

# **Western Review**

## of Legislative & Regulatory Actions Region 9



The U.S. Army Regional Environmental & Energy Office

**April 2014** 

The Western Region 9 Review provides current information on natural resource, energy, and environmental issues relevant to Department of Defense interests in the 4 states and territories that comprise Federal Region 9. 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 9 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 nancy.l.reese2.ctr@mail.mil.



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#### What are Waters of the US?

In March 2014, the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE) jointly released a proposed rule defining "waters of the U.S." The proposed rule is intended to clarify when Clean Water Act (CWA) requirements apply to intermittent and ephemeral streams and to isolated waters and wetlands. The rule would let most dischargers know whether their discharges are subject to CWA permitting.

According to EPA, determining CWA protection for streams and wetlands became confusing and complex following Supreme Court decisions in 2001 (SWANCC v USACE) and 2006 (Rapanos v U.S.). For nearly a decade, members of Congress, state and local officials, industry, agriculture, environmental groups, and the public asked for a rulemaking to provide clarity.

The EPA and USACE proposed rule's largest implications would likely be in the arid Southwest, where the majority of streams do not flow permanently. According to a 2008 EPA study, 68% of streams in Colorado are intermittent or ephemeral, 89% of Nevada's streams fall into that category, and in Arizona, the percentage of intermittent or ephemeral streams is 94%. Nationally, nearly one third of the U.S. population gets their drinking water from public systems that partly rely on such streams.

The proposed rule would apply to most seasonal and rain dependent streams and wetlands near rivers and streams. Other types of water with undetermined connections to downstream water will continue to be evaluated on a case-by-case basis. The proposed rule preserves existing exemptions/exclusions for agriculture. Visit EPA's website for additional information.

The agencies will be gathering input to shape the final rule. The Western Governors' Association provided an initial response to the proposed rule emphasizing the need for coordination.

## **Region 9**

For more information on any state issues in Region 9, contact Tim Kilgannon, Region 9 Environmental Coordinator (303) 844-0953.





#### **LEGISLATIVE DEVELOPMENTS**

The 2014 Arizona legislative session began 13 JAN 14 and adjourns 31 MAY 14.

Arizona Bill Number, Sponsor, and Description	Bill Introduced	Passed 1st House	Passed 2nd House	Status
AIR / CLIMATE CHANGE				
HB 2623 Representative Frank Pratt (R) Proposes to require the Department of Environmental Quality to establish $CO_2$ emission standards for existing coal-fired electric generating units that are separate from those for natural gas-fired units.	~			
ENERGY				
HCR 2032 Representative Chad Campbell (D) Proposes to establish a net metering program. Establishes program requirements.	✓			
SB 1467 Senator John McComish (R) Proposes to establish that solar energy devices owned or leased by a third party add no value to the property if the energy is made available to the grid.	✓			
LAND USE				
HB 2700 Representative Bob Thorpe (R) Proposes to require the State Department identify state lands acquired by the federal government after statehood, including state lands located within national monuments designated pursuant to the Antiquities Act of 1906. Establishes monitoring and reporting requirements.	<b>✓</b>	<b>✓</b>		
SB 1458 Senator Gail Griffin (R) Proposes to amend requirements for land conservation. Defines land conservation practices.	✓			
NATURAL RESOURCES				
HB 2699 Representative Bob Thorpe (R) Proposes to terminate all programs for threatened and endangered species on 31 AUG 14 unless each individual program is approved by majority vote in each legislative house.	✓	✓		

Arizona Bill Number, Sponsor, and Description	Bill Introduced	Passed 1st House	Passed 2nd House	Status
OTHER				
HB 2092 Representative Thomas Shope (R) Proposes to terminate the Arizona Department of Environmental Quality on 1 JUL 24.	<b>✓</b>	<b>✓</b>		
SB 1465 Senator Carlyle Begay (D) Proposes to amend provisions for the rural Arizona and tribal infrastructure capital improvement plan. The plan is intended to ensure adequate financial resources for infrastructure development for rural Arizona and tribal communities and to provide for the planning and development of infrastructure in an efficient and cost-effective manner.	<b>✓</b>			
WASTE				
WATER				
HB 2326 Representative Thomas Shope (R) Proposes to address water banking authority and water storage credits.	✓			
HB 2516 Representative Steve Smith (R) Proposes to prohibit the Department of Water Resources from adopting or implementing certain administrative rules in the Pinal Active Management Area. Prohibits rules that reduce credits granted for the extinguishment of irrigation grandfathered rights to an amount less than the full amount of the irrigation grandfathered right held by the owner of the right.	<b>✓</b>			
SB 1274 Senator Gail Griffin (R) Proposes to establish requirements relating to aquifer protection permits. Such permits are issued to facilities that release pollutants directly to an aquifer, to land surface, or to underlying soils where it is likely the pollutant will reach an aquifer. Revises financial requirements.	<b>✓</b>	<b>✓</b>		
SCM 1001 Senator Gail Griffin (R) Proposes to urge the federal Department of the Interior to immediately take all necessary measures to operate the Yuma Desalting Plant.	✓	~		



#### AIR

**VAPOR RECOVERY: ABOVEGROUND FUEL TANKS** The California Air Resources Board (CARB) is proposing amendments to vapor recovery requirements for aboveground fuel tanks at gasoline dispensing facilities (GDFs). The amendments are intended to align state rules with federal requirements and correct technical deficiencies with test procedures. The amendments would:

- Alter two test procedures used by CARB staff during certification of vapor recovery equipment for aboveground storage tanks; and
- Revise the certification procedure and three test procedures for equipment used on cargo tanks to control vapor emissions.

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For more information, contact Scott Bacon at (916) 322-8949 or visit the rulemaking website.

**ANTELOPE VALLEY** The Antelope Valley Air Quality Management District is proposing amendments to its air pollution contingency actions (Rule 701). The amendments replace out-of-date references, update the rule format, and adjust episode criteria for particulate matter. Comments are due 14 APR 14. A public hearing is scheduled for the next day. For more information, contact Barbara Lods at (661) 723-8070 ext. 3.

#### **OTHER**

**RIVERSIDE COUNTY CREATES DEFENSE SERVICES BRANCH** In response to talk of another round of Base Closure and Realignment (BRAC), the Riverside County supervisors approved establishing an Office of Military and Defense Services to identify strategies for preserving the area's two remaining military installations and increasing federal contracting opportunities for local businesses. The office would be housed in the county's Economic Development Agency.

#### **TOXICS**

**GREEN CHEMICALS PRIORITY PRODUCTS LIST** The California Department of Toxic Substances Control (CDTSC) published an initial proposed list of priority products and chemicals it will target under the state's Safer Consumer Products regulations. The initial proposed list contains three chemical and products: methylene chloride in paint and varnish strippers and surface cleaners, unreacted diisocyanates in spray polyurethane foam systems used in building insulation, and the flame retardant Tris(1,3-dichloro-2-propyl) phosphate (TDCPP) found in children's foam padded sleeping products. The Safer Consumer Products regulation requires manufacturers to evaluate whether a chemical of concern is necessary and whether there is a safer alternative. This action is the first step in the rulemaking process. CDTSC anticipates it will initiate formal rulemaking within 12 months. Each priority product may have a separate set of regulations. The department will hold priority product workshops in May and June 2014. For more information, visit CDTSC's Safer Consumer Products website.

**PHGs: FIVE CHEMICALS** The California Office of Environmental Health Hazard Assessment (COEHHA) is proposing to update public health goals (PHGs) for chlorobenzene, endothall, hexachlorocyclopentadiene, silvex, and trichlorofluoromethane in drinking water. This action updates technical support documents for the five chemicals. The updates consider recent toxicological literature and incorporate updated water consumption rates. When appropriate, the technical support documents include benchmark dose modeling, dermal and inhalation routes of exposure, and provisions to account for the most sensitive members of the population. PHGs published by COEHHA are considered by the California Department of Public Health in setting maximum contaminant levels (MCLs) for drinking water. Comments on the technical support documents are due 8 MAY 14. For more information, contact Herrnelinda Jimenez at (510) 622–3170.

**PROPOSITION 65: METHYL ISOBUTYL KETONE** COEHHA added methyl isobutyl ketone (MIBK) to the list of chemicals known to the state to cause reproductive toxicity. Methyl isobutyl ketone is used as a solvent. The final rule was effective 28 MAR 14. For more information, contact Cynthia Oshita at (916) 445-6900.

**OSHA STANDARD: N-METHYLPYRROLIDONE** The California Department of Industrial Relations, Occupational Safety and Health Standards Board adopted revisions to the permissible exposure level (PEL) for N-Methylpyrrolidone. In addition, the board added three other names for the chemical to its regulations (Title 8, Construction Safety Orders, Section 5155). N-Methylpyrrolidone is used as a solvent or stripper. The final rule was effective 1 APR 14. For more information, contact Marley Hart at (916) 274-5721.

#### **LEGISLATIVE DEVELOPMENTS**

The 2014 California legislative session began 5 JAN 14 and adjourns 30 NOV 14. An \* indicates the first time a bill appears in the 2014 Review. An \*\* indicates the bill topic has changed significantly.

California Bill Number, Sponsor, and Description	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Status
AIR / CLIMATE CHANGE				
AB 26 Assemblywoman Susan Bonilla (D) Proposes to prohibit the Controller from using moneys deposited in the Greenhouse Gas Reduction Fund for cash flow loans to the General Fund.	✓	✓		
AB 147 Assemblyman Manuel Perez (D) Proposes to specify certain actions be completed concerning dust mitigation in the Salton Sea. Pertains to abatement of dust from the Salton Sea caused by other water transfers in the Quantification Settlement Agreement.	<b>✓</b>	~		
AB 278 Assemblyman Mike Gatto (D) Proposes to change how the California Air Resources Board scores low carbon fuels. Requires the board to consider specific issues including deforestation, environmental law in place for the fuel's origin, and disruptions in food supply or costs.	<b>✓</b>	✓		
AB 1639 Assemblywoman Shannon Grove (R) Proposes to specify how monies collected for the Greenhouse Gas Reduction Fund may be spent. States that monies should be expended to achieve the maximum technologically feasible and cost-effective reduction in greenhouse gas emissions.	<b>✓</b>			
*AB 1970 Assemblyman Richard S. Gordon (D) Proposes to create the Community Investment and Innovation Program, supported by the Greenhouse Gas Reduction Fund.	✓			
*AB 2050 Assemblyman Bill Quirk (D) Proposes to amend requirements for the scoping plan developed per the Global Warming Solutions Act of 2006. Requires specific elements be included in the scoping plan. Establishes the Scoping Plan Advisory Council.	<b>✓</b>			
*AB 2083 Assemblywoman Beth Gaines (R) Proposes to make changes to rules relating to state mandated greenhouse gas emission reductions.	✓			
SB 605 Senator Ricardo Lara (D) Proposes to require the California Air Resources Board, when updating the greenhouse gas scoping plan, to include specified criteria. Requires all greenhouse gas emissions reductions be achieved within the state in areas that are most impacted by greenhouse gases and other pollutants.	~	✓		
*AB 2348  Assemblyman Mark Stone (D)  Proposes to establish the Natural Resources Climate Improvement Program to assist in the development and implementation of integrated natural resources projects that maximize greenhouse gas emissions reductions or sequestration. Authorizes expenditures from the Greenhouse Gas Reduction Fund.	<b>✓</b>			
*AB 2363  Assemblyman Bill Quirk (D)  Proposes to require the Air Resources Board to adopt regulations for offset credits pursuant to a market-based compliance mechanism that may be adopted for forest management activities. Reduces the risk of severe wildfires. Allows for application of biochar to soil.	✓			

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California Pill Number Spancer and Description	Bill	Passed	Passed	Status
California Bill Number, Sponsor, and Description	Introduced	1 <sup>st</sup> House	2 <sup>nd</sup> House	Status
*SB 1122 Senator Fran Pavley (D) Proposes to appropriate monies from the Greenhouse Gas Reduction Fund for programs to support the implementation of sustainable communities strategies, alternative transportation plans, or other regional greenhouse gas emission reduction plans within a developed area.	✓			
*SB 1125 Senator Fran Pavley (D) Proposes to repeal requirements in the Global Warming Solutions Act for the Air Resources Board to report on greenhouse gas reduction timetables.	✓			
*SB 1156 Senator Darrell Steinberg (D) Proposes to impose a carbon tax of an unspecified amount per ton of carbon dioxide equivalent emissions on suppliers of fossil fuels.	✓			
ENERGY				
AB 1014 Assemblyman Das Williams (D) Proposes to create the Green Tariff and Shared Renewable Generation program.	✓	✓		
AB 1624 Assemblyman Richard S. Gordon (D) Proposes to authorize the Public Utilities Commission to collect funds for the self generation program. Requires electrical corporations to administer the program for distributed energy resources.	<b>~</b>			
AB 1763 Assemblyman Henry T. Perea (D) Proposes to make changes to existing requirements related to California State Energy Resources Conservation and Development Commission forecasts.	✓			
*AB 1935 Assemblywoman Nora Campos (D) Proposes to amend the definition of "distributed resources" to include clean distributed energy technology.	<b>✓</b>			
*AB 2229  Assemblyman Steven Bradford (D)  Proposes to require the Public Utilities Commission and the DoD to identify all achievable cost-effective electricity and natural gas efficiency savings at military bases/facilities. Establishes targets.	✓			
*AB 2334 Assemblyman Adam Gray (D) Proposes to enact legislation relating to publicly and privately owned utilities.	✓			
*AB 2390  Assemblyman Al Muratsuchi (D)  Proposes to develop a Low Carbon and Renewable Fuels Credit Reserve to facilitate the development of renewable and low carbon transportation fuel projects in California.	✓			
*AB 2517 Assemblyman Tom Daly (D) Proposes to make changes to the definition of "fuel" as used in the Use Fuel Tax Law.	✓			

California Bill Number, Sponsor, and Description	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Status
*AB 2597 Assemblyman Phil Ting (D) Proposes to require the Energy Commission to study and report on feasibility and impacts of using electric vehicles as an energy storage device for meeting grid load demands.	<b>√</b>			
AB 2649 Assemblyman Kevin Mullin (D) Proposes to authorize a military installation to exceed the one megawatt net metering capacity limit. Also provides that each physically separate building within privatized residential housing communities is a separate premise for the purposes of the one megawatt limit, as it would be in a civilian community.	<b>✓</b>			
*SB 1078 Senator Hannah-Beth Jackson (D) Proposes to require independent system operators (nonprofit energy corporations) to use "cost-effective demand side and renewable energy resources" to meet the needs of the state's electricity consumers.	<b>✓</b>			
*SB 1139 Senator Ben Hueso (D) Proposes to amend rules for grants and loans to facilitate development of geothermal energy.	<b>✓</b>			
*SB 1195 Senator Alex Padilla (D) Proposes to repeal requirements related to electrical restructuring. Repeals provisions related to reporting, calculation of energy credits, cost recovery plans, peak load, determination of rates, and recovery of certain employee costs.	<b>✓</b>			
LAND USE		•	'	
*AB 1799 Assemblyman Richard S. Gordon (D) Proposes to amend financial requirements associated with conservation easements. Eliminates certain financial requirements for credit worthy governmental and nonprofit organizations.	✓			
*AB 1961 Assemblywoman Susan Eggman (D) Proposes to require each county with significant agricultural land resources to develop a sustainable farmland strategy.	<b>✓</b>			
SB 186 Senator Stephen Knight (R) Proposes to make technical changes to the Planning and Zoning law that requires local agencies to prepare and adopt general land use plans. Addresses housing and related elements.	<b>✓</b>			Died
*SB 1289 Senator Jean Fuller (R) Proposes to transfer additional state lands near the Johnson Valley Off-Highway Vehicle Recreation Area for off-highway vehicle recreation.	✓			
NATURAL RESOURCES				
**AB 37  Assemblyman Henry T. Perea (D)  This bill formerly concerned amendments to California Environmental Quality Act. The bill has been amended to address the state unemployment fund.  The bill no longer falls within the scope of the Review. It will not appear again.	~	✓		

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California Bill Number, Sponsor, and Description	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Status
*AB 407 Assemblyman V. Manuel Perez (D) Proposes to require a state agency awarding a grant for projects associated with the New River Improvement Project to ensure the grant is spent in accordance with grant requirements.	<b>✓</b>	~		
AB 1514 Assemblywoman Lorena Gonzalez (D) Proposes to authorize the Department of Fish and Wildlife to enter into an agreement to prepare a natural community conservation plan. Provides for management and conservation of wildlife species, including those not listed as endangered or threatened. Authorizes a person or local, state, or federal agency to undertake natural community conservation planning.	<b>✓</b>			
*AB 2193 Assemblyman Richard S. Gordon (D) Proposes to enact the Habitat Restoration and Enhancement Act. Creates a fund to be used for habitat restoration. Establishes fees.	✓			
*AB 2409 Assemblyman Ken Cooley (D) Proposes to allow the Department of Fish and Wildlife to enter into land use contracts with public agencies to conserve waterfowl habitat.	✓			
*AB 2417 Assemblyman Adrin Nazarian (D) Proposes to make legislative findings with regard to the California Environmental Quality Act.	✓			
*AB 2629  Assemblyman Richard Bloom (D)  Proposes to expedite the review and approval process for certain conservation or mitigation banks where the proponent already has a federally approved conservation or mitigation bank for the species.	<b>✓</b>			
SB 167 Senator Ted Gaines (R) Proposes to make technical changes to the California Environmental Quality Act.	✓			
*SB 1184 Senator Fran Pavley (D) Proposes to require the San Francisco Bay Conservation and Development Commission to protect San Francisco Bay area residents from potential inundation and flooding from sea level rise by preparing a regional resilience strategy for adapting to rising sea levels.	<b>✓</b>			
*SB 1194 Senator Ben Hueso (D) Proposes to state the intent of the Legislature to reduce plastic debris in the marine environment, reduce financial burdens for reducing plastic pollution, and provide resources for local pollution prevention and infrastructure projects.	<b>✓</b>			
OTHER				
*AB 2117  Assemblyman K.H. Katcho Achadjian (R)  Proposes to eliminate a requirement related to noise in land use planning requirements.	✓			
*AB 2341 Assemblywoman Sharon Quirk-Silva (D) Proposes to assign an identifier for military children in education data systems, with the intent of removing barriers to educational success due to frequent moves.	✓			

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California Bill Number, Sponsor, and Description	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Status
*AB 2545  Assemblywoman Bonnie Lowenthal (D)  Proposes to make changes to laws governing allegations of sexual assault by members of the military. Addresses access to the victims' compensation fund.	<b>✓</b>			
*AB 2657 Assemblyman Richard Bloom (D) Proposes to limit the application of specified anticoagulant pesticides in "environmentally sensitive" areas.	✓			
SB 221 Senator Michael J. Rubio (D) Proposes to allow local governments to collect taxes on alternative fueled vehicles.	✓			
*SB 1117 Senator Bill Monning (D) Proposes to revise information that the Department of Pesticide Regulation is required to post on its website. Expands the ability of the department to continue to authorize the use certain pesticides that have migrated to groundwater.	✓			
*SB 1421 Senator Jean Fuller (R) Proposes to amend funding for construction at public elementary and secondary schools. Provides matching funding to schools that are located on United States military bases and eligible for federal construction funding assistance.	<b>✓</b>			
WASTE	<del> </del>			
AB 215 Assemblyman Wesley Chesbro (D) Proposes to revise the definitions of the various terms pertaining to requirements for rigid plastic packaging containers.	✓	<b>✓</b>		
AB 467 Assemblyman Mark Stone (D) Proposes to require the California State Board of Pharmacy to license a surplus medication collection and distribution intermediary to facilitate the connection of participating entities under the unused medication repository and distribution program. Prohibits the intermediary from taking possession, custody, or control of dangerous drugs and devices, and authorizes him or her to charge specified fees for the costs of services.	<b>✓</b>	<b>✓</b>	<b>✓</b>	
AB 1594 Assemblyman Das Williams (D) Proposes to amend requirements for city, county, and regional agency integrated waste management plans. Amends requirements pertaining to source reduction and recycling elements in these plans. Authorizes rules governing the use of green material as alternative daily cover under certain conditions.	<b>✓</b>			
*AB 1826 Assemblyman Wesley Chesbro (D) Proposes to replace an obsolete reference to the Department of Conservation with a reference to the Department of Resources Recycling and Recovery.	<b>✓</b>			
*AB 1966 Assemblyman Jim Patterson (R) Proposes to require the Department of Toxic Substances Control to periodically update its references to the EPA document SW 846 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods in state hazardous waste regulations.	✓			

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California Bill Number, Sponsor, and Description	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Status
*AB 2251  Assemblywoman Mariko Yamada (D)  Proposes to specify that advertisements reflect beverage container deposit/redemption costs in accordance with the state bottle bill.	✓			
*AB 2592 Assemblyman Wesley Chesbro (D) Proposes to change requirements in the California Integrated Waste Management Act for local agencies to promote certain waste management practices in a specified order of priority.	<b>✓</b>			
*AB 2666 Assemblyman Tom Daly (D) Proposes to amend the term "person" as used in the Electronic Waste Recycling Act of 2003, to exclude the United States and its agencies and instrumentalities.	<b>\</b>			
SB 712 Senator Ricardo Lara (D) Proposes to require the California Department of Toxic Substances Control to take final action on an application for a hazardous waste facilities permit submitted by a facility operating under interim status on or before 1 JAN 86, by either issuing a final permit or a final denial. Requires the department to issue a final decision by 31 DEC 15.	<b>✓</b>	<b>✓</b>		
*SB 812 Senator Kevin De Leon (D) Proposes to amend the permit application process for facilities that treat, store, or dispose of hazardous waste. Addresses interim hazardous waste permits.	<b>✓</b>	~		
*SB 1261 Senator Hannah-Beth Jackson (D) Proposes to increase fees from hazardous material and hazardous waste activities to fund emergency response costs. Makes changes to hazardous material business plan requirements. Revises information included in business plans. Makes changes to certain exemptions from the business plan requirement for remote unstaffed locations. Shortens the review/resubmittal period for business plans from once every three years to every year. Requires business plans be publicly available.	<b>√</b>			
WATER				
*AB 155  Assemblyman Luis Alejo (D)  Proposes to require the Monterey County Water Resources Agency to establish a comprehensive Salinas River Management Program. Requires the agency to establish a steering committee to develop the program.	<b>√</b>	<b>✓</b>		
AB 282 Assemblyman Bob Wieckowski (D) Proposes to increase the fee to store petroleum in an underground storage tank by \$0.006 per gallon until 2016.	<b>✓</b>	✓		
AB 371 Assemblyman Rudy Salas (D) Proposes to allow the Kern County Board of Supervisors to regulate or prohibit by ordinance, in a manner more stringent than state or federal law, the land application of sewage sludge in unincorporated areas under the county's jurisdiction.	✓	✓		
AB 467 Assemblyman Mark Stone (D) Proposes to require the state board, in expending moneys from the Freshwater Protection Fund, to prioritize programs that provide drinking water solutions for disadvantaged and severely disadvantaged communities.	✓	~	~	

California Bill Number, Sponsor, and Description	Bill	Passed	Passed	Status
	Introduced	1 <sup>st</sup> House	2 <sup>nd</sup> House	Status
*AB 687  Assemblyman Roger Hernandez (D)  Proposes to amend regulations related to the Department of Water and direct transactions between electricity suppliers and end users. Adds requirements related to cleanup of contaminated groundwater.	✓	✓		
AB 1445 Assemblyman Dan Logue (R) Proposes to create the Safe, Clean, and Reliable Drinking Water Supply Act of 2014 to authorize the issuance of bonds to finance a safe drinking water and water supply reliability program.	<b>~</b>			
AB 1632 Assemblywoman Kristin Olsen (R) Proposes to make changes to the water rights beneficial uses program.	<b>✓</b>			
AB 1671 Assemblyman Jim Frazier (D) Proposes to prohibit the state from constructing water facilities as part of a specified water conveyance system unless authorized by the legislature.	✓			
AB 1707 Assemblyman Scott Wilk (R) Proposes to make changes to state laws governing state and regional water quality control boards and implementation of the national pollutant discharge elimination system permitting program.	✓			
*AB 1807 Assemblyman Brian Dahle (R) Proposes to make technical changes to laws governing state and regional water quality control board management of federal and state discharge permit programs.	<b>✓</b>			
*AB 1808 Assemblyman Brian Dahle (R) Proposes to make technical changes to the California State Drinking Water Act.	✓			
*AB 2049 Assemblyman Brian Dahle (R) Proposes to change requirements related to water treatment facilities. Limits the use of point-of-entry and point-of-use treatment (in lieu of centralized treatment) to water systems with less than 500 service connections.	<b>✓</b>			
*AB 2179 Assemblyman Adam Gray (D) Proposes to enact legislation affecting the appropriation of water.	<b>~</b>			
*AB 2189 Assemblyman Adam Gray (D) Proposes to make changes to groundwater replenishment districts and replenishment assessments. Addresses public notice and public hearing requirements.	<b>✓</b>			
*AB 2269 Assemblyman Frank Bigelow (R) Proposes to make changes to requirements for integrated regional water management plans.	<b>✓</b>			
*AB 2403 Assemblyman Anthony Rendon (D) Proposes to modify the definition of water to include recycled water and stormwater intended for water service. Makes legislative findings.	✓			

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California Bill Number, Sponsor, and Description	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Status
*AB 2432 Assemblyman Rudy Salas (D) Proposes to make technical changes to state rules governing drinking water and public water systems.	<b>✓</b>			
*AB 2446 Assemblywoman Marie Waldron (R) Proposes to make changes to rules for recycled water.	<b>✓</b>			
*AB 2680 Assemblyman Adrin Nazarian (D) Proposes to make amendments to legislative findings and declarations in the Porter-Cologne Water Quality Control Act.	✓			
*AB 2725  Assemblywoman Cheryl Brown (D)  Proposes to promote urban waterway restoration. Adds a requirement for the Department of Water Resources to release information about urban waterway restoration with its releases of other California Water Plan data. Specifies urban waterway restoration as a beneficial use.	<b>✓</b>			
*AB 2737  Committee On Environmental Safety And Toxic Materials  Proposes to collect data on drinking water quality in schools and communities in Fresno, Imperial, and Monterrey counties. Evaluates nitrite and arsenic levels in drinking water in disadvantaged communities.	<b>✓</b>			
*SB 104 Committee On Budget And Fiscal Review Proposes to establish fees for violations of water use permits, unauthorized water use/transfer, and water trespass during drought/dry years.	✓	✓	~	✓
SB 985 Senator Fran Pavley (D) Proposes to require a county or district stormwater resource plan to identify opportunities to use existing publicly owned lands to capture and reuse stormwater.	<b>✓</b>			
*SB 1168 Senator Fran Pavley (D) Proposes to require local water agencies, in coordination with other applicable agencies, to determine sustainable yield for a groundwater basin.	✓			
*SB 1259 Senator Fran Pavley (D) Proposes to amend requirements related to maintenance and operation of flood control facilities in the Central Valley.	✓			
*SB 1319 Senator Fran Pavley (D) Proposes to amend the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. Requires the California oil spill contingency plan to consider additional elements, including physical and chemical properties of transported oil.	<b>✓</b>			
*SB 1420 Senator Lois Wolk (D) Proposes to add a reporting element to water management plans developed by water suppliers. Requires reporting of water loss.	<b>✓</b>			



#### **LEGISLATIVE DEVELOPMENTS**

The 2014 Hawaii legislative session began 15 JAN 14 and adjourns 1 MAY 14. An  $\ast$  indicates the first time a bill appears in the 2014 Review.

Hawaii Bill Number, Sponsor, and Description	Bill Introduced	Passed 1st House	Passed 2nd House	Status
AIR / CLIMATE CHANGE				
HB 1490 Representative Isaac W. Choy (D) Proposes to require certain diesel-powered electrical power generators to be equipped with diesel particulate filters that remove no less than 85% of the particulate matter.	~			
HB 1714 Representative Joseph Souki (D) Proposes to address climate change adaptation. Tasks the sustainability coordinator to identify expected climate impacts and submit a report. Tasks the Office of Planning to establish and implement strategic climate adaptation plans and policy recommendations. Establishes an interagency climate council tasked to implement state climate change policy through 2050. Appropriates funds. Companion bill is SB 2344.	<b>✓</b>			
HB 2156 Representative Mark Jun Hashem (D) Proposes to provide the Department of Health with greater flexibility in creating rules to reduce greenhouse gas emissions in the state. Companion bill is SB 3007.	✓			
SB 2344 Senator Donna Mercado Kim (D) Proposes to address climate change adaptation. Tasks the sustainability coordinator to identify expected climate impacts and submit a report. Tasks the Office of Planning to establish and implement strategic climate adaptation plans and policy recommendations. Establishes an interagency climate council tasked to implement state climate change policy through 2050. Appropriates funds. Companion bill is HB 1714.	<b>✓</b>	<b>~</b>		
SB 3007 Senator J. Kalani English (D) Proposes to provide the Department of Health with greater flexibility in creating rules to reduce greenhouse gas emissions in the state. Companion bill is HB 2156.	✓			
ENERGY				
HB 94 Representative Faye P. Hanohano (D) Proposes to establish a virtual net metering pilot program for renewable energy projects to expand access to renewable energy resources to all ratepayers. Allows the Public Utilities Commission to revise the bill credit mechanism for renewable energy credits. Companion bill is SB 379.	<b>✓</b>			
*HB 450  Representative Chris Kalani Lee (D)  Proposes to appropriate funds to establish five-year hydrogen fueling station demonstration projects in qualifying counties.	✓	✓	✓	

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Hawaii Bill Number, Sponsor, and Description	Bill Introduced	Passed 1st House	Passed 2nd House	Status
HB 728  Representative K. Mark Takai (D)  Proposes to authorize group net metering among electric utility customers beginning 1 JUL 14. Directs the Public Utilities Commission to adopt rules for group net metering.	<b>✓</b>			
HB 757 Representative Chris Kalani Lee (D) Proposes to establish renewable portfolio standards in the state. Specifies the percentage of net energy sales that must come from renewable energy, with the percentage increasing every five years, until reaching 100% by 31 DEC 50.	~			
HB 1199 Representative Marcus R. Oshiro (D) Proposes to expand net metering by requiring large-capacity eligible customer generators to be selected by competitive sealed bid. Amends the maximum allowable capacity of eligible customer generators and total rated generating capacity. Companion bill is SB 1291.	~			
HB 1584  Representative Joseph Souki (D)  Proposes to establish a renewable energy facility siting process to expedite the review and action upon state and county permits necessary for the siting, development, construction, and operation of a renewable energy facility.	<b>✓</b>			
HB 1939  Representative Chris Kalani Lee (D)  Proposes to extend the clean energy initiative program goals to 2050 and the renewable portfolio standards to 100% clean energy by 2050.	✓			
HB 1997 Representative Angus L. K. McKelvey (D) Proposes to establish a state department of energy. Transfers energy development and management functions of Department of Business, Economic Development and Tourism to the new department.	<b>✓</b>			
*SB 15 Senator Mike Gabbard (R) Proposes to establish the biofuels production income tax credit. Repeals the ethanol facility tax credit. Establishes a task force to examine biofuel and biodiesel requirements.	<b>✓</b>	<b>~</b>	<b>✓</b>	
SB 379 Senator Russell Ruderman (D) Proposes to establish a virtual net metering pilot program for renewable energy projects to expand access to renewable energy resources to all ratepayers. Allows the Public Utilities Commission to revise the bill credit mechanism for renewable energy credits. Companion bill is HB 94.	~			
SB 1291 Senator Mike Gabbard (R) Proposes to expand net metering by requiring large-capacity eligible customer generators to be selected by competitive sealed bid. Amends the maximum allowable capacity of eligible customer generators and total rated generating capacity. Companion bill is HB 1199.	~			
LAND USE				
HB 509 Representative Jo Jordan (D) Proposes to establish the Makua Valley Reserve Commission to oversee preservation and restoration activities in Makua Valley on Oahu.	✓	✓		

Hawaii Bill Number, Sponsor, and Description	Bill Introduced	Passed 1st House	Passed 2nd House	Status
*HB 709 Representative Faye P. Hanohano (D) Proposes to establish a task force to help the Department of Land and Natural Resources regulate activities in coastal and nearshore waters.	✓			
NATURAL RESOURCES				
OTHER				
WASTE				
WATER				
HB 1969 Representative Mark M Nakashima (D) Proposes to assess a \$1 royalty for every 1,000 gallons pumped from state aquifers. Dedicates revenues to offset water system project costs.	✓			
HB 2204 Representative Chris Kalani Lee (D) Proposes to create a working committee in the Department of Health to prepare a work plan to support stormwater management systems and infrastructure. Appropriates funds.	<b>✓</b>			
*SB 803 Senator Suzanne N.J. Chun Oakland (D) Proposes to establish a four-year pilot program for irrigation water conservation best management practices.	✓	<b>✓</b>	<b>✓</b>	

In addition, the Guam 32<sup>nd</sup> legislative session began 14 JAN 13 and adjourns 31 DEC 14.

BCOR 11-32 proposes to create the Guam Coral Reef Protection Act. The act includes notification provisions for any person who damages corals and provides for civil and other penalties. Introduced 10 JAN 14.

RCOR 186-32 proposes to request the United States permanently station a Terminal High Altitude Area Defense (THAAD) system and Patriot Missile Defense System on Guam. Introduced 15 JUL 13.

RCOR 189-32 proposes to adopt Zero Waste as a guiding principle for sustainable materials management and to adopt a Zero Waste Plan for Guam to preserve the Lanyon landfill. Introduced 17 JUL 13.



#### WATER

**HYDRAULIC FRACTURING** The Nevada Commission on Mineral Resources is proposing to address the use of hydraulic fracturing in the drilling of exploration or production wells for oil and/or gas in Nevada. This action would amend Nevada Administrative Code (NAC) 522. This action is being taken in response to Senate Bill 390 (2013), which required the Nevada Division of Minerals and the Division of Environmental Protection to develop a hydraulic fracturing program that will:

Assess the effects of hydraulic fracturing on the waters of the state of Nevada;

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- Require a person who engages in hydraulic fracturing to disclose each chemical used to engage in hydraulic fracturing; and
- Provide for notice to members of the general public concerning activities relating to hydraulic fracturing in this state.

#### **LEGISLATIVE DEVELOPMENTS**

Nevada does not hold a legislative session in 2014.

## **Department of Defense Activity**

**2014 QUADRENNIAL DEFENSE REVIEW** DoD released the *Quadrennial Defense Review (QDR) 2014*, a legislatively-mandated review of department strategy and priorities. The review sets the course for DoD to address current and future conflicts and threats. The 2014 final QDR outlines three broad themes: an updated defense strategy, the rebalance of the joint force, and DoD's commitment to protecting the all-volunteer force. It discusses the rationale behind many of the proposals included in DoD's latest five-year spending plan, such as reducing the size of the Army and Marine Corps, trimming DoD staffs by 20%, conducting a new round of base realignment and closure, and slowing the growth in manpower costs. For more information, refer to this fact sheet.

#### **CLEANUP**

**AIR FORCE ONLINE DATABASE FOR ENVIRONMENTAL CLEANUP** Details about the progress of Air Force environmental cleanups are now available in an online database. The database includes the administrative records for more than 170 active and closed installations in the continental United States. The database includes a variety of documents, including records of decision, engineering and cost evaluations, site inspection reports, state closure documents, and other documentation as dictated by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA).

**VAPOR INTRUSION SUMMARY REPORT** The Strategic Environmental Research and Development Program (SERDP) and the Environmental Security Technology Certification Program (ESTCP) released a summary report on vapor intrusion into indoor air from contaminated groundwater. The summary report is a follow up to a 2013 workshop held with the goal of developing a path forward for investments and technology transfer by SERDP and ESTCP in vapor intrusion assessment. The workshop agenda focused on research needed to deal more efficiently with characterization and mitigation of sites impacted by vapor intrusion. In addition, a DoD Vapor Intrusion Handbook, EPA Vapor Intrusion Guidance, and more can be found on the SERDP vapor intrusion website.

#### **ENERGY**

MIT STUDY ON SUNZIA TRANSMISSION LINE IMPACTS The Massachusetts Institute of Technology's (MIT's) Lincoln Laboratory completed a study on the potential impacts of the SunZia transmission line on White Sands Missile Range. The SunZia transmission project would carry renewable energy from solar and wind projects in eastern and central New Mexico to western markets. SunZia's preferred route currently calls for routing a 45-mile stretch of the 500-mile, high-voltage line through White Sands' northern extension area. In response to DoD arguments that the proposed line could interfere with military operations, the Bureau of Land Management (BLM) postponed its decision on whether to approve an environmental impact statement pending completion of the study. DoD and state lawmakers have been briefed on the study findings, but the final report has not been publicly released.

**RENEWABLE ENERGY FOR MILITARY INSTALLATIONS** A new report published by the American Council on Renewable Energy (ACORE) offers an overview of the primary decisions facing companies pursuing development of renewable

energy projects at military installations. *Renewable Energy for Military Installations: 2014 Industry Review* is made up of 12 articles, each written by a separate set of authors. The 54-page report is divided into four sections:

- Policy addressing state utility regulatory risk; and collaboration among state energy offices and DoD;
- Contracting and Finance the Army's multiple-award, task-order contract (MATOC); creating successful power purchase agreements; and risk in long-term energy contracts with DoD;
- Siting and Technology Considerations solar and wind energy; and
- Energy Security and Microgrids.

The report is intended to be a resource for renewable energy companies and investors as they navigate DoD's procurement processes as well as for military officials as they design renewable energy procurements.

#### HAZMAT

**EXPLOSIVE MATERIAL** Department of Defense Instruction (DoDI) 4140.62, *Material Potentially Presenting an Explosive Hazard*, was reissued 19 FEB 14. The DoDI updates policy and responsibility for the management and disposition of material potentially presenting an explosive hazard (MPPEH). The DoDI applies to all MPPEH, material documented as an explosive hazard, and material documented as safe under the control of the DoD. It does not apply to military munitions used for their intended purpose.

#### **OTHER**

**REEO WEBINAR: INTRODUCTION TO THE REGIONAL ENVIRONMENTAL AND ENERGY OFFICES** On 30 APR 14, Army REEO-Southern will host an overview of what the REEOs do, how we operate, and how we can help you. Join us for a 30 minute webinar that will highlight the roles and responsibilities of a DoD Regional Environmental Coordinator, the work of a Regional Environmental Coordinator, how the REEOs conduct legislative engagement and work with the Army Energy Initiatives Task Force, and keys to successful partnering. The webinar is scheduled for 2 pm EST, <a href="https://connect.dco.dod.mil/reeointro/">https://connect.dco.dod.mil/reeointro/</a>. Sign in as a guest if you do not have DCO account. After 30 APR 14, the webinar will be posted to the REEO website. For additional information, contact REEO-S.

**Acquisition Community Connection Website Upgrade** The weapons platform related acquisition community maintains an environmental area within the "Acquisition Community Connection" website. An update of the graphics, content, and resources of the site has been completed. The site focuses on environmental safety and occupational health (ESOH) planning and analysis as part of an ongoing part of systems engineering in compliance with DoDI 5000.02, *Operation of the Defense Acquisition System*. The site supports CAC login.

**HR 4257** Representative Ken Calvert (R-CA) introduced a bill that would cut more than 15,000 civilian employees from the DoD. The legislation would also cap the civilian workforce at the reduced levels through 2025. It would reduce the number of senior executive service members to 1,000 and allow the DoD to weigh job performance over tenure in reducing the workforce. Introduced 14 MAR 14.

## **Federal Activity**

**REPORT ON THE ENVIRONMENT** EPA released its draft *Report on the Environment* for public comment (79 FR 17145). The report is a comprehensive source of scientific indicators that describe the trends in the nation's environmental and human health condition. EPA selected the indicators to address 24 questions that are critical to EPA's mission of protecting the environment and human health. The questions are organized into six themes: air, water, land, human exposure and health, ecological condition, and sustainability. The report is fully online, allowing viewers to customize graphics and vary how statistical data is viewed. The report also includes a new conceptual framework and

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sustainability theme. Comments are due 28 APR 14. For more information, contact the Office of Environmental Information Docket at (202) 566-1752.

#### AIR

**PUBLIC COMMENT PERIOD EXTENDED: GHG EMISSIONS FROM NEW EGUs** EPA extended the public comment period on its 8 JAN 14 proposed rule to limit greenhouse gas (GHG) emissions from new electric generating units (EGUs) (79 FR 12681). This action also extends the public comment period on the agency's 26 FEB 14 request regarding the Energy Policy Act of 2005. Comments are due 9 MAY 14. For more information, contact Nick Hutson at (919) 541-2968 or visit EPA's carbon pollution website.

**TIER 3 VEHICLE EMISSION AND FUEL STANDARDS** In advance of formal publication, EPA released the text of a final rule that establishes more stringent (Tier 3) vehicle emission standards that will further reduce the sulfur content of gasoline. Fact sheets prepared by EPA indicate:

- Tier 3 is harmonized with the CARB Low Emission Vehicle (LEV III) program so automakers could sell the same vehicles in all 50 states; and
- Tier 3 is aligned with and designed to be implemented over the same timeframe as EPA's program for reducing GHG emissions from light-duty vehicles starting in model year 2017.

**DRAFT INTEGRATED REVIEW PLAN FOR SO<sub>2</sub> NAAQS** EPA released the draft *Integrated Review Plan for the Primary National Ambient Air Quality Standard for Sulfur Dioxide* (79 FR 14035). The document contains the plans for the review of the air quality criteria for sulfur oxides and the national ambient air quality standard (NAAQS) for sulfur dioxide (SO<sub>2</sub>). Comments are due 17 APR 14. For more information, contact Michael Stewart at (919) 541-7524 or visit EPA's SO<sub>2</sub> Primary NAAQS website.

**ARIZONA SIP: MARICOPA COUNTY** EPA finalized approval of revisions to the Maricopa County portion of the Arizona State Implementation Plan (SIP) (79 FR 17878). In this action, EPA approved local rules that regulate particulate matter (PM) emissions from fugitive dust sources. The final rule is effective 30 APR 14. For more information, contact Christine Vineyard at (415) 947-4125.

**ARIZONA SIP: PAYSON PM10 PLANNING AREA** EPA approved a revision to the Payson portion of the Arizona SIP (79 FR 15227). The revision consists of the second ten-year maintenance plan for the Payson air quality planning area for coarse particulate (PM10) NAAQS. The final rule is effective 19 MAY 14. For more information, contact Nancy Levin at (415) 972-3848.

**ARIZONA SIP: PHOENIX PLANNING AREA** EPA approved revisions to the Phoenix planning area portion of the Arizona SIP (79 FR 17879). The revisions concern PM emissions within the Phoenix planning area from dust generating operations that do not already have a permit. In this action, the agency approved a state statue that requires the Arizona Department of Environmental Quality to develop and adopt a general permit that specifies episodic best management practices to be implemented by certain dust generating activities. The final rule is effective 30 MAY 14. For more information, contact Christine Vineyard at (415) 947-4125.

**CALIFORNIA SIP: PLACER COUNTY** EPA is approving revisions to the Placer County Air Pollution Control District portion of the California SIP (79 FR 14178). The revisions concern volatile organic compound (VOC) emissions from surface preparation and cleaning operations and graphic arts activities. The final rule is effective 12 MAY 14. For more information, contact Andrew Steckel at (415) 947-4115.

**CALIFORNIA SIP: SAN FRANCISCO BAY AREA AND CHICO PM2.5** EPA approved revisions to the San Francisco Bay Area and Chico portion of the California SIP (79 FR 14404). The revisions address emissions inventories for the 2006 24-hour fine particulate (PM2.5) NAAQS for the San Francisco Bay Area and Chico PM2.5 nonattainment areas. The agency approved these emissions inventories, effective 13 MAY 14. For more information, contact Nancy Levin at (415) 972-3848.

**CALIFORNIA SIP: SOUTH COAST AND EL DORADO** EPA is finalizing approval of revisions to the South Coast Air Quality Management District and El Dorado Air Quality Management District portions of the California SIP (79 FR 14176). The South Coast revision concerns carbon monoxide emissions from cement kilns. The El Dorado revisions address the district's demonstration that its rules met reasonably available control technology (RACT) requirements under the 1997 8-hour ozone NAAQS. The final rule is effective 14 APR 14. For more information, contact Stanley Tong at (415) 947-4122.

**CALIFORNIA SIP: VENTURA COUNTY RACT** EPA is proposing to approve revisions to the Ventura County Air Pollution Control District portion of the California SIP (79 FR 13266). The revisions contain the district's demonstration RACT requirements for the 1997 8-hour ozone NAAQS. Comments were due 9 APR 14. For more information, contact Stanley Tong at (415) 947-4122.

#### **CLIMATE CHANGE**

**CLIMATE DATA INITIATIVE** The Obama Administration launched a new online portal that makes government information related to climate change available to the public. Since data.gov (the central site for U.S. government data) launched in 2009, the federal government has released data that was previously difficult to access in areas such as health, energy, education, public safety, and global development. The Climate Data initiative features data from the National Oceanic and Atmospheric Administration (NOAA), National Aeronautics and Space Administration (NASA), the U.S. Geological Survey, DoD, and other federal agencies on climate.data.gov, a new section within data.gov. The first batch of climate data will focus on coastal flooding and sea level rise. NOAA and NASA will also be calling on researchers and developers to create data-driven simulations to help plan for the future and to educate the public about the vulnerability of their own communities to sea level rise and flood events.

#### **ENERGY**

**WEST-WIDE ENERGY CORRIDOR REVIEW** The Departments of Interior, Agriculture, and Energy (DOI, DA, DOE) are seeking information for the West-Wide Energy Corridor Review (79 FR 17567). By congressional mandate these agencies are required to designate corridors for oil, gas, and hydrogen pipelines and electrical transmission and distribution facilities on federal lands in the 11 contiguous western states (Section 368 of the Energy Policy Act of 2006). The agencies were also directed to perform any environmental reviews required to complete the designation of section 368 corridors, incorporate the section 368 corridors into land use plans, and establish a process for identifying new section 368 corridors. The agencies are seeking information on the corridor designations. Comments are due 27 MAY 14. For more information, contact Stephen Fusilier at (202) 912-7426 or visit the west-wide energy corridor information center.

**QUADRENNIAL ENERGY REVIEW** DOE convened a series of public meetings to discuss and receive comment on issues related to the Quadrennial Energy Review (79 FR 17520). The initial focus for the Quadrennial Energy Review will be national infrastructure for transporting, transmitting, storing, and delivering energy. The current infrastructure in the U.S. is increasingly challenged by transformations in energy supply, markets, and patterns of end use; aging and capacity issues; climate change impacts; and cyber and physical threats. Vulnerability in the energy infrastructure may be exacerbated by increasing interdependencies of energy systems with water, telecommunications, transportation, and emergency response systems. The first Quadrennial Energy Review Report will serve as a roadmap to help address these challenges. The first meeting was held 11 APR 14. In addition, a two-day meeting is scheduled for 21 and 22 APR 14. The meeting on first day will be held in Providence, Rhode Island, while the meeting on the second day will be held in Hartford, Connecticut (79 FR 19881). Comments are due within 60 days of the meetings. DOE maintains a website for background information regarding the topics under discussion at the meeting. For more information, contact Adonica Renee Pickett.

**UPDATED BUILDING PERFORMANCE STANDARDS** The General Services Administration (GSA) issued an update to its P100 Facilities Standard for public buildings. The P100 is a performance based standard. While the previous version specified the minimum acceptable standard, the new P100 specifies four acceptable performance tiers: a mandatory

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minimum tier (baseline) and three tiers that correspond to increasingly higher levels of performance. This multi-tiered approach provides clear, standardized high-performance benchmarks across GSA's portfolio. GSA uses the P100 for all new construction and major renovation projects.

#### **NATURAL RESOURCES**

**CALIFORNIA COASTAL MONUMENT** President Obama expanded the California Coastal National Monument by adding the Point Arena-Stornetta public lands on the Mendocina County coast (79 FR 14603). The President's proclamation adds 1,665 acres to the monument.

**COMMENT PERIODS EXTENDED FOR DELTA BAY PLANS** The National Marine Fisheries Service (NMSF), Bureau of Reclamation, and the Fish and Wildlife Service (FWS) extended the comment period on the draft Bay Delta Conservation Plan and Natural Community Conservation Plan (BDCP) and draft BDCP Environmental Impact Report/Environmental Impact Statement (79 FR 17135). Comments are due 13 JUN 14. For more information, contact Ryan Wulff (NMFS) at 916-930-3733, Lori Rinek (FWS) at (916) 930-5652, or Theresa Olson (Bureau of Reclamation) at (916) 414-2433, or visit the Bay Delta Conservation Plan website.

#### **OTHER**

**ECHO 2.1** EPA's Enforcement and Compliance History Online, Release 2.1 (ECHO 2.1) is now available. ECHO 2.1 offers a substantial upgrade in both searching and report viewing. This release adds Safe Drinking Water Act (SDWA) compliance data searching and information about EPA enforcement actions taken against environmental violators.

#### THREATENED AND ENDANGERED SPECIES

**SAGE-GROUSE INVENTORY** The Western Governors' Association (WGA) published its third annual Sage-Grouse Inventory. The inventory was developed in response to a 2010 determination by FWS that listing the Greater sage-grouse and Gunnison sage-grouse is "warranted but precluded." In an effort to preclude listing, the inventory details proactive steps that states and counties are taking to benefit the species and its habitat. The inventory highlights new sage-grouse conservation activities in 2013, along with the Sage-Grouse Appendix, which contains all initiatives reported by the relevant states and counties between 2011 and 2013. For more information, visit the WGA website.

**CRITICAL HABITAT: JAGUAR** FWS designated critical habitat for the jaguar (*Panthera onca*) in Arizona and New Mexico (79 FR 12571). In this action, the service designated approximately 764,207 acres in Pima, Santa Cruz, and Cochise counties, Arizona; and Hidalgo County, New Mexico, as critical habitat. Due to protections afforded the jaguar in the Fort Huachuca 2013 Integrated Natural Resource Management Plan (INRMP), lands on the fort were not included in the critical habitat designation. The final rule is effective 4 APR 14. For more information, contact Steve Spangle at (602) 242-0210 or visit the FWS jaguar website.

**DRAFT RECOVERY PLAN: PALLID MANZANITA** FWS released a draft recovery plan for pallid manzanita (*Arctostaphylos pallida*) for public comment (79 FR 11816). The species is endemic to the San Francisco East Bay, California, and currently consists of two naturally occurring populations and an out-planted population, totaling 1,353 mature plants. Comments are due 2 JUN 14. For more information, contact Jennifer Norris at (916) 414-6700.

**PROPOSED DOWNLISTING: TIDEWATER GOBY** FWS is proposing to change the status of the tidewater goby (*Eucyclogobius newberryi*) from endangered to threatened throughout its range (79 FR 14339). The geographic range of the tidewater goby is limited to the coast of California. Comments are due 12 MAY 14. Requests for a public hearing are due 28 APR 14. For more information, contact Stephen Henry at (805) 644-1766.

**PROPOSED DOWNLISTING: ARROYO TOAD** FWS is proposing to change the status of the arroyo toad (*Anaxyrus californicus*) from endangered to threatened throughout its range (79 FR 17106). This action is being taken based on the results of a status review of the species and the resulting 12-month finding. Currently, arroyo toads are limited to

isolated populations primarily in the headwaters of coastal streams along the central and southern coast of California and southward to Rio Santa Maria near San Quintin in northwestern Baja California, Mexico. In addition, FWS noted Marine Corps Base Camp Pendleton and Fort Hunter Ligget Military Reservation implement conservation measures in accordance with their INRMPs that benefit the species. Comments are due 27 MAY 14. For more information, contact Stephen Henry at (805) 644-1766.

#### **TOXICS**

**EPA DENIES PETITION FOR NEW LEAD PAINT RENOVATION RULE** EPA received a petition requiring property managers, building owners, and contractors disturbing lead-based paint in public and commercial buildings to submit to EPA certain records related to Occupational Safety and Health Administration (OSHA) construction standards for lead (79 FR 13968). The petition sought to require owners of buildings undergoing lead paint renovation/removal to submit records concerning employee exposure to lead, pursuant to requirements under the Toxic Substances Control Act (TSCA) Section 8(d). EPA denied the petition in part because owners are not required to maintain many of the requested records and in part due to reservations concerning the adequacy of the records. However, the agency will seek to obtain this type of information in an alternative manner. Specifically, EPA is already working with OSHA to determine the availability of lead sampling and exposure data in OSHA enforcement records. EPA's response to the petition was signed 28 Jan 14. For more information, contact Ryan Schmit at (202) 564-0610.

#### WASTE

**DISPOSAL AND REPORTING OF FEDERAL ELECTRONIC ASSETS** GSA is proposing to amend the Federal Management Regulation (FMR) by changing its personal property policy regarding the disposal and reporting of federal electronic assets (79 FR 12681). The proposed changes are to provide policy for the safe handling and disposal of federal electronic assets, and make minor clarifying edits to existing policies. Comments are due 5 MAY 14. For more information, contact Robert Holcombe at (202) 501-3828.

#### WATER

**CONSTRUCTION GENERAL PERMIT: EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS** EPA issued final effluent limitations guidelines and standards for the Construction and Development point source category (79 FR 12661). This final rule withdraws the numeric discharge standards, which are currently stayed, and changes several of the non-numeric provisions of the existing rule. The final rule is effective 5 MAY 14.

**SENATE BILL 2094** Senator Mark Begich (D-AK) introduced a bill to establish national uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel. Introduced 6 MAR 14.

### Professional Development

**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;

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- 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.

**QUALIFIED RECYCLING PROGRAM RESIDENT COURSE TO BE REPLACED WITH DISTANCE LEARNING** DoD's Qualified Recycling Program (QRP) 40-Hour Resident Course (WENV 160), which has been taught and managed by the Air Force Institute of Technology (AFIT), is being reformatted as a distance learning course. This action is being taken to accommodate budget restrictions on training and travel. The reformatted, web-based course will continue to offer the same opportunities for student involvement (e.g., group activities, assignments, discussions, etc.) as the resident course. Although reformatting the Qualified Recycling Course for distance learning is not yet complete, AFIT anticipates the web-based course will be offered several times in FY14. This action is part of a broader effort to increase distance-learning options. For more information, visit the AFIT course website, or contact Mr. Tom Glardon at (937) 255-5654 ext 3538 (DSN 785-4645).

**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.

\*24-15 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.

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**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), ewaste, 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.
- **21 MAY 14. PLACING UESC TASK ORDERS WITH THE GSA**. This free webinar provides a step-by-step approach to placing a utility energy service contract (UESC) task order under a U.S. General Services Administration (GSA) Areawide Contract. The training focuses on developing skills related to the acquisition plan, preliminary audit and findings, feasibility study and project proposal, contract for construction, construction and installation, performance assurance and acceptance, post-construction and commissioning.
- \*5 JUN 14. ENERGY EFFICIENCY EXPERT EVALUATIONS. This free webinar, part of the FEMP first Thursday Seminar series, describes a systematic approach to conduct an energy expert evaluation a customized process to meet site-specific energy goals. This approach combines the most effective features of an energy audit and retro-commissioning, while avoiding the limitations of each.

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#### 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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AAQS	ambient air quality standards
ACHP	Advisory Council on Historic Preservation
ACUB	Army Compatible Use Buffer
ADEQ	Arizona Department of Environmental Quality
ADWM	Arizona Department of Weights and Measures
ADWR	Arizona Department of Water Resources
AFB	Air Force Base
AGRRC	Arizona Governor's Regulatory Review Council
AQIP	Air Quality Improvement Program
ARNG	Army National Guard
ASTM	American Standard Test Method
ATSDR	Agency for Toxic Substances and Disease Registry
BACM	best available control measure
BACT	best available control technology
BART	best available retro-fit technology
BLM	Bureau of Land Management
BTU	British thermal unit
CAA	Clean Air Act
CAFE	corporate average fuel economy
CAIR	Clean Air Interstate Rule
CAMR	Clean Air Mercury Rule
CalEPA	California Environmental Protection Agency
CARB	California Air Resources Board
CaRFG3	phase 3 California reformulated gasoline
CBAR	California Bureau of Automotive Repair
CDC	California Department of Conservation
CDFG	California Department of Fish and Game
CDPH	California Department of Public Health
CDPR	California Department of Pesticide Regulation
CDTSC	California Department of Toxic Substances Control
CDWR	California Department of Water Resources
CEC	California Energy Commission
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulation
CH <sub>4</sub> CNOR	methane candidate notice of review
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	carbon dioxide equivalent
COAL	California Office of Administrative Law
COE	Army Corps of Engineers
СОЕННА	California Office of Environmental Health Hazard Assessment
CPUC	California Public Utilities Commission
CrVI	hexavalent chromium
CSWRCB	California State Water Resources Control Board
CVC	California Vehicle Code
CWA	Clean Water Act
CX	categorical exclusion
DA	Department of Agriculture
DO	dissolved oxygen
DoD	Department of Defense
DOE	Department of Energy
DOI	Department of Interior

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DOT	Department of Transportation
DSM	demand side management
DPS	distinct population segment
EA	environmental assessment
ECA	emission control area
ECF	emission comparable fuel
EIO	Energy Initiatives Office
EIS	environmental impact statement
EPA	Environmental Protection Agency
EO	Executive Order
ESA	Endangered Species Act of 1973
ESTCP	Environmental Security Technology Certification Program
FERC	Federal Energy Regulatory Commission
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FONSI	finding of no significant impact
FS	Forest Service
FWS	Fish and Wildlife Service
FY	fiscal year
GAO	Government Accountability Office
GEPA GHG	Guam Environmental Protection Agency
GSA	greenhouse gas General Service Administration
HAP	hazardous air pollutant
HAR	Hawaii Administrative Rule
HB	House Bill
HCFC	hydrochlorofluorocarbon
HCWRM	Hawaii Commission on Water Resource Management
HDA	Hawaii Department of Agriculture
HDLNR	•
	Hawaii Department of Land and Natural Resources
HDOH HFC	Hawaii Department of Health hydrofluorocarbon
HFE	hydrofluorinated ethers
INRMP	integrated natural resource management plan
ISEERB	Interservice Environmental Education Review Board
ITRC	Interstate Technology and Regulatory Council
JLUS	Joint Land Use Study
LBP	lead-based paint
LEED	Leadership in Energy and Environmental Design
LID	Low-Impact Development
MACT	maximum achievable control technology
MADL	maximum allowable dose level
MCL	maximum contaminant level
MCLG	maximum contaminant level goal
MERIT	Materials of Evolving Regulatory Interest Team
MOU	memorandum of understanding
MPA	marine protected area
MS4	municipal separate storm sewer system
MSGP	multi-sector general permit
N <sub>2</sub> O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NCSL	National Conference of State Legislatures
NAC	Nevada Administrative Code
NDEP	Nevada Division of Environmental Protection
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NF <sub>3</sub> NHTSA	nitrogen trifluoride
иптэа	National Highway Traffic Safety Administration

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NIST	National Institute of Standards and Technology
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NO <sub>2</sub>	nitrogen dioxide
NOx	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRC	Nuclear Regulatory Commission
NSEC	Nevada State Environmental Commission
NSPS	New Source Performance Standard
NSR	New Source Review
OMB	Office of Management and Budget
ORCR	Office of Resource Conservation and Recovery
ORW	outstanding resource water
P2	pollution prevention
PBDE	polybrominated diphenyl ethers
PFC	perfluorocarbons
PFOA	perfluorooctanoic acid
PFOS	perfluorooctanoic acid
PM	particulate matter
PM2.5	particulate matter 2.5 microns in diameter or less
PM10	particulate matter 10 microns in diameter or less
POPs	persistent organic pollutants
ppb	parts per billion
PSD	Prevention of Significant Deterioration
PWS	public water system
RCRA	Resource Conservation and Recovery Act
RICE	Reciprocating Internal Combustion Engine
RoC	Report on Carcinogens
RoHS	European Union's Restriction of Hazardous Substances
RRP	Renovation, Repair, and Painting
SERDP	Strategic Environmental Research and Development Program
SI	spark-ignition
SIP	state implementation plan
SNAP	significant new alternatives policy
SNUR	significant new use rule
SO <sub>2</sub>	sulfur dioxide
SOx	sulfur oxides
SPCC	spill prevention, control, and countermeasures
TiO <sub>2</sub>	titanium dioxide
TMDL	total maximum daily load
tpy	tons per year
TRI	Toxics Release Inventory
TSCA	Toxic Substance Control Act
UFC	Unified Facilities Criteria
ug/m³	micrograms per cubic meter
U.S.	United States
USACE	United States Army Corps of Engineers
USAEC	United States Army Environmental Command
USGS	United States Geological Survey
UST	underground storage tank
USTCA	Underground Storage Tank Compliance Act
VOC	volatile organic compound
WCI	Western Climate Initiative
WGA	Western Governors' Association
WRAP	Western Regional Air Partnership

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