



U.S. ARMY

# Western Review of Legislative & Regulatory Actions Region 8



The U.S. Army Regional Environmental & Energy Office

April 2013

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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### Net Zero Progress Report Due By End of 2013

WASHINGTON (Army News Service, March 4, 2013) -- During [an overview](#) of where the Army is headed in the evolution of its three "Net Zero" programs, the Army's Assistant Secretary for Installations, Energy and Environment said the department will make available by the end of the year a progress report on all three programs.

Additionally, the Army will create a garrison commander's guide to Net Zero -- one that will account for differences in both climate and geography across installations, said Ms. Katherine Hammack, Assistant Secretary of the Army for Installations, Energy and Environment, while speaking before the Atlantic Council, Feb. 27, in Washington, D.C.

"The intent of releasing Net Zero data on our projects is so it can not only be a tool for the Army, but it can also be a tool used by communities, cities and even by large campuses like universities to learn from what we've tried, what's worked, and maybe a little of what hasn't worked," Ms. Hammack said.

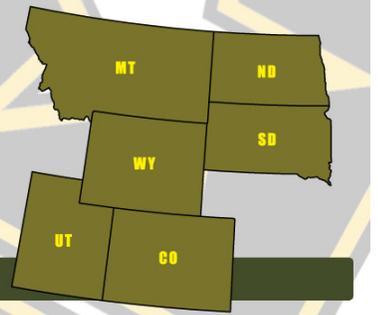
"Our (the Army) bill last year was about \$1.3 billion for utilities in the U.S.," Hammack said. "If you take into account the liquid fuels that we use in theater, we're somewhere around \$5 billion a year. We use a lot of energy, and that's why we looked at Net Zero."

Ms. Hammack said the Army's approach to Net Zero includes energy, water and waste because the three are interconnected.

"An overarching Net Zero plan must address the interconnections between energy, water, and waste. When you use water, it takes energy to pipe that water, to distribute that water, to clean that water and to process that water so we have to take into account water consumption when you're looking at energy consumption," she said. (Byline credit to J.D. Leipold)

# Region 8

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



## AIR

**NESHAP** The Colorado Department of Public Health and Environment (CDPHE) [is proposing](#) to incorporate by reference new and amended federal National Emission Standards for Hazardous Air Pollutants (NESHAP) into [Regulation 8](#) (Control of Hazardous Air Pollutants), Parts A (General Conditions) and E (National Emission Standards for Mercury). This action updates the date of federal rules incorporated by reference to those published as of 1 JUL 12. Comments are due 29 APR 13. A [public hearing](#) is scheduled for 16 MAY 13. For more information, contact [Leah Martland](#) at (303) 692-6269.

**NSPS** The CDPHE [is proposing](#) to incorporate by reference new and amended federal New Source Performance Standards (NSPS) into [Regulation 6](#) (Standards of Performance for New Stationary Sources), Part A (Federal Register Regulations Adopted by Reference). This action updates the date of federal rules incorporated by reference to those published as of 1 JUL 12. Comments are due 29 APR 13. A [public hearing](#) is scheduled for 16 MAY 13. For more information, contact [Leah Martland](#) at (303) 692-6269.

## OTHER

**HAZARDOUS INCIDENT RESPONSE CLAIMS** The CDPHE issued [final guidance](#) for the submission of reimbursement for expenditures by a public entity, political subdivision of the state, or unit of local government that are attributed to response to a hazardous substance incident. The final guidance amending Title 8 Colorado Code of Regulation (CCR) 1507-22 is effective 30 APR 13. For more information, contact [Joshua Downing](#) at (303) 273-1900.

## TOXICS

**RADIATION CONTROL** The CDPHE adopted [amendments](#) that align state rules with those of the Nuclear Regulatory Commission (NRC) in [Title 10 Code of Federal Regulation \(CFR\) Part 20](#). The amendments add subsurface survey requirements for facilities with known contamination, clarify documentation and options for disposal of certain radioactive waste, and address dosage monitoring. The [permanent rules](#) were published 25 MAR 13, effective 14 APR 13. For more information, contact [James Jarvis](#) at (303) 692-3464.

## WASTE

**CORRECTIVE ACTION MANAGEMENT UNITS** The CDPHE adopted modifications to its regulations for corrective action management units (CAMUs). The modifications clarify that CAMUs approved prior to 22 APR 02 (including certain CAMU applications submitted by 20 NOV 00), are subject to the requirements in [40 CFR 264.551](#) for grandfathered CAMUs. New CAMUs and applications that did not qualify for the "grandfathered" status are subject to CAMU

requirements in [40 CFR 264.552](#). The amendments also clarify the specific effective dates that a CAMU needed to meet in order to qualify for "grandfathered" status. This action was taken in response to comments from the Environmental Protection Agency (EPA). The [final rule](#) is effective 14 APR 13. For more information, contact Brandy Valdez Murphy at (303) 692-3467 or at [brandy.valdezmurphy@state.co.us](mailto:brandy.valdezmurphy@state.co.us).

**ELECTRONIC WASTE LANDFILL BAN** The CDPHE adopted an [electronic waste landfill ban](#). This action, taken in response to [Senate Bill \(SB\) 133 \(2012\)](#), amends [6 CCR, 1007-2, Part 1](#), Section 16 (Materials Prohibited from Disposal). Previously, Section 16 specified a landfill ban on a specific item (motorized vehicle waste). This final rule implements a framework approach so that Section 16 will serve as a platform for classifying materials prohibited from disposal (including associated regulations). The final rule is effective 14 APR 13. For more information, contact [Brandy Valdez Murphy](#) at (303) 692-3467. [Additional information](#) is available from the CDPHE, Hazardous Materials and Waste Management Division.

**WASTE TIRES** The CDPHE [adopted revisions](#) to its waste tire regulations. This action amends [6 CCR 1007-2, Part 1, Section 10](#) (Waste Tires). The rulemaking implements the requirements of [House Bill \(HB\) 1034 \(2012\)](#) by adding clarifying exemption language for solid waste landfills, transfer stations, and recycling facilities that divert waste tires from the solid waste stream; removing waste tire hauler decal inconsistencies; and standardizing annual reporting submittal dates. The final rule was published 25 MAR 13, effective 14 APR 13. For more information, contact [Brandy Valdez Murphy](#) at (303) 692-3467.

## WATER

**PETROLEUM STORAGE TANK RULES** The Colorado Department of Labor and Employment, Division of Oil and Public Safety [adopted amendments](#) to its Petroleum Storage Tank Regulation for above ground and underground tanks. The action reformats the regulations to enhance clarity, flow, comprehensiveness, and accuracy by moving sections, adding new sections, entirely re-writing other sections, and making technical corrections. The final rule is effective 1 MAY 13. For more information, contact [Greg Johnson](#) at (303) 318-8536.

## LEGISLATIVE DEVELOPMENTS

The [Colorado 2013 legislative session](#) began 9 JAN 13 and adjourns 8 MAY 13. An \* indicates the first time a bill appears in the 2013 Review.

<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>				
<a href="#">HB 1091</a> <i>Representative Dave Young (D)</i> Proposes to authorize the Air Quality Control Commission to allow fleet owners to use an alternate method for demonstrating compliance with opacity standards.	✓	✓	✓	To Governor
<a href="#">HB 1128</a> <i>Representative Lori Saine (R)</i> Proposes to allow a board of county commissioners to exclude any or all parts of the county from the enhanced motor vehicle emissions program area if the excluded part of the county does not violate air quality standards for carbon monoxide or ozone.	✓			Failed cross-over deadline

<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="#">HB 1110</a> <i>Representative Randy Fischer (D)</i> Proposes to lower the special fuel tax rates for compressed natural gas, liquefied natural gas, and liquefied petroleum gas, and to repeal the annual fee that is charged in lieu of the special fuel tax and the related decal system. Requires registration of plug-in electric vehicles.	✓	✓		
<a href="#">SB 63</a> <i>Senator Kevin Grantham (R)</i> Proposes to address recycled energy (gas derived from waste) with regard to renewable energy standards and synthetic gas.	✓			Failed cross-over deadline
<b>LAND USE</b>				
<a href="#">SB 37</a> <i>Senator Larry Crowder (R)</i> Proposes to create the Pinon Canyon Maneuver Site Land Purchase Authority. Establishes its composition, management processes, responsibilities, and authorities; and its reporting and recordkeeping requirements.	✓			Failed cross-over deadline
<b>NATURAL RESOURCES</b>				
<a href="#">SB 83</a> <i>Senator Ellen Roberts (R)</i> Proposes to create the Colorado Prescribed Burning Act. The Act directs the Division of Natural Resources to promulgate rules for prescribed burning.	✓	✓		
<a href="#">SB 169</a> <i>Senator Larry Crowder (R)</i> Proposes to authorize the reintroduction of black-footed ferrets in Colorado pursuant to programmatic safe harbor agreements and enhancement-of-survival permits without further legislative approval.	✓	✓		
<b>OTHER</b>				
<b>WASTE</b>				
<a href="#">SB 50</a> <i>Senator Nancy J. Todd (D)</i> Proposes to establish the Recycling Resources Economic Opportunity Fund. Specifies that fund monies be generated from fees on commercial disposal vehicles.	✓	✓		
<a href="#">SB 57</a> <i>Senator Steve King (R)</i> Proposes to divest the CDPHE of the authority to review plans associated with solid waste facility design.	✓			Failed cross-over deadline
<b>WATER</b>				
<a href="#">HB 1044</a> <i>Representative Randy Fischer (D)</i> Proposes to permit graywater to be used in accordance with terms and conditions of decrees or permits. Authorizes local authority discretion to authorize graywater use.	✓			Failed cross-over deadline
<a href="#">HB 1130</a> <i>Representative Jerry Sonnenberg (R)</i> Proposes to allow the state engineer to extend an original agreement for operation of an interruptible water supply.	✓	✓		
* <a href="#">HB 1252</a> <i>Representative Millie Hamner (D)</i> Proposes to create the Petroleum Cleanup and Redevelopment Fund. Specifies how fund monies can be spent.	✓			Failed cross-over deadline

<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 19</b> <i>Senator Gail S. Schwartz (D)</i> Proposes to direct the water judge to disregard the decrease in use of water from government-sponsored conservation programs in its determinations of historical consumptive use in change of water right cases. Adds to the list a decrease in water use to provide for compact compliance.	✓	✓		
<b>SB 41</b> <i>Senator Mary Hodge (D)</i> Proposes to reverse certain Colorado Supreme Court holdings concerning flood control, fire or drought protection, beneficial use, and water rights.	✓	✓	✓	In concurrence
<b>SB 72</b> <i>Senator Mary Hodge (D)</i> Proposes to delete a requirement for a final permit for all wells withdrawing designated ground water from the Denver basin aquifers.	✓	✓	✓	Signed by Governor
<b>SB 74</b> <i>Senator Mary Hodge (D)</i> Proposes to create a mechanism to determine the acreage for an irrigation water right for which the original decree predates 1937 and is unclear about the amount of acreage that may be irrigated under the water right.	✓	✓	✓	To Governor
<b>SB 75</b> <i>Senator Greg Brophy (R)</i> Proposes to specify that once the state engineer issues a final permit for the withdrawal of designated ground water, the engineer cannot reduce the withdraw amount to promote conservation of water.	✓	✓	✓	Signed by Governor
<b>SB 78</b> <i>Senator Angela Giron (D)</i> Proposes to provide a process for a water right holder to address erroneous recordkeeping associated with points of water diversion.	✓	✓	✓	Signed by Governor



**BURIAL SITE PROTECTION** The Montana Burial Preservation Board [is proposing](#) New Rules I through VII pertaining to repatriation of human skeletal remains and funerary objects and the transfer of Administrative Rules of Montana (ARM) [2.65.102](#) through [2.65.108](#) pertaining to human skeletal remains and burial site protection. These rules are:

- New Rule I (Model Procedural Rules)
- New Rule II (Scope of Rules)
- New Rule III (Definitions)
- New Rule IV (Petition to Add a Tribe)
- New Rule V (Contents of a Claim for Repatriation)
- New Rule VI (Criteria for Determining Lineal Descent and Cultural Affiliation When Reviewing a Repatriation Claim) and
- New Rule VII (Delay of a Repatriation for Scientific Study)

A public hearing was held 4 APR 13. Comments are due 11 APR 13. For more information, contact [Monica Abbott](#) at (406) 444-2032.

## LEGISLATIVE DEVELOPMENTS

The [Montana 2013 legislative session](#) began 7 JAN 13 and adjourns 27 APR 13. An \* indicates the first time a bill appears in the 2013 Review.

<i>Montana 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>				
<a href="#">SB 44</a> <i>Environmental Quality Council</i> Proposes to eliminate the air pollution control advisory council and its functions.	✓	✓	✓	To Governor
<b>ENERGY</b>				
<a href="#">HB 394</a> <i>Representative Mike Phillips (D)</i> Proposes to allow for aggregate net metering.	✓			Failed cross-over deadline
<a href="#">SB 26</a> <i>Senator Greg Jergeson (D)</i> Proposes to revise the graduated renewable energy standard by changing deadlines and clarifying compliance requirements.	✓	✓	✓	Returned for concurrence
<a href="#">SB 31</a> <i>Senator Debby Barrett (R)</i> Proposes to exclude existing hydroelectric resources within the definition of renewable energy resource under the Montana Renewable Power Production and Rural Economic Development Act.	✓	✓		
<a href="#">SB 45</a> <i>Senator Jim Keane (D)</i> Proposes to revise the definition of eligible renewable resource to include hydroelectric project expansions.	✓	✓	✓	To Governor
<a href="#">SB 52</a> <i>Senator Jim Keane (D)</i> Proposes to clarify what entities are responsible for reporting renewable energy credits; establishes penalties for those entities' failure to report.	✓	✓	✓	Signed by Governor
<a href="#">SB 74</a> <i>Senator Jason Priest (R)</i> Proposes to require that renewable energy projects and universal systems benefits (public purpose) projects be green certified.	✓			Failed cross-over deadline
<a href="#">SB 106</a> <i>Senator Greg Jergeson (D)</i> Proposes to add certain definitions related to the renewable portfolio standard.	✓	✓		
<a href="#">SB 116</a> <i>Senator Ron Arthun (R)</i> Proposes to revise special fuel user permit laws by repealing the special fuel user's permit and by removing certain requirements.	✓	✓	✓	To Governor
<b>LAND USE</b>				
<a href="#">HB 169</a> <i>Representative Kerry White (R)</i> Proposes to allow a local governing body to use or modify a growth policy for the purposes of coordinating and cooperating with federal land management agencies.	✓	✓	✓	Signed by Governor

<i>Montana 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 288</b> <i>Senator Chas V. Vincent (R)</i> Proposes to amend state eminent domain laws. Clarifies that property may be taken by the state or its agents in charge of the public use in accordance with eminent domain laws. Establishes criteria for an appraisal conducted pursuant to eminent domain laws.	✓	✓		
<b>SB 290</b> <i>Senator Elsie Arntzen (R)</i> Proposes to provide a process for notification of nearby municipal property owners when a change in use in certain county zoning districts occurs; and requiring the county to hold a public hearing under certain circumstances.	✓	✓		
<b>SJR 15</b> <i>Senator Jennifer Fielder (R)</i> Proposes to request an interim study evaluating the management of certain federal lands, assessing risks, and identifying solutions.	✓	✓		
<b>NATURAL RESOURCES</b>				
<b>HB 246</b> <i>Representative Kerry White (R)</i> Proposes to ban conservation easements in perpetuity and requires local governments to approve conservation easements. Removes property tax exemptions for interest held by qualifying private organizations.	✓			Failed cross-over deadline
<b>*HB 580</b> <i>Senator Bradley Hamlett (D)</i> Proposes to provide funding for the Greater Sage-Grouse Habitat Conservation Advisory Council.	✓	✓		
<b>SB 18</b> <i>Water Policy Committee</i> Proposes to clarify ownership of a channel or former channel of a navigable river or stream following erosion or deposition of sediments that remove lands, create new lands, or add to existing lands.	✓	✓		
<b>SB 200</b> <i>Senator Chas V. Vincent (R)</i> Proposes to revise laws related to wolf management.	✓	✓		
<b>SB 201</b> <i>Senator Bradley Hamlett (D)</i> Proposes to revise laws related to wildland fire. Requires the Department of Natural Resources and Conservation to advocate for authority to engage in forest management activities to reduce fire risk on federally managed land located within the wildland-urban interface.	✓	✓		
<b>SB 273</b> <i>Senator Sharon Stewart-Peregoy (D)</i> Proposes to revise Montana antiquities laws. Requires state agencies to consult with Indian tribes about actions potentially affecting tribal traditional cultural property.	✓			Failed cross-over deadline
<b>OTHER</b>				
<b>WASTE</b>				
<b>HB 146</b> <i>Representative Kristin Hansen (R)</i> Proposes to limit how and when the Department of Environmental Quality can impose fees on solid waste facilities. Requires justification for fee increases.	✓	✓	✓	Returned for concurrence

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<b>HB 173</b> <i>Representative David Moore (R)</i> Proposes to revise the Department of Environmental Quality's process for certain remedial actions. Limits certain remedial actions near schools.	✓			Failed cross-over deadline
<b>WATER</b>				
<b>HB 37</b> <i>Representative Bill McChesney (D)</i> Proposes to allow a temporary change of a water right through a lease. Establishes requirements for a temporary lease.	✓	✓	✓	for concurrence Returned
<b>HB 106</b> <i>Representative Pat Connell (R)</i> Proposes to clarify the process for a permit or a change in appropriation right and to streamline permit requirements in closed basins.	✓	✓	✓	for concurrence Returned
<b>HB 128</b> <i>Representative Galen Hollenbaugh (D)</i> Proposes to authorize the expenditure of fines collected for unlawful use of water in order to enforce water use laws.	✓	✓		
<b>HB 516</b> <i>Representative Bill Harris (R)</i> Proposes to revise water rights laws. Specifies who can hold a water right in Montana. Prohibits certain nonstate entities from receiving a water appropriation right in the state. Prohibits the U.S. or any U.S. agency from obtaining a water reservation.	✓			Failed cross-over deadline
<b>HB 561</b> <i>Representative Roger Hagan (R)</i> Proposes to define the term "combined appropriation" for water wells and developed springs that are exempt from permitting.	✓			Failed cross-over deadline
<b>HJR 7</b> <i>Representative Patrick Connell (R)</i> Proposes to initiate legal action against the federal government for damages to state waters.	✓	✓		
<b>*SB 18</b> <i>Water Policy Committee</i> Proposes to clarify ownership of a channel and former channel of a navigable river or stream following an avulsion.	✓	✓	✓	Returned for concurrence
<b>SB 19</b> <i>Water Policy Committee</i> Proposes to define appropriation terms for wells and developed springs that are exempt from permitting.	✓	✓	✓	Returned for concurrence
<b>SB 38</b> <i>Water Policy Committee</i> Proposes to define terms associated with ground water appropriations within stream depletion zones. Limits the creation of stream depletion zones.	✓			Failed cross-over deadline
<b>SB 76</b> <i>Senator Chas V. Vincent (R)</i> Proposes to require permits for cooling water intake structures.	✓	✓	✓	To Governor
<b>SB 233</b> <i>Senator Jim Peterson (R)</i> Proposes to clarify enforcement provisions for interference with a prior water right.	✓	✓		

<i>Montana 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 263</b> <i>Senator Bradley Hamlett (D)</i> Proposes to limit the amount of ground water that can be appropriated without a permit according to the type of use and acreage of the parcel associated with that use.	✓			Failed cross-over deadline
<b>SB 271</b> <i>Senator Fred Thomas (R)</i> Proposes to revise laws governing dissolution of water and sewer districts.	✓	✓		
<b>SB 335</b> <i>Senator Bradley Hamlett (D)</i> Proposes to provide for removal of a natural obstruction that impairs a prior water right.	✓	✓		
<b>SB 346</b> <i>Senator Chas V. Vincent (R)</i> Proposes to revise water laws related to ground water appropriations exempt from permitting. Revises definitions and clarifies senior water right enforcement against certain ground water appropriations.	✓	✓	✓	Returned for concurrence
<b>SB 347</b> <i>Senator Chas V. Vincent (R)</i> Proposes to specify that a diversion or withdrawal of water or a modification of stream flow is not degradation under the Water Quality Act.	✓	✓		
<b>SB 355</b> <i>Senator Bradley Hamlett (D)</i> Proposes to create a petition process to judicially determine claims for existing water rights that were exempt from filing for the adjudication of water rights.	✓	✓		



## LEGISLATIVE DEVELOPMENTS

The [North Dakota 2013 legislative session](#) began 8 JAN 13 and adjourns 1 MAY 13.

<i>North Dakota 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>				
<b>ENERGY</b>				
<b>SB 2209</b> <i>Senator Jerry Klein (R)</i> Proposes to address eminent domain siting of an energy conversion facility or a transmission facility.	✓	✓	✓	To Governor
<b>SB 2291</b> <i>Senator Jerry Klein (R)</i> Proposes to provide for net metering.	✓			Failed cross-over deadline

<i>North Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<b>LAND USE</b>				
<b>NATURAL RESOURCES</b>				
<b>OTHER</b>				
<b>WASTE</b>				
<a href="#">HB 1149</a> <i>Representative Dick Anderson (R)</i> Proposes to create and enact a new subsection to section 37-17.1-07.1 of the North Dakota Century Code, relating to emergency response to hazardous materials incidents.	✓	✓	✓	In concurrence
<b>WATER</b>				
<a href="#">HB 1398</a> <i>Representative George J. Keiser (R)</i> Proposes to create a new water extraction tax.	✓			Failed cross-over deadline
<a href="#">HB 1440</a> <i>Representative Curt Kreun (R)</i> Proposes to create and enact three new sections to chapter 61-35 of the North Dakota Century Code, relating to exclusion of cities from water districts and state water commission policies on funds for water districts.	✓	✓		
<a href="#">HB 2154</a> <i>Senator Jerry Klein (R)</i> Proposes to change registration fees for above and underground tanks.	✓	✓	✓	Signed by Governor



**NOXIOUS WEED AND DECLARED PEST LIST** The South Dakota Department of Agriculture, Weed and Pest Control Commission [is proposing](#) to add white horehound to the local noxious weed and declared pest list. Comments were due 10 APR 13. A public hearing was held 11 APR 13.

## LEGISLATIVE DEVELOPMENTS

The [South Dakota 2013 legislative session](#) began 8 JAN 13 and adjourned 25 MAR 13. An \* indicates the first time a bill appears in the 2013 Review.

<i>South Dakota 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>				
<b>ENERGY</b>				
<a href="#">HB 1207</a> <i>Representative Paula Hawks (D)</i> Proposes to provide for net metering for certain renewable energy systems.	✓			Failed upon adjournment

<i>South Dakota 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 195</b> <i>Senator Larry Rhoden (R)</i> Proposes to establish certain incentives for wind energy facilities. Revises the amount that may be rebated for the gross receipts tax on electricity produced on wind farms.	✓	✓	✓	Signed by Governor
<b>LAND USE</b>				
<b>HB 1007</b> <i>Representative James Schaefer (R)</i> Proposes to restrict the term of conservation easements.	✓			Failed upon adjournment
<b>NATURAL RESOURCES</b>				
<b>SB 12</b> <i>Commerce Committee</i> Proposes to update citations and revise certain provisions regarding permits for energy facilities.	✓	✓	✓	Signed by Governor
<b>SB 149</b> <i>Senator James Bradford (D)</i> Proposes to revise certain provisions relating to violations found through environmental audits.	✓			Failed upon adjournment
<b>OTHER</b>				
<b>*SB 29</b> <i>Appropriations Committee</i> Proposes to authorize the Department of the Military to purchase land for use by the South Dakota Army National Guard. Makes an appropriation.	✓	✓	✓	Signed by Governor
<b>WASTE</b>				
<b>SB 42</b> <i>Transportation Committee</i> Proposes to update references to federal regulations regarding safe transport of hazardous materials.	✓	✓		Failed upon adjournment
<b>WATER</b>				



## AIR

**OUTDOOR WOOD BOILER** The Utah Department of Environmental Quality (UDEQ) is proposing [revisions](#) to its AUG 12 [proposed outdoor boiler rule](#), R307-208 (Outdoor Wood Boilers). This rule prohibits any person from selling, offering for sale, supplying, installing, purchasing, or transferring an outdoor wood boiler and requires current operators and owners to register their outdoor wood boiler, operate it in accordance with manufacturer specifications, and limit visible emissions opacity. The revisions extend the period for rule implementation, clarify requirements for boiler sales in certain areas, clarify restrictions on replacement of existing wood boilers in certain areas, and remove labeling requirements from R307-208-4. The revisions were released 1 MAR 13. The UDEQ may adopt the new rule as early as APR 13. For more information, contact [Mark Berger](#) at (801) 536-4000.

**AIR STRIPPERS AND SOIL VENTING** The UDEQ [adopted amendments](#) to R307-401-15 (Air Strippers and Soil Venting Projects). This action removes language that had allowed the UDEQ to approve alternate test and monitoring

methods, per EPA directives. The final rule was published 1 MAR 13, effective 7 FEB 13. For more information, contact [Mark Berger](#) at (801) 536-4000.

## WATER

**WATER QUALITY STANDARDS** The UDEQ [is proposing](#) amendments to adopt a new subsection to [R3172-2](#) (Standards of Quality for Waters of the State). The new Subsection [R317-2-7\(7.3\)](#) (Biological Water Quality Assessment and Criteria) will officially formalize the biological assessment process. The UDEQ intends to continue meeting with the Biological Standards Subworkgroup to address future proposed amendments to the rule and as new opportunities are explored to improve the effectiveness of the biological assessment program. A public hearing on the new subsection was held 3 APR 13. Comments are due 15 APR 13. For more information, contact [Judy Etherington](#) at (801) 536-4344.

**WATER QUALITY DEFINITIONS** The UDEQ [is proposing](#) amendments to its water quality rules at [R317-1-1](#) (Definitions). The amendments would add four definitions to support the concurrent changes related to biological water quality assessment criteria at Section [R317-2-7](#). Those concurrent changes involved section numbering. A public hearing was held 3 APR 13. Comments are due 15 APR 13. For more information, contact [Dave Wham](#) at (801) 536-4337.

**WATER QUALITY CERTIFICATIONS** The UDEQ [is proposing](#) a new rule at [R317-15](#) (Water Quality Certification) which establishes procedures for applying for and processing State Water Quality Certification pursuant to Section 401 of the [Clean Water Act](#), and consistent with the [Utah Water Quality Act](#). The procedures have not been changed, but are now being documented to allow for better transparency in the application and review process. Comments are due 14 APR 13.

## LEGISLATIVE DEVELOPMENTS

The [Utah 2013 legislative session](#) began 28 JAN 13 and adjourned 14 MAR 13. An \* indicates the first time a bill appears in the 2013 Review.

<i>Utah 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>				
<a href="#">HB 77</a> <i>Representative Kraig Powell (R)</i> Proposes to allow the Division of Forestry, Fire, and State Lands to develop and implement a long-range fire pre-suppression strategy responsive to specific observed changes in climate that pose a risk to fire management.	✓	✓	✓	Failed upon adjournment
<a href="#">HB 210</a> <i>Representative Edward Redd (R)</i> Proposes to modify the Motor Vehicle Code by amending provisions relating to motor vehicle emissions inspections. Addresses local vehicle emissions requirements and fees.	✓	✓	✓	Signed by Governor
<a href="#">HB 346</a> <i>Representative Rebecca Chavez-Houck (D)</i> Proposes to prohibit the Division of Air Quality from adopting rules relating to the Clean Air Act that are more stringent than corresponding federal regulations.	✓			Failed upon adjournment
<b>ENERGY</b>				
* <a href="#">SB 275</a> <i>Senator J. Stuart Adams (R)</i> Proposes to establish a governing body to facilitate conversion to alternative fuel vehicles or to facilitate the construction, operation, and maintenance of facilities for alternative fuel vehicles.	✓	✓	✓	Signed by Governor

<i>Utah 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 277</b> <i>Senator David Hinkins (R)</i> Proposes to create the Green River Energy Zone. Defines terms, adopts an energy policy for the zone, promotes collaboration to develop energy and mineral resources in the zone, and makes technical changes.	✓	✓	✓	Signed by Governor
<b>LAND USE</b>				
<b>HB 142</b> <i>Representative Roger Edward Barrus (R)</i> Proposes to require the Public Lands Policy Coordinating Office to conduct a study and economic analysis of the transfer of certain federal lands to state ownership.	✓	✓	✓	Signed by Governor
<b>*HB 162</b> <i>Representative Mike McKell (R)</i> Proposes to enact language related to the review and approval of a conservation easement.	✓			Failed upon adjournment
<b>SB 153</b> <i>Senator J. Stuart Adams (R)</i> Proposes to amend provisions related to municipal and county regulation of land use and development. Requires a local district to comply with municipal or county land use and development requirements in certain circumstances.	✓	✓	✓	Signed by Governor
<b>NATURAL RESOURCES</b>				
<b>OTHER</b>				
<b>HB 125</b> <i>Representative Curtis Oda (R)</i> Proposes to enact the Local Emergency Response Act. Addresses authority, liability, and other considerations relating to a person who responds to an emergency.	✓	✓	✓	Signed by Governor
<b>HB 325</b> <i>Representative Brad L. Dee (R)</i> Proposes to modify the Military Installation Development Authority Act. Defines terms and addresses taxes.	✓	✓	✓	Signed by Governor
<b>WASTE</b>				
<b>HB 231</b> <i>Representative Merrill Nelson (R)</i> Proposes to modify provisions related to fees charged for hazardous waste and mixed waste. Requires the Department of Environmental Quality to evaluate program costs and develop a fee schedule based on costs. Allows a disposal facility to collect fees.	✓	✓	✓	Signed by Governor
<b>SCR 1</b> <i>Senator David Hinkins (R)</i> Proposes to allow a landfill to receive specified nonhazardous solid waste. Allows the proposed Five Mile Recycle Landfill to operate as a Class VI landfill and receive nonhazardous construction and demolition waste, inert waste, and yard waste. Reiterates that the facility is required to apply for and receive approval from the Department of Environmental Quality if it wishes to change a specified element of its waste stream.	✓	✓	✓	Signed by Governor
<b>WATER</b>				
<b>HB 29</b> <i>Representative Joel Briscoe (D)</i> Proposes to establish procedures for a general adjudication of water rights.	✓	✓	✓	Signed by Governor

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<b>HB 36</b> <i>Representative Jim Nielson (R)</i> Proposes to prohibit the state engineer from commencing an enforcement action under certain circumstances and provides for the collection and use of precipitation without obtaining a water right in certain circumstances.	✓	✓	✓	Signed by Governor
<b>HB 73</b> <i>Representative John G. Mathis (R)</i> Proposes to establish a procedure for the holder of a prescriptive easement for a water conveyance to abandon all or part of the prescriptive easement.	✓	✓	✓	Signed by Governor
<b>HB 123</b> <i>Representative Kay L. McIff (R)</i> Proposes to revise the process to apply for a change in water rights. Establishes requirements and responsibilities associated with an application for a change in water rights.	✓			Failed upon adjournment
<b>HB 326</b> <i>Representative R. Curt Webb (R)</i> Proposes to modify water rights provisions related to conveyance of water rights, use of water evidenced by shares of stock, and water rights appurtenant to land.	✓	✓	✓	Signed by Governor
<b>SB 30</b> <i>Senator Margaret Dayton (R)</i> Proposes to modify provisions regarding forfeiture of a water right.	✓	✓	✓	Signed by Governor
<b>SB 109</b> <i>Senator Ralph Okerlund (R)</i> Proposes to require that a person who applies for a permanent or temporary change to a water right meet certain qualifications. Allows the state engineer to approve the modifications.	✓	✓	✓	Failed upon adjournment
<b>SB 154</b> <i>Senator Scott K. Jenkins (R)</i> Proposes to make changes to the sales and use taxation of water. Creates and amends definitions, modifies a sales and use tax exemption for water, adds potable delivered water to the state and local sales and use tax base, and allocates state revenues.	✓			Failed upon adjournment



## **AIR**

**GREEN RIVER OZONE STRATEGY** The Wyoming Department of Environmental Quality (WDEQ) released the [Ozone Strategy](#) for the Upper Green River Basin to help bring the area back into ozone attainment. The WDEQ developed the Ozone Strategy in response to the nonattainment designation in the Upper Green River Basin. For more information, contact [Keith Guille](#) at (307) 777-6105.

## **LEGISLATIVE DEVELOPMENTS**

The [Wyoming 2013 legislative session](#) began 8 JAN 13 and adjourned 27 FEB 13.

<i>Wyoming 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>				
<a href="#">HB 63</a> <i>Joint Minerals, Business And Economic Development Committee</i> Proposes to authorize the Department of Environmental Quality to submit an amended GHG regulation SIP to the EPA that is no more stringent than federal GHG new source performance standards.	✓	✓	✓	Signed by Governor
<b>ENERGY</b>				
<a href="#">HB 40</a> <i>Joint Judiciary Interim Committee</i> Proposes to extend the moratorium on the exercise of the power of condemnation for wind energy collector systems.	✓	✓	✓	Signed by Governor
<b>LAND USE</b>				
<a href="#">HB 42</a> <i>Representative Keith Gingery (R)</i> Proposes to repeal provisions related to the Land Use Planning Act and repeal specified provisions for local zoning and land use planning.	✓	✓	✓	Signed by Governor
<b>NATURAL RESOURCES</b>				
<a href="#">SB 49</a> <i>Senator Cale Case (R)</i> Proposes to provide for expiration of industrial siting permits.	✓			Failed upon adjournment
<b>OTHER</b>				
<b>WASTE</b>				
<a href="#">HB 65</a> <i>Joint Minerals, Business And Economic Development Committee</i> Proposes to create the municipal solid waste landfill remediation program and to establish criteria for the program. Additionally, creates the municipal solid waste landfill remediation account and provides for expenditures from the account.	✓	✓	✓	Signed by Governor
<a href="#">HB 66</a> <i>Joint Minerals, Business And Economic Development Interim Committee</i> Proposes to create the municipal solid waste facility Cease and Transfer program and to establish criteria for the program. Creates a municipal solid waste facility cease and transfer account. Provides qualifications for applicants to receive funds under the program.	✓	✓	✓	Signed by Governor
<b>WATER</b>				
<a href="#">HB 56</a> <i>Representative Mike Greear (R)</i> Proposes to implement a surface water point source discharge fee system for each pollution discharge elimination system permit. This bill requires that the fee be paid before the processing and issuance of the permit.	✓	✓	✓	Signed by Governor
<a href="#">SB 150</a> <i>Senator John J. Hines (R)</i> Proposes to provide for a policy on salvage water as specified.	✓			Failed upon adjournment

# Department of Defense Activity

**DEPARTMENT OF DEFENSE RELEASES CLIMATE CHANGE ADAPTATION ROADMAP** The DoD released a [Climate Change Adaptation Roadmap](#) that details the Department's plan for managing the effects of climate change on its operations and infrastructure in both the short and long term. This roadmap, a key element of DoD's annual update of its [Strategic Sustainability Performance Plan](#), specifically requires the [Strategic Environmental Research and Development Program](#) to develop climate change assessment tools for DoD's installations.

## Federal Activity

### *AIR*

**ADDITIONAL QUALIFYING RENEWABLE FUEL PATHWAYS** The EPA issued a final rule qualifying camelina oil as biomass-based diesel or advanced biofuel, and biofuels from energy cane (a variety of sugar cane) qualifying as cellulosic biofuel ([78 FR 14190](#)). EPA determined these additional fuel pathways will help meet the greenhouse gas (GHG) reduction requirements of the Renewable Fuel Standard (RFS) Program. The inclusion of these pathways creates additional opportunity and flexibility for regulated parties to comply with the advanced and cellulosic requirements of the Energy Independence and Security Act (EISA) and provides the certainty necessary for investments to bring these biofuels into commercial production. The rule becomes effective on 6 MAY 13. EPA POC: [Vincent Camobrec](#), (202) 564-9043.

**COLORADO SIP: COMMON PROVISIONS** EPA is partially approving and partially disapproving revisions to the Colorado State Implementation Plan (SIP) submitted on 20 JUN 03 ([78 FR 19125](#)). Primarily, the revisions involved changes designed to fix ambiguous language, to make the definitions more readable, or to delete obsolete definitions. In this action, EPA is approving portions of the revision that delete duplicative or obsolete definitions, or that clarify existing definitions in a manner consistent with the Clean Air Act (CAA) and is disapproving those portions of the rule revisions that EPA determined are inconsistent with the CAA. This final rule is effective 29 APR 13. EPA POC: [Mark Komp](#), (303) 312-6022.

### *CLIMATE CHANGE*

**WATERSHED MODELING FOR 20 WATERSHEDS ASSESSMENT** EPA issued a draft document titled [Watershed Modeling to Assess the Sensitivity of Streamflow, Nutrient, and Sediment Loads to Climate Change and Urban Development in 20 U.S. Watersheds](#). The document characterizes the sensitivity of streamflow, nutrient (nitrogen and phosphorus), and sediment loading to a range of plausible mid-21st century climate change and urban development scenarios. The study also provides an improved understanding of methodological challenges associated with integrating existing tools and datasets to assess the potential effects of climate change and urban development on stream flow and water quality. Comments are due by 15 APR 13. EPA POC: [Thomas Johnson](#), (703) 347-8618.

### *ENERGY*

**NEW GUIDE FOR FEDERAL AGENCIES DEVELOPING LARGE-SCALE RENEWABLE ENERGY PROJECTS** The Federal Energy Management Program (FEMP) developed a [new guide](#) that provides a framework to allow the federal government,

private developers, and financiers to work in a coordinated effort on large-scale renewable energy projects. The guide was developed by FEMP and the National Renewable Energy Laboratory, with contribution and assistance provided by the [Army Energy Initiatives Task Force](#) (EITF). It was developed in concert with the EITF's process for large-scale renewable energy project development.

**FEMP LAUNCHES WEBSITE TO HELP FEDERAL AGENCIES REDUCE GHG EMISSIONS** The [new website](#) will help agency personnel evaluate mitigation strategies for different emission sources, including buildings, fleet vehicles, business travel and employee commuting; and prioritize projects to achieve reduction goals in the most cost-effective manner.

**HIGH PERFORMANCE AND SUSTAINABLE BUILDINGS** A new Unified Criteria Document titled United Facilities Criteria (UFC) 1-200-02, High Performance and Sustainable Building Requirements, has been signed and posted to the [Whole Building Design Guide website](#). UFC 1-200-02 provides minimum requirements and guidance for DoD components to achieve high performance and sustainable facilities.

**POLICY FRAMEWORK FOR THE 21ST CENTURY GRID: A PROGRESS REPORT** The White House released [A Policy Framework for the 21st Century Grid: A Progress Report](#). The release is an update to the original Policy Framework released in JUN 11. The update contains a section promoting DoD as an appropriate place to promote energy technology innovations, including smart grid and micro-grid technologies.

**RENEWABLE ENERGY PROJECT PERMITTING FOR DEVELOPMENT ON FEDERAL LANDS** The Government Accounting Office (GAO) released a report addressing the permitting process for renewable energy development on federal lands, principally the Bureau of Land Management (BLM) and Forest Service (FS) lands ([GAO-13-189](#)). Since passage of the Energy Policy Act of 2005, federal land management agencies, primarily BLM, have received hundreds of applications for utility-scale renewable energy projects, yet only authorized 25: seven wind, ten solar, and eight geothermal. Applications for the majority of projects were withdrawn by the applicants or denied by BLM because of insufficient information. GAO POC: [Anne-Marie Fennell](#), (202) 512-3841.

**GREAT PLAINS WIND ENERGY DRAFT PEIS** The Council on Environmental Quality (CEQ), Department of Energy (DOE) Western Area Power Administration, and the Fish and Wildlife Service (FWS), as joint lead agencies, have prepared the document, Upper Great Plains Wind Energy Draft Programmatic Environmental Impact Statement (Draft PEIS) ([78 FR 17653](#)). The Draft PEIS evaluates issues associated with wind energy development within Western's Upper Great Plains Customer Service Region, which encompasses all or parts of the states of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota, and upon the FWS landscape-level grassland and wetland easements in the same area. Public hearings are scheduled for 30 APR 13 and 1-2 MAY 13 at various locations. Comments are due 21 MAY 13. A copy of the draft PEIS is available on the [project website](#).

## ***NATURAL RESOURCES***

**MORE EFFICIENT ENVIRONMENTAL REVIEWS** The CEQ released [a new handbook](#) that encourages more efficient environmental reviews under the National Environmental Policy Act (NEPA). The handbook provides advice to federal agencies, applicants, project sponsors, and consultants on how to take advantage of existing regulatory provisions to align the NEPA process and the National Historic Preservation Act Section 106 review process.

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

**LISTING AS ENDANGERED AND DESIGNATION OF CRITICAL HABITAT FOR GIERISCH MALLOW** FWS announced the reopening of the public comment period on the [17 AUG 12](#) proposal to add the Gierisch mallow to the list of endangered species and to designate critical habitat ([78 FR 18943](#)). The agency is proposing to designate 12,822 acres as critical habitat in Mohave County, Arizona, and Washington County, Utah. Comments are due 29 APR 13. FWS POC: Steve Spangle, (602) 242-0210.

**DESIGNATION & CRITICAL HABITAT: GUNNISON SAGE-GROUSE** FWS extended the public comment period on its 11 JAN 13 [proposed listing](#) and [designation of critical habitat](#) for the Gunnison sage-grouse (*Centrocercus minimus*) (78 FR 15925). The agency intends to issue final determinations on the rules by 30 SEP 13. Comments were due 2 APR 13. FWS POC: Patty Gelatt, (970) 243-2778.

## *TOXICS*

**POTENTIAL HEALTH RISKS TO DOD FIRING-RANGE PERSONNEL FROM LEAD EXPOSURE** DoD has asked the National Research Council (NRC) to evaluate potential health risks from recurrent lead exposure of firing-range personnel, and specifically, whether current exposure standards for lead on DoD firing ranges protect its workers adequately. In response to DoD's request, the NRC convened the Committee on Potential Health Risks from Recurrent Lead Exposure of DoD Firing Range Personnel, which prepared a report summarizing those risks. Review of the epidemiologic and toxicological data allowed the committee to conclude that there is overwhelming evidence that the Occupational Safety and Health Administration (OSHA) standard provides inadequate protection for DoD firing-range personnel and for any other worker populations covered by the general industry standard. The report, Potential Health Risks to DoD Firing-Range Personnel from Recurrent Lead Exposure, will help to inform decisions about setting new air exposure limits for lead on firing ranges, about whether to implement limits for surface contamination, and about how to design lead-surveillance programs for range personnel. Follow the link for [a summary of the report](#). The [entire report](#) can be downloaded free of charge by registered users on the National Academies Press website.

**EPA DECLARES A PRION TO BE A PEST** This final rule (78 FR 13501) amends the EPA regulations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to expressly include prion, a microscopic particle thought to be an infectious agent, within the regulatory definition of pest. This rule clarifies that efficacy data are required for pesticide products with prion-related claims. In addition, the rule provides final test guidelines on generating the product performance data for prion-related pesticide products. EPA POC: [Melba Morrow](#), (703) 308-2716.

**ORTHO-NITROTOLUENE ADDED TO 313 CHEMICAL RELEASE REPORTING LIST** EPA is proposing to add ortho-nitrotoluene to the list of toxic chemicals subject to reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 (78 FR 15913). Typical use of nitrotoluene is in production of pigments, antioxidants, agricultural chemicals, and photographic chemicals. Nitrotoluene has been classified by the National Toxicology Program as "reasonably anticipated to be a human carcinogen." Comments are due 13 MAY13. EPA POC: [Daniel R. Bushman](#), (202) 566-0743.

**HEXAVALENT CHROMIUM** The National Institute for Occupational Safety and Health (NIOSH) lowered its [recommended exposure limit](#) for airborne hexavalent chromium (CrVI) during the 40-hour work week by 80% with a reduction from 1.0 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) of air to 0.2  $\mu\text{g}/\text{m}^3$ .

## *WATER*

**PERCHLORATE** The EPA Science Advisory Board ([SAB](#)) held a teleconference on 29 MAR 13 to conduct a quality review of a draft report on approaches to derive a maximum contaminant level goal for perchlorate. Perchlorate is used by the DoD as an oxidizer for propulsion of missiles, in munitions, and in some training pyrotechnics.

**EPA TO ELIMINATE NUMERIC TURBIDITY LIMITS FOR CONSTRUCTION STORMWATER DISCHARGE PERMITS** In advance of publication in the Federal Register, the EPA [announced](#) it intends to withdraw the numeric limitation for turbidity and to revise several of the non-numeric/best management practice (BMP) requirements associated with its effluent limitation guidelines (ELGs) for curbing stormwater runoff from the construction activities. However, the agency is seeking to preserve a possible path for issuing a new turbidity standard. EPA issued a numeric limitation for turbidity in the [2009 final effluent guideline rule](#) for the Construction and Development Point Source Category, which established national monitoring requirements and enforceable numeric limitations on stormwater discharges from construction sites. The agency will accept comment for 60 days following publication in the Federal Register. EPA POC: [Jesse W. Pritts](#), (202) 566-1038.

**TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT** Although the EPA did not approve a new test method for oil and grease for nationwide use, thereby changing monitoring requirements for all permit holders, this proposal does allow a permit holder to petition to use the alternative test method ([78 FR 14457](#)). The petitioner would need to submit a request to the EPA to use the alternative method, along with specific data. The EPA grants approval to use the alternative method on a case-by-case basis. The EPA released a [fact sheet](#) on its [construction and development website](#). EPA POC: [Jan Matuszko](#), (202) 566-1035.

**ARMY CORPS OF ENGINEERS LAUNCHES A FEDERAL SUPPORT TOOLBOX FOR INTEGRATED WATER RESOURCES MANAGEMENT** The [Federal Support Toolbox](#) is a dynamic, evolving and comprehensive water resources website with direct links to valuable databases, innovative programs and initiatives and state-of-the-art models and tools. The website also serves as a resource for sharing ideas and water resources needs, best management practices, collaborations and partnerships and more for the water resources community in the U.S. and internationally.

**AMENDMENTS TO EXECUTIVE ORDER 12777: DELEGATION OF AUTHORITIES** The President has issued amendments to [Executive Order 12777](#) to delegate authorities for enforcement of portions of the Oil Pollution Act of 1990 and Clean Water Act to Department of Transportation and Coast Guard.

## *Professional Development*

**8-10 MAY 13, CHICAGO, IL** [INTERNATIONAL SOCIETY OF SUSTAINABILITY PROFESSIONALS CONFERENCE](#) The conference is structured around stories from the field featuring presentations of on-the-ground implementation from organizations worldwide; emerging strategies for building the business case, engaging employees and developing cultures of sustainability; and sustainability tools that will demonstrate the latest sustainability assessments, reporting standards and more.

**15-17 MAY 13 ATLANTA, GA** [BROWNFIELDS 2013](#) The focus of this conference is environmental revitalization and economic redevelopment.

**10-13 JUN 13, NEW ORLEANS, LA** [ENVIRONMENT, ENERGY SECURITY & SUSTAINABILITY SYMPOSIUM AND EXHIBITION](#) E2S2 is focused on providing participants with critical information and interaction on the challenges that national security departments and agencies face regarding environmental, energy security, and sustainability issues such as acquisition, environmental management, environmental restoration, emerging technologies, partnerships, finance and budgeting, technology, climate change and adaptation, sustainable design and construction, stormwater, BRAC, unexploded ordnance recovery, grids and infrastructure security, and contingency base energy. E2S2 provides an opportunity to share ideas and create partnerships to meet and achieve environmental, energy security, and sustainability objectives across government and industry.

**\*5-6 AUG 13, WASHINGTON, DC** [The American Energy Security Summit](#) Hosted by the [United States Leadership Forum](#), the conference features top government and industry leaders, providing the latest details on federal energy priorities, programs, and contracts, featuring the Departments of Defense, Energy, Agriculture, Veterans Affairs, and other federal agencies. Topics include state government and local government energy priorities, programs, and contracts; energy efficiency priorities, including achieving net zero installations and advanced lighting solutions; and clean energy priorities, including biofuels for jets and electric and natural gas-powered ground transportation.

## *VARIOUS DATES AND TIMES ONLINE*

**READINESS AND ENVIRONMENTAL PROTECTION INITIATIVE – 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. For detailed webinar descriptions please visit the [REPI website](#).

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS** The U.S. Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules are available on the [US Army Environmental Command \(AEC\) website](#).

**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.

\***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.

**INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL (ITRC) INTERNET BASED TRAINING** 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.

**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.

**NATIONAL ENFORCEMENT TRAINING INSTITUTE** EPA environmental enforcement training opportunities are offered (e-learning, classroom, and webinar) for federal, state, tribal and local government environmental enforcement professionals.

**USACE PROSPECT TRAINING** USACE announces its FY13 PROSPECT 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 employees, state, county and city employees and contractors. There are different registration processes for each entity.

**NAVY AND ISEERB ENVIRONMENTAL TRAINING FY13** The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY13 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 FY13** 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. Fees vary according to personnel status (i.e., active duty Air Force/civilian, other U.S. government employee, contractor).

An \* indicates the first time a training or 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 U.S. 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>	Advisory Council on Historic Preservation
<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>2e</sub></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>HID</b>	high intensity discharge
<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>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>WOSL</b>	Wyoming Office of State Lands
<b>WRAP</b>	Western Regional Air Partnership