



U.S. ARMY

# Western Review of Legislative & Regulatory Actions Region 8



The U.S. Army Regional Environmental & Energy Office

June 2014

The **WESTERN REGION 8 REVIEW** provides current information on natural resource, energy, and environmental issues relevant to Department of Defense interests in the six states that comprise Federal Region 8. The Review is intended to be a tool useful to DoD and Army leaders, planners, and program managers in carrying out their responsibilities. The Western Region 8 Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. To receive a copy of this electronic publication, send an email request to [nancy.l.reese2.ctr@mail.mil](mailto:nancy.l.reese2.ctr@mail.mil).



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### WGA PROTESTS WATER TRANSFER RULE DECISION

Water projects in the west have brought water from near and far to agricultural and urban areas and fueled western growth and expansion. Some western state policy organizations now believe, however, that a [recent court ruling](#) would create regulatory hurdles that would make water transfers difficult to accomplish and prohibitively expensive.

The [Western Governors' Association](#) (WGA) and the Western States Water Council (WSWC) are urging the Environmental Protection Agency (EPA) to appeal a recent decision by the U.S. District Court for the Southern District of New York that vacated the EPA's [2008 Water Transfers Rule](#). The rule excluded water transfers from permitting requirements of the National Pollutant Discharge Elimination System (NPDES) program.

A [letter](#) sent on 12 May to EPA Administrator Gina McCarthy, co-signed by WGA and WSWC, points out that water transfers historically have not been subject to the NPDES program and the federal government has deferred to the states' control of water allocation and administration within their borders.

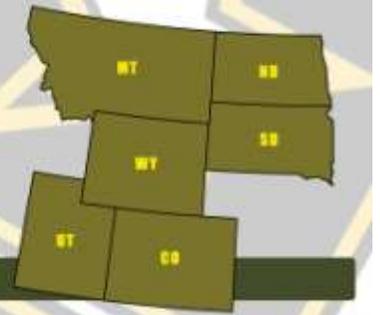
In the letter, WGA and WSWC maintain that the Clean Water Act (CWA) does not contain a clear statement from Congress that it intended the NPDES program to govern transfers. "To the contrary," the letter says, "Section 101(g) expressly states that the CWA will not supersede or abrogate the rights of states to allocate water quantities within their jurisdiction, and that water rights established by state law shall be protected."

The letter says that "western states rely on thousands of intrastate and regional transfers to move billions of gallons of water to satisfy domestic, agricultural, and industrial needs. Requiring NPDES permits for these transfers will be prohibitively expensive and could curtail certain transfers, with little if any water quality benefit."

In addition, the letter notes that such a requirement also will increase the uncertainty that already exists regarding the West's water supplies by hindering the states' ability to provide water to their citizens and economies, as well as plan for droughts, extreme events, and growing water demands.

# Region 8

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



## REGION 8 LEGISLATIVE WRAP UP

In 2014, the REEO-W monitored and tracked 214 bills in the four states that held legislative sessions in Region 8. Bills that may be of interest or impact DoD installations are summarized below.

**Utah** The Utah Legislature adjourned 13 MAR 14. Bills generally take effect 60 days following the end of the legislature, unless otherwise specified.

**UT HB 138** was signed by the Governor on 31 MAR 14. The bill requires the Utah Division of Environmental Response and Remediation to charge an additional fee for underground storage tanks with an annual throughput rate of 70,000 gallons or less (\$450 per tank). Storage tanks with an annual throughput rate of more than 70,000 gallons will incur a fee of \$150 per tank.

Possible Impact: Fee increases may require installations to reevaluate budgets for environmental compliance.

**UT SB 89** was signed by the Governor on 1 APR 14. It added "a United States governmental entity, including an entity of the United States military" to the existing list of potentially exempt customers of independent power producers. It also extended the install deadline to 31 DEC 21.

Possible Impact: The addition of the military to the list of potentially exempt customers of independent power producers supports the DoD's renewable energy development efforts in Utah.

**South Dakota** The South Dakota Legislature adjourned 31 MAR 14. Bills generally take effect 90 days after the end of the legislative session.

**HB 1083** failed on 14 FEB 14. The bill would have restricted conservation easements by limiting them to 99 years.

Possible Impact: This bill would have constrained military training, testing, and operations by limiting the term of conservation easements adjacent to military installations.



## AIR

**STATIONARY SOURCE PERMITTING: REGULATION 3** The Colorado Department of Public Health and Environment (CDPHE) is [proposing](#) revisions to its stationary source permitting rules. The revisions would amend the portion of Regulation 3, Parts A and D that corresponds to federal rule amendments including, but not limited to estimating carbon dioxide equivalent (CO<sub>2</sub>e), permitting emissions of fine particulates (PM<sub>2.5</sub>), greenhouse gas (GHG) plant wide applicability limitations (PALs), and prevention of significant deterioration (PSD) permitting related to GHG emissions. Other revisions would clarify the provisions for filing revised Air Pollutant Emission Notices (APEN) and amend notification requirements. Comments are due 7 AUG 14. A public hearing is scheduled for 21 AUG 14. For more information, contact [Leah Martland](#) at (303) 692-6269.

**STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: REGULATION 6** CDPHE is proposing to incorporate by reference changes the EPA made to its New Source Performance Standards (NSPS) program rules. Specifically, the department proposes to adopt the federal NSPS for:

- National Emission Standards for Hazardous Air Pollutants (NESHAP) From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial- Commercial-Institutional Steam Generating Units (Title 40, Code of Federal Regulation (CFR) Part 60, Subpart Da);
- Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After 14 MAY 07 (40 CFR Part 60, Subpart Ja); and
- Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (40 CFR Part 60, Subpart JJJJ).

Comments are due 4 AUG 14. A public hearing is scheduled for 21 AUG 14. For more information, contact [Leah Martland](#) at (303) 692-6269.

**NESHAP: REGULATION 8** CDPHE is proposing to incorporate by reference existing, new, and revised federal NESHAP into state rules. Among the federal standards being incorporated by reference:

- NESHAP for Area Sources: Industrial, Commercial, and Institutional Boilers (40 CFR Part 63, Subparts A and JJJJJJ);
- NESHAP for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities (40 CFR Part 63, Subpart BBBB);
- NESHAP for Source Category: Gasoline Dispensing Facilities (40 CFR Part 63, Subpart CCCCC);
- NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (40 CFR Part 63, Subpart HHHHHH);

Comments are due 4 AUG 14. A public hearing is scheduled for 21 AUG 14. For more information, contact [Leah Martland](#) at (303) 692-6269.

## ***ENERGY***

**RENEWABLE ENERGY STANDARD** The Colorado Public Utilities Commission adopted amendments to the state renewable energy standard (RES). This action is intended to revise and clarify the RES consistent with [Senate Bill \(SB\) 252 \(2013\)](#). SB 252 expands the list of eligible renewable energy resources that can be used to comply with RES requirements, eliminates requirements for renewable energy sources to be located within the state, modifies the RES applicable to cooperative electric associations, and requires annual reporting. The final rule is effective 14 JUN 14. For more information, contact [Becky Quintana](#) at (303) 894-2881.

## ***TOXICS***

**LICENSING OF RADIOACTIVE MATERIAL** CDPHE adopted final amendments to its rules for licensing of radioactive material. This action aligns state rules with federal requirements, updates references, revises state policy regarding issuance of licenses, and adds requirements pertaining to decommissioning. The final rule is effective 14 JUN 14. For more information, contact [James Jarvis](#) at (303) 692-3464.

**TRANSPORTATION OF RADIOACTIVE MATERIAL** CDPHE is proposing amendments to state rules governing the transportation of radioactive material. The amendments generally update references and align definitions with those used in other federal rules. Comments are due 13 JUN 13. A public hearing is scheduled for 18 JUN 14. For more information, contact [James Jarvis](#) at (303) 692-3464.

## WASTE

**HAZARDOUS WASTE GENERATOR FEES** CDPHE [adopted final amendments](#) that restore fees charged to hazardous waste generators to 2009 levels. Due to recent temporary fee decreases, this action will increase fees for 2014 by approximately 30 percent compared to 2013 levels. Hazardous waste fees are used to fund the hazardous waste program within CDPHE. Fees had decreased over the past 3.5 years because fund levels had exceeded expenditures. This action amends Title 6 Colorado Code of Regulation (CCR), 1007-3, Section 262.13 (Generator Annual Fees). The final rule is effective 30 JUN 14. For more information, contact [Brandy Valdez Murphy](#) at (303) 692-3467.

**HAZARDOUS WASTE COMMISSION FEES** The Colorado Solid and Hazardous Waste Commission [adopted amendments](#) to Section 6.04 of the Colorado Hazardous Waste Regulations (6 CCR 1007-3). Revisions are made to paragraph (a) to reflect the annual commission fee to be assessed for fiscal year 2014-2015. Fees charged to generators, transporters, and disposal facilities remain unchanged from FY 2013. The final rule is effective 30 JUN 14. For more information, contact [Brandy Valdez Murphy](#) at (303) 692-3467.

**FINANCIAL REQUIREMENTS FOR HAZARDOUS WASTE MANAGEMENT FACILITIES** CDPHE [adopted revisions](#) to the financial requirements for hazardous waste management facilities. This action amends 6 CCR 1007-3, Part 266 (Financial Requirements). The final rule is effective 30 JUN 14. For more information, contact [Brandy Valdez Murphy](#) at (303) 692-3467.

**REGULATED ASBESTOS-CONTAMINATED SOILS** CDPHE is proposing to re-write its rule governing asbestos contaminated soils. This action would delete existing 6 CCR 1007-2, Part 1, Section 5.5 (Management of Asbestos-Contaminated Soil), replace it with new Section 5.5 (Management of Regulated Asbestos-Contaminated Soils (RACS)) and add Appendix 5A (Sample Collection Protocols and Analytical Methodologies) and associated to definitions. CDPHE released a [statement of basis and purpose](#) for its proposed rulemaking and [scheduled a public hearing](#) for 15 JUL 14. The proposed [new Section 5.5](#) is intended to minimize human health risks when asbestos-contaminated soils are disturbed. The new proposed rules retain the standard operating procedures (SOPs) and pre-approved work plan options, and establish new standard requirements (Section 5.5.7) that can be implemented in lieu of a work plan or SOP, thus eliminating the need for plan submittal. For more information, contact [Brandy Valdez Murphy](#) at (303) 692-3467.

## WATER

**BIOSOLIDS REGULATION** CDPHE [adopted amendments](#) to its rules for biosolids. This action amends the Colorado Biosolids Regulation, Regulation 64 (5 CCR 1002-64) by clarifying, modifying, or updating four parts of the regulation. The amendments:

- Add an additional method to determine the depth to groundwater;
- Increase flexibility in determining the application rate for reclamation sites;
- Align phosphorus values and references with federal and state programs; and
- Clarify testing requirements.

The final rules are effective 30 JUN 14. For more information, contact [Tim Larson](#) at (303) 691-4091.

## LEGISLATIVE DEVELOPMENTS

The [Colorado 2014 legislative session](#) began 8 JAN 14 and adjourned 7 MAY 14.

<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>
<b>AIR/CLIMATE CHANGE</b>				

<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>
<b>ENERGY</b>				
<a href="#">SB 35</a> <i>Senator Ted Harvey (R)</i> Proposes to repeal SB 252 (2013). Reduces costs of compliance with state renewable energy standards and eliminates requirements for cooperative electric corporations.	✓			Failed
<b>LAND USE</b>				
<a href="#">HB 1150</a> <i>Representative Robert Rankin (R)</i> Proposes to create the Division of Federal Land Coordination in the Department of Local Affairs to address federal land decisions in Colorado that affect state and local governments. The chief coordinator is required to form a federal land coordination task force to study certain federal land decisions.	✓			Failed
<a href="#">HB 1210</a> <i>Representative Cheri Gerou (R)</i> Proposes to require a county or state agency that owns state forest, range, or wildland areas to enter into an intergovernmental agreement addressing harm caused by wildfires.	✓	✓	✓	Signed by Governor
<a href="#">SB 52</a> <i>Senator Larry Crowder (R)</i> Proposes to address actions taken by county commissioners to mitigate the effects of windblown soil and/or erosion. Expands the list of consultants county commissions can consult with and lifts the cap on treatment costs.	✓	✓	✓	Signed by Governor
<b>NATURAL RESOURCES</b>				
<a href="#">HB 1267</a> <i>Representative Randy Fischer (D)</i> Proposes to broaden the exception that allows introduction of black-footed ferrets on private land under a "safe harbor" agreement. Allows a political subdivision of the state to introduce black-footed ferrets on its own land if done so under a safe harbor agreement with the U.S. Fish and Wildlife Service.	✓	✓	✓	Signed by Governor
<b>OTHER</b>				
<a href="#">SB 142</a> <i>Senator Gail S. Schwartz (D)</i> Proposes to eliminate Department of Agriculture inspections of public water systems and wastewater treatment works that store pesticides if the facility is also subject to equivalent inspections by the Department of Public Health and Environment.	✓	✓	✓	Signed by Governor
<a href="#">SB 157</a> <i>Senator Morgan Carroll (D)</i> Proposes to require the Department of Military Affairs to commission a study assessing the overall strengths and advantages of the state of Colorado in meeting the strategic objectives of the DoD.	✓	✓	✓	Signed by Governor
<b>WASTE</b>				
<a href="#">HB 1339</a> <i>Representative Cheri Gerou (R)</i> Proposes to create the hazardous substance site response fund. Appropriates funds.	✓	✓	✓	Signed by Governor
<a href="#">HB 1352</a> <i>Representative Max Tyler (D)</i> Proposes to repeal and re-enact state tire laws. Consolidates waste tire laws in new part of solid waste statute. Delegates authority to the Department of Public Health and Environment. Establishes fees.	✓	✓	✓	Signed by Governor

<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>
<b>SB 29</b> <i>Senator Linda Newell (D)</i> Proposes to require that each producer of architectural paint being sold in the state participate in a paint stewardship program that establishes standards and practices for the collection, transportation, reuse, recycling, and disposal of postconsumer architectural paint.	✓	✓	✓	Signed by Governor
<b>WATER</b>				
<b>HB 1002</b> <i>Representative Dave Young (D)</i> Proposes to create a natural disaster fund and direct the state to award grants to local governments (including local governments accepting grants on behalf of non-profit public water systems) for design, construction, improvement, renovation, or reconstruction of wastewater treatment works or public drinking water systems damaged by a natural disaster.	✓	✓	✓	Signed by Governor
<b>HB 1026</b> <i>Representative Randy Fischer (D)</i> Proposes to create a more flexible change-in-use system for water court proceedings. Allows an applicant who seeks an alternative irrigation system to apply for a change in beneficial use without designating the specific beneficial use to which the water will be applied.	✓	✓		Failed upon adjournment
<b>HB 1028</b> <i>Representative Jerry Sonnenberg (R)</i> Proposes to specify conditions under which U.S. Government water rights are forfeited.	✓	✓		Failed upon adjournment
<b>HB 1160</b> <i>Representative Diane Mitsch Bush (D)</i> Proposes to exempt sludge waste vehicles operated by a city, county, municipal utility, or special district from wheel and axle load restrictions. Authorizes the issuance of an annual fleet permit for 2- or 3-axle group vehicles with divisible loads.	✓	✓	✓	Signed by Governor
<b>HB 1184</b> <i>Representative Edward Vigil (D)</i> Proposes to amend rules for conservancy district board of directors. Makes changes to rules governing the Pueblo Conservancy District Board of Directors.	✓	✓	✓	Signed by Governor
<b>HB 1218</b> <i>Representative Randy Fischer (D)</i> Proposes to allow the use of surface water to replace or augment out-of-priority groundwater depletions without filing an application for a change of water right if certain conditions are met.	✓			Failed
<b>HB 1320</b> <i>Representative Edward Vigil (D)</i> Proposes to increase the due diligence filing period for owners of conditional water rights to ten years until the water right has been decreed absolutely or abandoned.	✓			Failed upon adjournment
<b>HB 1332</b> <i>Representative Randy Fischer (D)</i> Proposes to address water administration in the South Platte River. Implements recommendations of a study of historical hydrologic data and water administration. Requires the state engineer to establish a framework for voluntary movement of excess water supplies.	✓			Failed upon adjournment
<b>HB 1333</b> <i>Representative Randy Fischer (D)</i> Proposes to appropriate funds for water projects.	✓	✓	✓	Signed by Governor

<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>
<b>SB 72</b> <i>Senator Greg Brophy (R)</i> Proposes to specify that the state engineer and water judges must treat all out-of-priority groundwater depletions occurring in water district 1 through 7 or 64 in water division 1 that accrued on or before 12 SEP 13, as having been fully replaced.	✓			Failed
<b>SB 115</b> <i>Senator Ellen Roberts (R)</i> Proposes to require the Colorado Water Conservation Board to hold a hearing on a draft state water plan within each basin roundtable, update the plan based on public comments, and present the draft plan to the water resources review committee.	✓	✓	✓	Signed by Governor
<b>SB 134</b> <i>Senator Mary Hodge (D)</i> Proposes to repeal certain water quality control fund and statutory schedule of fees and to create new funds. Identifies who must pay into the funds and what services the funds will cover. Provides the Water Quality Commission with certain rulemaking authorities.	✓			Failed
<b>SB 145</b> <i>Senator Mary Hodge (D)</i> Proposes to allow local governments to consider tap fee reductions for new developments that implement water efficiency and conservation measures.	✓			Failed
<b>SB 147</b> <i>Senator Scott W. Renfroe (R)</i> Proposes to authorize a study to evaluate impacts of groundwater pumping on surface stream flows. Studies South Platte River and South Platte alluvial aquifer.	✓			Failed



**TMDL: EAST FORK YAAK RIVER** The Montana Department of Environmental quality (MDEQ) [held](#) a public meeting on 12 MAY 14 to provide information and accept written comments on a water quality plan for the East Fork Yaak River. The East Fork Yaak River Nutrient Total Maximum Daily Load (TMDL) document describes water quality problems related to nutrients in the East Fork Yaak River, located in Lincoln County. Comments were due 4 JUN 14. For more information, contact [Jordan Tollefson](#) at (406) 444-5341.

### ***LEGISLATIVE DEVELOPMENTS***

[Montana does not hold a regular legislative session](#) in 2014.



**WATER RULES** The North Dakota State Engineer and the State Water Commission [adopted final amendments](#) to North Dakota Administrative Code Articles 89-03 (Water Appropriations), 89-06 (Funding from the Resources Trust Fund), 89-07 (Atmospheric Resource Board), 89-10 (Sovereign Lands), and 89-11 (Drought Disaster Livestock Water Supply Project Assistance Program). The final rules are effective 1 JUL 14. For more information, contact the [State Engineer](#) at (701) 328-4941.

## ***LEGISLATIVE DEVELOPMENTS***

North Dakota does not hold a regular legislative session in 2014.



## ***LEGISLATIVE DEVELOPMENTS***

The [South Dakota 2014 legislative session](#) began 14 JAN 14 and adjourned 31 MAR 14. For information about legislation in 2014, refer to the [April 2014](#) edition of the Review.



## ***AIR***

**PM2.5 SIP** The Utah Department of Environmental Quality (UDEQ) [is proposing](#) to add a definition for “optional add-on controls” to R307-101-2. This action is in response to EPA comments that the optional add-on control requirements in the Utah PM2.5 SIP do not define the emission capture rate. Comments were due 2 JUN 14. For more information, contact [Mark Berger](#) at (801) 536-4000.

**SOLVENT DEGREASING RULE REVISIONS** UDEQ released [revisions](#) to [proposed amendments](#) to its rules establishing volatile organic compound (VOC) emission limits for degreasing and solvent cleaning operations in rule [R307-355](#). The revisions, based on stakeholder comment, allow the use of 100% isopropyl alcohol in certain applications. Previous amendments to this rulemaking added an exemption for electrical and electronic components and for operations that are exclusively covered by DoD military technical data and performed on site at installations owned or operated by the U.S. Armed Forces. For more information, contact [Mark Berger](#) at (801) 536-4000.

**AIR QUALITY RULES: INCORPORATION BY REFERENCE** UDEQ [is proposing](#) to update the publication date of the Code of Federal Regulation (CFR) incorporated by reference in state air quality rules to 1 JUL 13. This action amends rule R307-101-3. Comments are due 1 JUL 14. For more information, contact [Mark Berger](#) at (801) 536-4000.

**NESHAPS: INCORPORATION BY REFERENCE** UDEQ [is proposing](#) to update the publication date of the CFR incorporated by reference in state rules for hazardous pollutants to 1 JUL 13. This action amends rule R307-214, which incorporates 40 CFR Parts 61 and 63. Comments are due 1 JUL 14. For more information, contact [Mark Berger](#) at (801) 536-4000.

## ***NATURAL RESOURCES***

**AQUATIC INVASIVE SPECIES** The Utah Department of Natural Resources is proposing amendments to its aquatic invasive species interdiction rules (R657-60). The amendments would establish inspection stations to prevent the spread of Dreissena mussels. Comments are due 16 JUN 14. For more information, contact [Staci Coons](#) at (801) 538-4718.

## ***WATER***

**PHOSPHORUS POLLUTION RULE** UDEQ [announced](#) it will solicit public input on a proposed rule that would limit the amount of phosphorous that wastewater treatment plants can discharge into state waters. The proposed regulation would establish a technology-based limit of 1 milligram per liter (mg/L) total phosphorous for all non-lagoon treatment plants, with some exceptions. These proposed limits will provide, on average, a 50% decrease in the phosphorous

entering Utah's waters from treatment plants. Comments are due 1 AUG 14. For more information, contact Walt Baker at (801) 536-4310.

**DRINKING WATER STORAGE TANKS** UDEQ [is proposing](#) to modify its rules for drinking water storage tanks operated by public water systems. The amendments would modify, clarify, add, and eliminate certain work practice requirements; make corrections to terminology used throughout the document, and make housekeeping revisions. Comments are due 1 JUL 14. For more information, contact [Ying-Ying Macauley](#) at (801) 536-4188.

**DRINKING WATER TRANSMISSION AND DISTRIBUTION PIPELINES** UDEQ [is proposing](#) to modify its rules for public water distribution pipelines and distribution systems. The revisions address backflow, use of lead-free materials, pipe size, pipe construction and design, fire protection (fire hydrant design and operation), water pressure, pipeline pressure, and more. Comments are due 1 JUL 14. For more information, contact [Ying-Ying Macauley](#) at (801) 536-4188.

**WATER QUALITY STANDARDS: BLUE CREEK RESERVOIR AND BLUE CREEK** UDEQ [released revisions](#) to its [proposal](#) to adopt a site specific total dissolved solids standard for Blue Creek Reservoir and Blue Creek. State rules (R317-2-7) allow for site-specific standards where natural or unalterable conditions prevent attainment of statewide water quality standards. A public hearing is scheduled for 1 JUL 14. For more information, contact [Judy Etherington](#) at (801) 536-4344.

**2014 INTEGRATED REPORT FOR SURFACE WATERS** UDEQ [released](#) the [Utah 2014 Integrated Report](#) on the condition of Utah's rivers, streams, lakes, and wetlands for public comment. Comments are due 14 JUL 14. For more information, contact [Chris Bittner](#) at (801) 536-4371.

## ***LEGISLATIVE DEVELOPMENTS***

The [Utah 2014 legislative session](#) began 27 JAN 14 and adjourned 13 MAR 14. For information about legislation in 2014, refer to the [April 2014](#) edition of the Review.



## ***WASTE***

**SOLID WASTE PERMITTING AND CORRECTIVE ACTION** The Wyoming Department of Environmental Quality (WDEQ) adopted amendments to [Chapter 1](#) (General Provisions) and new [Chapter 17](#) (Municipal Solid Waste Landfill Remediation Program). The final rules were effective 5 MAY 14. For more information, contact [Luke Esch](#) at (307) 777-7192.

## ***WATER***

**CROW CREEK: SEDIMENT TMDL** WDEQ [released](#) a sediment TMDL for a portion of Crow Creek that flows through the city of Cheyenne for public comment. Comments were due 12 JUN 14. For more information, contact Kevin Hyatt at (307) 777-8582.

## ***LEGISLATIVE DEVELOPMENTS***

The [Wyoming 2014 legislative session](#) began 10 FEB 14 and adjourned 6 MAR 14. For information about legislation in 2014, refer to the [April 2014](#) edition of the Review.

# Department of Defense Activity

## **ARMY POLICY AND GUIDANCE**

**STRATEGIC PLAN FOR DOD BIRD CONSERVATION AND MANAGEMENT** The *Strategic Plan for Bird Conservation and Management on DoD Lands, 2014* is a compilation of current best management practices and suggested focus areas to help commanders comply with the [Migratory Bird Treaty Act](#), [Bald and Golden Eagle Protection Act](#), [Executive Order \(EO\) 13186](#), the [Memorandum of Understanding \(MOU\)](#) associated with the EO, and the final rule on the [take of migratory birds by the Armed Forces](#). The plan is posted on the [DoD Natural Resources website](#). Contact [Paul Block](#) for access, or [request a copy](#) of the strategic plan.

**ARMY DIRECTIVE FOR MINERAL LEASING** On 23 MAY 14, the Secretary of the Army signed [Army Directive 2014-13](#) (Minerals Leasing Policy). The directive establishes the Assistant Secretary of the Army, Installations, Energy, and Environment (ASA (IE&E)) as the approval authority for mineral leasing on Army military land and provides guidance for preparing installation-level mineral leasing plans. The directive tasks the U.S. Army Corps of Engineers (USACE) to update the applicable Army Regulation to incorporate the new policy elements.

**ARMY AND DOD POLICY ON WATER RIGHTS** On 23 MAY 14, John Conger, Acting Deputy Under Secretary of Defense (Installations and Environment) issued a water rights memorandum to the Departments of Army, Navy, and Air Force describing DoD's water rights policy. The memorandum is intended to ensure DoD has taken adequate measures to plan, prepare, and provide for an adequate water supply to meet installation needs. In addition, on 12 MAY 14, the Secretary of the Army issued new [Army Directive 2014-08](#) (Water Rights Policy for Army Installations in the United States). The policy directs all Army installations in the U.S. to identify, acquire, and preserve water rights for ground and surface water, consistent with mission requirements and mission sustainment. The directive requires the Office of the Assistant Chief of Staff for Installation Management (OACSIM) to report on the current state of the Army's water rights including an assessment of the sufficiency of existing water rights to meet mission requirements. OACSIM is required to issue implementing guidance to execute this policy within 180 days and incorporate the guidance into the next revision of Army Regulation (AR) 405-80 (Management of Title and Granting Use of Real Property) and 420-1 (Army Facilities Management), as appropriate.

**MDA TO DEVELOP NEPA PROCEDURES** The Missile Defense Agency (MDA) intends to establish National Environmental Policy Act (NEPA) implementing procedures and categorical exclusions (CATEXs) specific to MDA projects and actions ([79 FR 26213](#)). As a DoD agency, MDA does not own real property. Because most MDA actions typically occur on host military service installations or ranges, or other federal agency properties, MDA historically relied upon host installation or federal agency NEPA implementation, including their implementing procedures and CATEXs. Under the proposed policy, MDA (as a tenant) will work with the host agency/service to fulfill MDA and host implementing regulations (or procedures) and guidance in complying with NEPA and related EOs. Comments were due 6 JUN 14. For more information, contact [Eric Sorrells](#) at (256) 450-2677.

## **REPORTS AND STUDIES**

**SUSTAINABLE RANGES** The Government Accountability Office (GAO) issued a report finding that the DoD's [2014 Sustainable Ranges Report](#) met annual reporting requirements ([GAO-14-517](#)). Section 366 of the National Defense Authorization Act for Fiscal Year 2003 (as amended) required DoD to submit a comprehensive plan to address training constraints caused by limitations on the use of military lands, marine areas, and airspace available in the United States and overseas for training, and provide annual progress reports on these efforts through 2018. GAO did not make any recommendations in its report and DoD agreed with GAO's report. For more information, contact [Brian Lepore](#) at (202) 512-4523.

**GAO REPORT: DoD NEEDS TO IMPROVE HAZMAT TRANSPORTATION** GAO conducted a year-long audit of DoD's performance, guidance, policies, and procedures for shipping hazardous materials (HAZMAT), including transport of arms, ammunition, and explosives and issued a report ([GAO-14-375](#)). The report recommends that DoD:

- Identify the root causes of improper documentation and packaging of HAZMAT throughout the DoD transportation system, identify any needed corrective actions, and develop an action plan;
- Establish a process to identify and implement the necessary corrective actions to ensure that DoD installations identified by Army [Surface Deployment and Distribution Command](#) emergency response reports provide secure hold for sensitive shipments or assist them in locating the nearest alternate means to secure those shipments; and
- Determine whether changes should be made to the process used by DoD to decide HAZMAT carrier eligibility and evaluate performance for the Transportation Protective Services program.

## Federal Activity

### *AIR*

**CONTINUOUS OPACITY MONITORING SYSTEMS** EPA issued a final rule addressing quality assurance/quality control (QA/QC) procedures for continuous opacity monitoring systems (COMS) used to demonstrate continuous compliance with opacity standards specified in new source performance standards (NSPS) ([79 FR 28439](#)). Procedure 3 is intended to establish the minimum QA/QC requirements to verify and maintain an acceptable level of data quality. It is presented in general terms to allow permittees to develop a program that is most effective for their circumstances. The compliance deadline is 12 NOV 14. For more information, contact [Lula Melton](#) at (919) 541-2910.

**PROPOSED CONSENT DECREE: NSPS FOR RESIDENTIAL WOOD HEATERS** Under the terms of a [proposed consent decree](#), EPA would be required to review and (if necessary) revise NSPS for new residential wood heaters by 3 FEB 15 ([79 FR 26752](#)). The proposed consent decree is in response to a lawsuit filed by three groups alleging that EPA failed in its duty to review and if necessary revise NSPS for new residential wood heaters at least every eight years. Among the three groups that filed the lawsuit are the "State Plaintiffs," which include Connecticut, Maryland, New York, Oregon, Rhode Island, Massachusetts, and the Puget Sound Clean Air Agency. Comments on the proposed consent decree were due 9 JUN 14. For more information, contact [Scott Jordan](#) at (202) 564-7508.

**DATA REQUIREMENTS RULE FOR THE ONE-HOUR SO<sub>2</sub> PRIMARY NAAQS** EPA is proposing to require state and tribal air agencies to provide data to characterize current air quality in certain areas for which data is lacking ([79 FR 27445](#)). The proposed rule describes criteria for identifying the sources around which air agencies would need to characterize sulfur dioxide (SO<sub>2</sub>) concentrations. It also describes a process for and timetables by which air agencies would characterize air quality through ambient monitoring and/or air quality modeling techniques and submit such data to EPA. Data developed by states in accordance with this rulemaking would be used by EPA in future rounds of area designations for the one-hour SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS).

**VENTING ALLOWED FOR SPECIFIC REFRIGERANT SUBSTITUTES** EPA is exempting certain refrigerant substitutes from the prohibition under the Clean Air Act (CAA), Section 608 on venting, release, or disposal ([79 FR 29682](#)). In this action, EPA is exempting from the venting prohibition:

- Isobutane (R-600a) and R-441A, as refrigerant substitutes in household refrigerators, freezers, and combination refrigerators and freezers, and
- Propane (R-290), as a refrigerant substitute in retail food refrigerators and freezers (stand-alone units only).

The final rule is effective 23 JUN 14. For more information, contact [Sally Hamlin](#) at (202) 343-9711.

**NORTH DAKOTA SIP** EPA approved revisions to the North Dakota State Implementation Plan (SIP) that affect state air pollution control general provisions, ambient air quality standards (SO<sub>2</sub>, nitrogen dioxide (NO<sub>2</sub>), and lead), and permitting ([79 FR 25021](#)). The final rule was effective 2 JUN 14. For more information, contact [Gail Fallon](#) at (303) 312-6281.

**UTAH SIP** EPA is approving revisions to the Utah SIP that affect permitting for new and modified sources ([79 FR 27190](#)). This action would approve new Utah state rules codified at [Title 307, Rule 401](#) (Permit: New and Modified Sources). The final rule is effective 12 JUN 14. For more information, contact [Kevin Leone](#) at (303) 312-6227.

## ***CLIMATE CHANGE***

**STATE POLICY UPDATE 2012-2014** The topic of climate change remains contentious in many states, and legislative trends demonstrate that states are taking a range of approaches to climate policy. The National Conference of State Legislatures's [state policy update](#) lists legislative activity from 2012 through 2014, including trends such as climate action plans, responses to EPA regulations, cap and trade, carbon capture and storage, and adaptation.

**THIRD NATIONAL CLIMATE ASSESSMENT** The [National Climate Assessment report](#), released this week by the [U.S. Global Change Research Program](#), summarizes the impacts of climate change on the United States, now and in the future. By focusing on local impact rather than national averages, the report concludes that the evidence of human-induced climate change continues to strengthen and that impacts are increasing across the country.

**DIRECTORY OF REGIONAL CLIMATE CHANGE ADAPTATION PROGRAMS** EPA released a [directory](#) of regional climate change adaptation programs of federal natural resources agencies. The directory was developed as a tool for EPA regional offices to use to strengthen coordination with the regional programs developed by other federal natural resources agencies to assist in preparing for climate change. It may also inform federal agencies, states, tribes, local governments, and other stakeholders about federal agency resources that are deployed on a regional basis and facilitate coordination among federal agencies at the regional level.

**PROPOSED REGISTRY OF CLIMATE CHANGE VULNERABILITY ASSESSMENTS** The U.S. Geological Survey (USGS) submitted a request to allow it to collect information on existing assessments of the vulnerability of various natural resources and societal assets to climate change ([79 FR 29201](#)). Many governmental and nongovernmental parties are conducting such assessments. USGS intends to make the information collected available on the Internet in the form of a simple registry-type database. Comments are due 20 JUN 14. For more information, contact [Robin O'Malley](#) at (703) 648-4086.

## ***ENERGY***

**WHITE HOUSE ENERGY REPORT** The White House issued a new [report](#) on the energy strategy it terms "All of the Above." The All-of-the-Above energy strategy has three key elements: support economic growth and job creation, enhance energy security, and deploy low-carbon energy technologies and lay the foundation for a clean energy future. This report lays out these three elements of the All-of-the-Above energy strategy, and takes stock of the progress that has been made to date and the work that remains to be done. For more information, visit the White House Council of Economic Advisors [website](#).

**ENERGY OUTLOOK 2014** The U.S. Energy Information Administration (EIA) released [Annual Energy Outlook 2014](#) (269 pages), its annual projection of energy trends in the U.S. The outlook presents long-term annual projections of energy supply, demand, and prices focused on the U.S. through 2040. Projections are generally based on federal, state, and local laws and regulations in effect at the end of October 2013. Under the assumption that current laws and regulations remain unchanged throughout the projections, the report provides the basis for examination and discussion of energy production, consumption, technology, and market trends and the direction they may take in the future. It can also serve as a starting point for analysis of potential changes in energy policies. For more information, visit EIA's [Energy Outlook website](#).

**GAO REPORT ON ALTERNATIVE JET FUELS** GAO produced a report on the progress and challenges to developing and using alternative jet fuels in the United States ([GAO-14-407](#)). The report examines the role of the federal government in the development and use of alternative jet fuels and key challenges to developing and using alternative jet fuels and actions that the federal government plans to or could take to address those challenges. GAO found that the U.S. supports the development of alternative jet fuels through broad and targeted initiatives. Broad national strategies promote the development of a variety of alternative fuels to help achieve national goals (e.g. fostering energy independence, promoting economic development, and reducing GHG emissions) while EPA's renewable fuels programs set specific annual targets for the use of renewable fuels in the transportation sector. In addition, several agencies directly support alternative jet fuels through targeted goals, initiatives, and interagency and industry coordination efforts. These agencies include the departments of transportation, energy, and agriculture (DOT, DOE, USDA), the Federal Aviation Administration (FAA), and DoD. GAO also found that achieving price competitiveness for alternative jet fuels is the overarching challenge to developing a viable market and that even if federal actions result in lower costs to produce alternative jet fuels, market factors may still determine the long-term success of the industry.

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

**ACHP MOVES TO NEW LOCATION** The Advisory Council on Historic Preservation (ACHP) moved to a new location. The agency's new address and telephone number is 401 F Street NW, Suite 308, Washington, DC, 20001-2637. The phone number is changed to (202) 517-0222.

**ENVIROATLAS** EPA released [EnviroAtlas](#), a web-based interactive tool integrating more than 300 separate data layers designed to help users understand the ecosystem impacts of a decision, such as siting a new road or city park. EnviroAtlas uses seven broad categories to organize its information and data on ecosystem services: Clean Air; Clean and Plentiful Water; Natural Hazard Mitigation; Climate Stabilization; Recreation, Culture and Aesthetics; Food, Fuel and Materials; and Biodiversity Conservation. EnviroAtlas is a collaborative project developed by EPA, in cooperation with the USGS, USDA's Natural Resources Conservation Service (NRCS), the Forest Service, and [Landscape America](#). It develops and incorporates data from federal, state, community, and non-governmental organizations.

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

**DESIGNATING AND REVISING CRITICAL HABITAT** The Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) are proposing revisions to service rules concerning procedures and criteria used for designating and revising critical habitat for species listed as threatened or endangered ([79 FR 27066](#)). The proposed amendments would make minor edits to the scope and purpose, add and remove some definitions, and clarify criteria for designating critical habitat. This proposed revision is one of three Federal Register entries, of which two are proposed rules and one is a draft policy. Comments are due 11 JUL 14. For more information, contact Douglas Krofta (FWS) at (703) 358-2527 or Marta Nammack (NMFS) at (301) 427-8469.

**DEFINITION OF DESTRUCTION OR ADVERSE MODIFICATION OF CRITICAL HABITAT** FWS and NMFS are proposing to revise the definition of the term "destruction or adverse modification" in service rules implementing the Endangered Species Act (ESA) ([79 FR 27060](#)). This action is being taken in response to recent court decisions (U.S. Court of Appeals for the Fifth (2001) and Ninth (2004) Circuits) that invalidated the services' definition. The services are proposing to replace the invalidated definition with one that is consistent with ESA and circuit court opinions. Comments are due 11 JUL 14. For more information, contact Patrice Ashfield (FWS) at (703) 358-2171 or Cathryn Tortorici (NMFS) at (301) 427-8405.

**POLICY FOR CRITICAL HABITAT EXCLUSIONS** FWS and NMFS released a [draft policy](#) on exclusions from critical habitat under ESA ([79 FR 27051](#)). The draft policy provides the services' position on what they consider in the exclusion process. In particular, the policy specifies how the services evaluate whether DoD Integrated Natural Resource Management Plans (INRMPs) provide a benefit to a species when designating critical habitat for that species. This policy is meant to complement the proposed revisions to Title 50 Code of Federal Regulation, Part 424 (50 CFR 424)

and to provide for a simplified exclusion process. Comments are due 11 JUL 14. For more information, contact Douglas Krofta (FWS) at (703) 358-2527 or Marta Nammack (NMFS) at (301) 427-8469.

**FIVE-YEAR STATUS REVIEWS: NINE SPECIES IN THE MOUNTAIN-PRAIRIE REGION** FWS initiated five-year status reviews of four animal and five plant species found in the [Mountain-Prairie region \(79 FR 25833\)](#). Species under review include the [black-footed ferret](#) (*Mustela nigripes*), [Pallid sturgeon](#) (*Scaphirhynchus albus*), [Virgin River chub](#) (*Gila seminuda* (= *robusta*)), [woundfin](#) (*Plagopterus argentissimus*), [Heliotrope milk-vetch](#) (*Astragalus montii*), [Jones cycladenia](#) (*Cycladenia humilis* var. *jonesii*), [Kodachrome bladderpod](#) (*Lesquerella tumulosa*), [Osterhout milkvetch](#) (*Astragalus osterhoutii*), and [Penland beardtongue](#) (*Penstemon penlandii*). Comments are due 7 JUL 14. For information on each species and its distribution, click on the species common name. For contact information for each species, click on the Federal Register link.

**FIVE-YEAR STATUS REVIEWS: FIVE SPECIES IN THE SOUTHWEST REGION** FWS initiated five-year status reviews for five species found in the [Southwest region \(79 FR 27632\)](#). The species are the [Little Colorado spinedace](#) (*Lepidomeda vittata*), [sentry milk-vetch](#) (*Astragalus cremnophylax* var. *cremnophylax*), [Siler pincushion cactus](#) (*Pediocactus* (= *Echinocactus*, = *Utahia*) *sileri*), [slender rush-pea](#) (*Hoffmannseggia tenella*), and [Yuma clapper rail](#) (*Rallus longirostris yumanensis*). Comments are due 14 JUL 14. For information on each species and its distribution, click on the species common name. For contact information for each species, click on the link to the Federal Register.

**GRAHAM'S AND WHITE RIVER BEARDTONGUE** FWS reopened the public comment period on its 6 AUG 13 [proposed listing](#) (as threatened) and [critical habitat determination](#) for [Graham's beardtongue](#) (*Penstemon grahamii*) and [White River beardtongue](#) (*Penstemon scariosus* var. *albifluvis*) ([79 FR 25806](#)). For the proposed listing determination, FWS announced the availability of a draft conservation agreement. The service is proposing to designate 67,959 acres of critical habitat for Graham's beardtongue in Utah and Colorado. The service is also proposing to designate 14,914 acres as critical habitat for White River beardtongue in Uintah County, Utah, and Rio Blanco County, Colorado. A public information session was held 28 MAY 14. Comments are due 7 JUL 14. For more information, contact Larry Crist at (801) 975-3330.

**RUFA RED KNOT** FWS extended the public comment period for its 30 SEP 13 proposal to list the [rufa red knot](#) (*Calidris canutus rufa*) as threatened ([79 FR 27548](#)). In the west, the species is found in Colorado, Montana, North Dakota, and South Dakota. Comments are due 15 JUN 14. For more information, contact Eric Schradung at (609) 383-3938.

## ***Toxics***

**TOXICOLOGICAL PROFILES: PROPOSED SUBSTANCES TO BE EVALUATED** The Agency for Toxic Substances and Disease Registry (ATSDR) is initiating the development of its 28th set of toxicological profiles and is soliciting nominations of substances to evaluate ([79 FR 29446](#)). Nominations may be from the [list of substances](#) commonly found at [National Priorities List sites](#) or any other substances that may have public health implications. Chemical substance nominations must be submitted by 20 JUN 14. For more information, contact [Jessilynn Taylor](#) at 1 (800) 232-4636.

**EVALUATING LEAD-BASED PAINT HAZARDS IN PUBLIC BUILDINGS** EPA is making the document titled [Framework for Identifying and Evaluating Lead-Based Paint Hazards From Renovation, Repair, and Painting Activities in Public and Commercial Buildings](#) (Framework) available for public review and comment ([79 FR 31072](#)). The Framework describes an approach for identifying and evaluating hazards created by renovations of public and commercial buildings (P&CBs). It also describes how the analyses under this approach would be performed, and presents results of preliminary analyses that evaluated the impact of different variables on exposure estimates for young children. EPA will consider comments as it determines whether hazards are created by P&CB renovations and, if appropriate, develop proposed requirements. Comments are due 30 JUN 14. For more information, contact [Hans Scheifele](#) at (202) 564-3122, or visit the [Framework website](#).

## **WASTE**

**LOW-LEVEL RADIOACTIVE WASTE** The Nuclear Regulatory Commission (NRC) is conducting an update to the 2007 Strategic Assessment of its Low-Level Radioactive Waste (LLRW) regulatory program ([79 FR 27772](#)). NRC is proposing to revise the alternative future disposal scenarios specified in the 2007 Strategic Assessment. The commission is asking for input on a number of general areas such as extended storage of LLRW, on-site disposal of LLRW, and disposal options for low-activity waste/very low-level waste. Comments are due 14 JUL 14. Concurrent with this update, NRC is also in the process of finalizing a procedure for the review of low-activity waste disposal in Resource Conservation and Recovery Act (RCRA) facilities not licensed by NRC, revising 10 CFR Part 61, and revising the [1995 Concentration Averaging and Encapsulation Branch Technical Position](#). For more information, contact [Melanie Wong](#) at (301) 415-2432.

## **WATER**

**PUBLIC MEETING AND WEBINAR: UCRM 4** EPA scheduled a public meeting and webinar to discuss the approach to the fourth Unregulated Contaminant Monitoring Rule (UCMR 4) for public drinking water systems ([79 FR 30787](#)). EPA will present information concerning the status of the agency's efforts in the areas of analyte selection, analytical methods, sampling design, determination of minimum reporting levels, and other possible revisions relative to the current rule. The public meeting and webinar will be held 25 JUN 14. For more information, contact [Brenda Parris](#) at (513) 569-7961. To register to attend the meeting in person or online, send an email to the [Cadmus Group](#) by 18 JUN 14.

**COOLING WATER INTAKE RULES** EPA is soliciting public input on a [new final rule](#) to reduce impingement and entrainment of fish and other aquatic organisms at cooling water intake structures used by existing power generation, manufacturing, and industrial facilities ([79 FR 30605](#)). The rule establishes requirements for existing facilities designed to withdraw more than two million gallons per day and use at least 25% of the water they withdraw for cooling purposes. These requirements will be implemented through the National Pollutant Discharge Elimination System (NPDES) permitting program. Comments are due 28 JUL 14. For more information, contact Paul Shriner at (202) 566-1076, or visit the EPA's [cooling water intake website](#).

**WATER QUALITY CRITERIA** EPA published updated draft national recommended water quality criteria for 94 chemical pollutants ([79 FR 27303](#)). EPA's recommended water quality criteria provide technical information for states and authorized tribes to establish water quality standards under the Clean Water Act (CWA) to protect human health. A fact sheet and a summary of updated input parameters (e.g., cancer slope factor, reference dose, and bioaccumulation factors) used to derive the updated criteria were prepared to assist reviewers. In addition, EPA developed chemical-specific support documents for each of the 94 chemical pollutants. The support documents detail the latest scientific information supporting the updated draft human health criteria, particularly the updated toxicity and exposure input values. Comments are due 14 JUL 14. For more information, contact [Heidi Bethel](#) at (202) 566-2054, or visit EPA's [website](#) for water quality criteria.

**ONLINE NPDES PERMIT INVENTORY** EPA upgraded its NPDES General Permit Inventory search tool by adding stormwater general permits. The tool allows users to search for NPDES general permits by permit number, permit name, state, EPA Region, date issued, date expired, or permit category. Search results display basic permit information, as well as a link to electronic permit documents when available. Currently the dataset contains more than 700 general permits. EPA's general permits cover discharges in areas where EPA is the NPDES permitting authority, which includes four states (Idaho, Massachusetts, New Hampshire, and New Mexico), Washington, D.C., all U.S. territories except the Virgin Islands, most Indian Country lands, federal facilities in four additional states (Colorado, Delaware, Vermont, and Washington), and a few additional areas as specified on the agency's [NPDES Specific State Program Status website](#). All other states have the authority to issue general permits.

**GAO REPORT ON FRESHWATER SUPPLIES** GAO issued a report reviewing the availability of freshwater nationally ([GAO-14-430](#)). According to state water managers, experts, and literature GAO reviewed, freshwater shortages are expected

to continue into the future. In particular, 40 of 50 state water managers expected shortages in some portion of their states under average conditions in the next 10 years. GAO made no specific recommendations.

## *Professional Development*

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER** - [FedCenter.gov](http://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.

**USACE PROSPECT TRAINING** USACE announces course availability for the FY14 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Please see the [Course Catalog \(a.k.a. Purple Book\)](#) and [List of Classes and schedule](#) for details. Courses are open to all federal, state, county and city employees and contractors. There are different registration processes for each entity.

**NAVY AND ISEERB ENVIRONMENTAL TRAINING FY14** The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY14 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 FY14** 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.

**24-26 JUN 14 LOS ANGELES, CALIFORNIA ESPC COMPREHENSIVE WORKSHOP.** This three-day comprehensive [workshop](#) covers the process of implementing Energy Savings Performance Contract (ESPC) projects, from the initial

steps of acquisition planning through project development, task order award, construction, project acceptance by the government, and the performance period.

## **Online Training**

**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:

- [Federal Guiding Principles Checklist](#) – This webcast will teach federal energy and sustainability professionals how to use the ENERGY STAR® measurement and tracking tool, Portfolio Manager, to help ensure compliance with the Guiding Principles for High Performance Sustainable Buildings required by Executive Orders 13423 and 13514. The focus is on the Guiding Principles for Sustainable Existing Buildings.
- [Portfolio Manager 101](#) – This webcast demonstrates the core functionality of EPA's new Energy Star Portfolio Manager tool. Attendees will learn to navigate the new 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 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.

**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.

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

**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.

**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.

**EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs. 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 via the Internet 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.

**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.

**AMPHIBIAN AND REPTILE WEB-BASED LECTURE SERIES** DoD's [Partners in Amphibian and Reptile Conservation \(PARC\)](#) hosts a monthly lecture series conducted by DoD biologists and professional herpetologists. The lecture series is conducted using Defense Connect Online. The goal of the lecture series is to help members stay connected and keep up with scientific studies and news. Copies of previous lectures are available on the [PARC group and photo site](#).

**AREA SOURCE BOILER RULE VIDEO SERIES** A new [EPA video series](#) explaining the Area Source Boiler Rule recently became available. The series 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. 2014 compliance dates for the Area Source Boiler Rule include:

- 21 MAR 14—deadline for completing the initial tune-up for existing boilers, and
- 19 JUL 14—deadline for submitting the notification of compliance status (NOCS) for tune-ups.

**VARIOUS DATES: THROUGH AUGUST 2014.** [FOG Prevention Training for Rural Communities in the Pacific Northwest](#). The Pacific Northwest Pollution Prevention Resource Center (PPRC) is providing one day workshops for rural communities in Alaska, Idaho, Oregon, and Washington to reduce the harmful impacts of fats, oils, and grease (FOG) in sewers. For information about workshop locations, dates, and times, contact the [Pacific Northwest Pollution Prevention Resource Center](#).

**\*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.

**\*Military Munitions Support Services - MMRP Tools** This is one of the monthly webinar sessions for the Military Munitions Support Services (M2S2) community. During this session, speakers will make presentations on a variety of topics relative to the latest updates on successful use of MMRP tools.

**\*PRELIMINARY ASSESSMENT AND SITE INSPECTION (PA/SI) WEBINAR SERIES** The CERCLA Education Center (CEC) is offering a nine-part Preliminary Assessment and Site Inspection (PA/SI) [webinar series](#) in June and July 2014. 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). If you are unable to make one of the sessions, archived versions will be made available at [www.clu-in.org](http://www.clu-in.org). The series includes:

- [Module 1: Overview of the Site Assessment Process under CERCLA](#). 30 JUN 14. This introductory module will provide an overview of key provisions of CERCLA and the response process established by the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). In addition, it will provide an overview of the purpose, scope and requirements for performing a remedial PA and remedial SI at sites regulated under the Comprehensive Emergency Response and Cleanup Liability Act (CERCLA).
- [Module 2: Basics of Performing Site Assessments and Conducting the PA](#). 2 JUL 14. This module will provide an overview of the basics of performing site assessments including the purpose and scope of the different steps in the site assessment process and the roles and responsibilities of the different parties involved. It will identify and explain procedures for performing a remedial PA.
- [Module 3: Site Evaluation and Scoring Site Sources](#). 7 JUL 14. This module focuses on the specific elements of the scoring process that participants must understand to successfully apply the scoring model to a PA.
- [Module 4: PA Scoring Exercise: Groundwater Migration Pathway](#). 9 JUL 14. This module will review the groundwater migration pathway. Participants will review appropriate site information and the instructors will lead them through inputting the information into the Quickscore software.
- [Module 5: PA Scoring Exercise: Surface Water Migration Pathway](#). 11 JUL 14. This module will review the surface water migration pathway. Participants will review appropriate site information and the instructors will lead them through inputting the information into the Quickscore software.

- [Module 6: PA Scoring Exercise: Soil Exposure and Air Migration Pathways](#). 14 JUL 14. This module will review the soil exposure and the air migration pathways. Participants will review appropriate site information and the instructors will lead them through inputting the information into the Quickscore software.
- [Module 7: Conducting the SI, Overview of SI Strategies, and Site Sources](#). 21 JUL 14. This module will identify the step-by-step activities for conducting a remedial SI, including discussion of health and safety considerations for field activities, establishing data quality objectives and developing sampling strategies to obtain data for HRS scoring, validating data and preparing a final report to document the decision-making process. It will provide an overview on how to develop SI sampling strategies that consider and address the needs of the HRS.
- [Module 8: SI Sampling Strategies for Groundwater and Surface Water](#). 28 JUL 14. This module will provide an overview of SI sampling strategies for the groundwater migration pathway and the surface water migration pathway.
- [Module 9: SI Sampling Strategies for Soil and Air](#). 30 JUL 14. This module will provide an overview of SI sampling strategies for the soil exposure pathway and the air migration pathway.

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

## *How the Regional Offices Work for You*

When used within the framework of ISO 14001, the *Western Region Review* can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO 14001. Information in the *Review* is intended for general guidance, and the reader should refer to cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations.

The US Army Regional Environmental and Energy Offices monitor state legislative and regulatory actions on your behalf. If a proposed state action has (1) critical mission impact; (2) conflicts with a federal requirement; and/or (3) a disproportionate effect on the Army or DoD, we coordinate with the potentially affected installations, commands, and/or other military Services to further assess the potential impact. If action is needed on a proposed measure we work with Army or Service regulatory experts to communicate DA/DoD position, coordinating with the affected installations and commands. Comments are combined from all parties in a single DoD/Army package and formally submitted to the state.

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

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

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# Acronyms

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

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

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