROSPECT TRAINING** USACE announces course availability for the FY15 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to all federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [Course Catalog](#) and [List of Classes and schedule](#) for details. Environmental courses include, but are not limited to:

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

**NAVY AND ISEERB ENVIRONMENTAL TRAINING** The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule is available. Course topics include environmental overview and management, law planning and sustainability, pollution prevention, restoration, conservation, supplemental and Internet/computer-based training, and more.

**AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING** The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charges. Travel costs are borne by the student.

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

## ***FEDERAL TRAINING SOURCES***

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

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Regulatory Watch for information on new or changed laws or regulations;
- P2 opportunities and best management practices;
- EPA enforcement notices;

- Links to state environmental programs;
- Access to [environmental assistance](#);
- Access to free, FedCenter-sponsored courses:
  - [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
  - [Environmental Management Systems](#) (FedCenter membership required);
  - [Underground Storage Tanks](#) (FedCenter membership required);
- Environmental [conferences](#), meetings, [training](#), and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.

FedCenter also provides member assistance services such as:

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

## ***ONLINE TRAINING: SCHEDULED EVENTS***

**2015 SMALL WATER AND SYSTEMS WEBINAR SERIES** EPA's Office of Research Development and Office of water is hosting a monthly webinar series to communicate EPA's current small systems research along with agency priorities. The website includes an archive of past webinars.

- 27 OCT 15: Decentralized High-Rate Wastewater Treatment of Peak Wet Weather Flows
- 24 NOV 15: Treatability Databases, Cost Models, and other Tools for Water Systems
- 15 DEC 15: Reduction of Lead in Drinking Water

\* **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.

- 15 OCT 15: LED-ing the Way: Sophisticated and Energy Efficient Exterior Lighting Systems for DOD Installations
- 29 OCT 15: Assessment and Treatment of Contaminated Sediments
- 12 NOV 15: Munitions Response: Land Based Program Closeout
- 3 DEC 15: Emerging Contaminants: DOD Overview and State of Knowledge on Fluorochemicals and 1,4-Dioxane
- 17 DEC 15: Watershed Assessment and Stormwater Management Optimization Tools

**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)

**\*FEMP ENERGY MANAGEMENT TRAINING CERTIFICATE SERIES** The Federal Energy Management Program (FEMP) released [nine new certificate training series](#). The training is free, self-paced, and available online through the Whole Building Design Guide (WBDG). The series includes:

- [Energy-Efficient HVAC in Data Centers and Laboratories](#)
- [Guiding Principles for High-Performance Buildings](#)
- [Optimizing Building Operations](#)
- [Planning and Financing Renewable Energy Projects](#)
- [Project Financing through Energy Savings Performance Contracts](#)
- [Project Financing through Utility Energy Service Contracts](#)
- [Renewable Energy Technology Applications](#)
- [Solar Energy: Photovoltaics](#)
- [Sustainable Strategies for Operations and Maintenance and Energy Conservation](#)

**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.

**\*13 OCT – 10 NOV, ONLINE: [WATER RESOURCES MANAGEMENT USING NASA EARTH SCIENCE DATA: NASA SATELLITE MISSIONS AND LAND-ATMOSPHERE MODELS RELEVANT TO WATER RESOURCES MANAGEMENT](#)** This weekly, five-session series will provide information about availability and access to global freshwater data for applications in drought and agricultural management, flooding and reservoir management from NASA remote sensing observations and land-atmosphere models. The series will also provide geographic information system-based analysis of regional water budget for applications in water resources management. Each one-hour session will convene at 10:00 and again at 2:00 Eastern. The course agenda is as follows:

- 13 OCT: NASA Satellite Missions and Land-Atmosphere Models Relevant to Water Resources Management
- 20 OCT: Overview of Precipitation and Soil Moisture Data
- 27 OCT: Overview of Run off/Streamflow and Reservoir Height Data
- 3 NOV: Overview of Evapotranspiration and Ground Water Data
- 10 NOV: Regional Water Budget Estimation and Water Resources Data Applications

### ***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. Participants 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](http://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 SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> 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.

\* indicates the first time a professional development opportunity appears in the *Western Review*.

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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](#).