



U.S. ARMY

Western Review of Legislative & Regulatory Actions Region 9



The U.S. Army Regional Environmental & Energy Office

April 2013

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 to nancy.reese2@us.army.mil.



Table of Contents

Arizona.....	2
California.....	3
Hawaii and Pacific Islands.....	7
Nevada.....	9
DoD Activity.....	9
Federal Activity.....	10
Professional Development.....	13
Staff Directory.....	16
Acronyms.....	17

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 9

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



AIR

REGIONAL HAZE The Arizona Department of Environmental Quality [is inviting public comment](#) on a proposed revision to the Arizona State Implementation Plan (SIP) for Regional Haze under Section 308 of the Federal Regional Haze Rule. A public hearing is scheduled for 29 APR 13. Comments are due the same day. For more information, contact [Lisa Tomczak](#) at (602) 771-4450. The proposed SIP can be viewed [online](#) (scroll down to March 29, 2013 Public Notice: Air Quality Division: Proposed Revision to Arizona’s State Implementation Plan for Regional Haze Under Section 308 for the Federal Regional Haze Rule).

NATURAL RESOURCES

MILITARY INSTALLATION FUND The Arizona Department of Emergency and Military Affairs [adopted amendments](#) that expand the list of authorized uses of Military Installation Fund monies to include construction, demolition, and management. This action will allow the department to use the Military Installation Fund to preserve military installations through management and disbursement of funds. The Military Installation Fund helps to preserve land around military installations and ensure compatible use of the land in support of economic development. Property owners are provided fair market value in exchange for their land deed to prevent encroachment on a military installation. This final rule was effective 5 MAR 13. For more information, contact [John Burk](#) at (602) 267-2732.

LEGISLATIVE DEVELOPMENTS

The [2013 Arizona legislative session](#) began 14 JAN 13 and adjourns 25 MAY 13.

<i>Arizona Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR / CLIMATE CHANGE				
ENERGY				
HB 2301 <i>Representative Karen Fann (R)</i> Proposes to provide for a carryover expansion of a renewable energy credit for up to 20 consecutive taxable years.	✓			

<i>Arizona Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 1013 <i>Senator Edward Ableser (D)</i> Proposes to require that all state agencies and educational entities purchase at least 10% of their energy requirements from green (renewable and/or nonpolluting) energy sources by 2018. Requires large state buildings to adopt the green building rating system developed by the U.S. Green Building Council.	✓			
SB 1016 <i>Senator Edward Ableser (D)</i> Proposes to require certain sized public entities to offer net metering. Defines aspects of the net metering program.	✓			
LAND USE				
NATURAL RESOURCES				
OTHER				
WASTE				
SB 1465 <i>Senator Gail Griffin (R)</i> Proposes to exempt solid waste facilities that obtain and maintain coverage under a general permit from the various requirements for solid waste facilities, including the submission of a solid waste facility plan.	✓	✓		
WATER				
SB 1322 <i>Senator Gail Griffin (R)</i> Proposes to repeal the exemption to the assured water supply requirements.	✓	✓		
SB 1469 <i>Senator Gail Griffin (R)</i> Proposes to prohibit the application of rotenone or antimycin to any spring, seep, watershed, stream, stockpond, irrigation water delivery system, or body of water.	✓	✓		



AIR

RULEMAKING CALENDAR FOR 2013 The California Air Resources Board released its [rulemaking calendar](#) for 2013. In addition to the rule title, citation, and summary of changes, the calendar identifies projected dates for notices, hearings, adoption, and forwarding to the California Office of Administrative Law (COAL) for final approval.

SF₆ REPORTING The deadline for [reporting sales and research uses of sulfur hexafluoride \(SF₆\)](#) in California was 30 MAR 13. California regulations (Title 17, California Code of Regulations, sections 95340 to 95346) require distributors and sellers of SF₆ in California to submit annual sales data to the California Air Resources Board (CARB) no later than 30 MAR of the following year. In addition, research users of SF₆ in California must report their usage in the state and

other data as outlined in Section 95345 of the regulation. For more information, contact [Winston Potts](#) at (916)323-2537. Additional information on SF₆ reporting is available [here](#).

VAPOR RECOVERY CERTIFICATION AND TEST PROCEDURES FOR STORAGE TANKS The CARB adopted amendments to five sections in Title 17 of the California Code of Regulations. This action updates the incorporation by reference dates of ten CARB documents that include definitions and procedures related to the testing and certification of vapor recovery systems and system components used in underground and aboveground gasoline storage tanks. The action also makes amendments to these ten CARB documents that include establishing a permeation limit in gas hoses and clarifying what is meant by "effective date" in Health and Safety Code sections 41954(g)(2) and 41956.1(a). The [final amendments](#) were effective 1 APR 13. For more information, contact Scott Bacon at (916) 322-8949. Additional information about vapor recovery is available [here](#).

SAN JOAQUIN VALLEY The San Joaquin Valley Air Pollution Control District [adopted amendments](#) to Rule 1020 (Definitions). Rule 1020 defines terms used throughout other district rules, including a list of compounds exempt from ozone regulations due to their low ozone forming potential. The amendments make several updates related to the list of exempt compounds, including adding additional compounds and clarifying requirements for existing compounds. This action adds dimethyl carbonate (DMC) and propylene carbonate (PC) to the district's list of exempt compounds within the definition of volatile organic compounds (VOC) (Section 3.53). The district also removed unnecessary permitting requirements for two previously exempted compounds: methyl formate (MF) and tertiary-butyl acetate (TBAC). The district [determined](#) that the current permit requirements included in Rule 1020 for MF and TBAC are unnecessary and have been removed. This final rule was effective 21 FEB 13. For more information, contact [Lisa Van de Water](#) at (559) 230-6100.

SOUTH COAST: OPEN BURNING The South Coast Air Quality Management District is proposing amendments to [Rule 445 - Wood-Burning Devices](#) and [Rule 444 - Open Burning](#). The amendments to the wood burning devices rule lower the threshold for mandatory wood burning curtailments and establish a mechanism where a mandatory winter burning curtailment could apply to the entire South Coast Air Basin below an elevation of 3,000 feet. The amendments to the open burning rule establish a winter season burn restriction consistent with Rule 445, and prohibit open burning in beach areas. Comments are due 23 APR 13. A public hearing is scheduled for 3 MAY 13. For more information, contact [Michael Laybourn](#).

OTHER

GOVERNOR BROWN CONVENES STATE MILITARY COUNCIL Governor Edmund Brown established the [Governor's Military Council](#) to protect and expand the military's vital role in national security and California's economy. "As federal priorities shift to cyber security and new military technology, this Council will work to expand defense-industry jobs and investment in California" said Governor Brown. The council will convene for one year and draft specific recommendations to the Governor and Legislature.

TOXICS

GUIDANCE FOR ALTERNATIVES ASSESSMENT AND RISK REDUCTION The [Interstate Chemicals Clearinghouse \(IC2\)](#) and participating states (California, Connecticut, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oregon, and Washington) released a draft version of the [Guidance for Alternatives Assessment and Risk Reduction](#) for public review and comment. The goal of the alternatives assessment is to replace chemicals of concern with inherently safer alternatives, thereby protecting and enhancing human health and the environment. It is based on the alternatives assessment process pioneered by the Environmental Protection Agency (EPA) Design for the Environment (Dfe) program. The IC2 is working with industry, EPA and others to share results and best practices among all the state members. The California Department of Toxic Substances Control is requesting comment on the draft assessment. [Comments](#) are due 3 MAY 13. For more information, contact [Alex Stone](#) (Guidance Team Lead) at (360) 407-6758) or

[Linda Glasier](#) (Stakeholder Coordinator) at (360) 407-7355. The Washington Department of Ecology, which is leading this effort, has made information on alternatives assessment document available [here](#).

PUBLIC HEALTH GOAL EXCEEDANCE REPORTS The California Office of Environmental Health Hazard Assessment (COEHHA) published its [latest report](#) on contaminants in the public water supply that exceed public health goals (PHGs). The report, published every three years, is based on information provided by state water utilities. COEHHA also released an updated [list](#) of designated chemicals for Biomonitoring California, the state’s human chemical exposure monitoring program. [Additional information](#) on the adverse health risks for each chemical with a PHG is available from the COEHHA.

LEGISLATIVE DEVELOPMENTS

The [2013 California legislative session](#) began 3 JAN 13 and adjourns 13 SEP 13. An * indicates the first time a bill appears in the 2013 Review. ** indicates a bill topic has changed significantly.

<i>California Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR / CLIMATE CHANGE				
*AB 26 <i>Assemblywoman Susan Bonilla (D)</i> Proposes to prohibit the Controller from using moneys deposited in the Greenhouse Gas Reduction Fund for cash flow loans to the General Fund.	✓			
AB 245 <i>Assemblyman Shannon Grove (R)</i> Proposes to repeal an exemption for the Western Climate Initiative, Inc. from requirements to hold open meetings (Bagely-Keene Open Meeting Act). Subjects the Western Climate Initiative, Inc. and its appointees to the Bagley-Keene Open Meeting Act when performing their duties.	✓			
AB 278 <i>Assemblyman Mike Gatto (D)</i> Proposes to change how the 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.	✓			
AB 284 <i>Assemblyman Bill Quirk (D)</i> Proposes to require the State Energy Resources Conservation and Development Commission to convene a “Road to 2050 Board.” Specifies staffing and duties of the board. Requires the board to undertake studies and complete reports related to the goal of reducing greenhouse gas emissions by 80% of 1990 levels by 2050.	✓			
ENERGY				
AB 148 <i>Assemblyman Manuel Perez (D)</i> Proposes to establish a Salton Sea Renewable Energy and Biofuel Research and Development Program in the Salton Sea basin to provide grants to facilitate research and the commercial development of renewable energy and biofuel resources. Requires the Natural Resources Agency to issue rules for application, review, and issuance of grants.	✓			
AB 177 <i>Assemblyman Manuel Perez (D)</i> Proposes to require all retail sellers of electricity to procure new demand-side and clean energy generation to achieve greenhouse gas emissions reduction, resource adequacy, and renewable goals simultaneously in the most cost-effective manner practicable. Promotes renewable energy development in the Salton Sea area.	✓			

<i>California Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AB 225 <i>Assemblyman Brian Nestande (R)</i> Proposes to address the speed of electric vehicles on roadways and operator licensing. Requires that the driver of a medium-speed electric vehicle possess a class A, class B, or class C driver's license.	✓			
AB 248 <i>Assemblyman Jeff Gorell (R)</i> Proposes to require the Public Utilities Commission to submit a report on how it can achieve objectives related to once-through cooling power plants in Ventura County while preserving and enhancing electric system reliability in the counties of Santa Barbara and Ventura.	✓			
AB 293 <i>Assemblyman Travis Allen (R)</i> Proposes to make changes to existing requirements for the Public Utilities Commission to study and report on the impacts of distributed energy generation on the state's distribution and transmission grid.	✓			
SB 43 <i>Senator Lois Wolk (D)</i> Proposes to allow energy utility customers, including the military, who cannot generate their own renewable energy on site, to obtain renewable energy from off-site community renewable energy facilities.	✓			
LAND USE				
SB 186 <i>Senator Stephen Knight (R)</i> Proposes to amend requirements related to the planning and zoning law that requires local government agencies to prepare and adopt a general plan that analyzes existing and projected housing needs.	✓			
NATURAL RESOURCES				
AB 37 <i>Assemblyman Henry T. Perea (D)</i> Proposes to amend California Environmental Quality Act (CEQA) to require project applicants to prepare certain documentation.	✓			
SB 167 <i>Senator Ted Gaines (R)</i> Proposes to amend CEQA requirements.	✓			
OTHER				
AB 12 <i>Assemblyman Ken Cooley (D)</i> Proposes to require the Department of Finance and the proponent office to annually review the standardized regulatory impact analyses for adherence to the adopted regulations. Potentially affects agency regulatory impact analysis conducted for each major regulatory action.	✓			
SB 221 <i>Senator Michael J. Rubio (D)</i> Proposes to change how the Department of Forestry and Fire Protection determines whether it can waive cost sharing requirements in disadvantaged communities for projects intended to mitigate greenhouse gas emissions, urban heat island effects, stormwater management, and/or lack of green space.	✓			
WASTE				
AB 215 <i>Assemblyman Wesley Chesbro (D)</i> Proposes to revise the definitions of the various terms pertaining to requirements for rigid plastic packaging containers.	✓			

<i>California Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<p>*SB 245 <i>Senator Lou Correa (D)</i> Proposes to establish the Used Mattress Recycling Act. Requires an industry group to establish a program used mattress recycling program, similar to existing recycling programs for paint and used carpet.</p>	✓			
<p>*SB 254 <i>Senator Loni Hancock (D)</i> Proposes to establish the Used Mattress Recovery and Recycling Act. Requires mattress manufacturers to develop a plan that ensures that the manufacturer is responsible for the collection and recycling of used mattresses generated by consumers in the state. Specifies requirements to be included in the plan, including meeting specified recycling goals. Requires annual reporting.</p>	✓			
WATER				
<p>AB 7 <i>Assemblyman Bob Wieckowski (D)</i> Proposes to require the California Division of Oil, Gas, and Geothermal Resources and the California State Water Resources Control Board to develop rules and regulations specific to hydraulic fracturing. Specifies requirements for production well owners.</p>	✓			
<p>AB 240 <i>Assemblyman Anthony Rendon (D)</i> Proposes to add regulations for mutual water companies. Allows a mutual water company to file a lien against a shareholder for lack of payment. Adds requirements for mutual water company board members.</p>	✓			
<p>**AB 259 <i>Assemblyman Dan Logue (R)</i> The topic of this bill changed from water rights to the use of cardiopulmonary resuscitation (CPR). The bill no longer falls within the scope of the Review and will not appear again.</p>	✓			
<p>AB 282 <i>Assemblyman Bob Wieckowski (D)</i> Proposes to increase the fee to store petroleum in an underground storage tank by \$0.006 per gallon until 2016.</p>	✓			



UNDERGROUND STORAGE TANK RULES The Hawaii Department of Health (HDOH) [is proposing amendments](#) to Hawaii Administrative Rules, Chapter 11-281 (Underground Storage Tanks). The rulemaking is intended to align state rules with the grant guidelines developed by the EPA to implement the Energy Policy Act of 2005. Those guidelines include delivery prohibition, operator training, and requirements for secondary containment and under dispenser containment for new and replaced underground storage tank (UST) systems. The HDOH is proposing to amend its existing regulations with the following changes:

- Requirements for secondary containment for all tanks and UST systems within ten years of the effective date of the rules;
- Requirements for leak detection for all existing USTs used for emergency generators within three years of the effective date of the rules;
- Requirements for additional testing as a part of annual maintenance (e.g. spill and overflow sumps and containments);

- Requirements that the maintenance and service of release detection equipment must be conducted by a technician with current certification or training appropriate to the equipment serviced;
- Obtain a permit to operate for existing regulated tanks within three years of the effective date of the rules;
- Replacing Tier 1 Action Levels with Tier 1 Screening Levels for Soil and Groundwater; and
- Updates for appendices and other clarifications.

Public hearings were held 8 APR 13 in several locations across the state. Comments are due 10 MAY 13. For more information, contact Thu Perry at (808) 586-4226.

LEGISLATIVE DEVELOPMENTS

The 2013 Hawaii legislative session began 16 JAN 13 and adjourns 2 MAY 13.

<i>Hawaii Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR / CLIMATE CHANGE				
ENERGY				
HB 94 <i>Representative Faye P. Hanohano (D)</i> 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.	✓			
HB 728 <i>Representative K. Mark Takai (D)</i> 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.	✓			
HB 757 <i>Representative Chris Kalani Lee (D)</i> 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 <i>Representative Marcus R. Oshiro (D)</i> Proposes to expand net metering by requiring large-capacity eligible customer generators to be selected by competitive sealed bidding; and amending maximum allowable capacity of eligible customer-generators and total rated generating capacity. Companion Bill is SB 1291.	✓			
SB 379 <i>Senator Russell Ruderman (D)</i> 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 <i>Senator Mike Gabbard (R)</i> 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.	✓			

<i>Hawaii Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
LAND USE				
HB 509 <i>Representative Jo Jordan (D)</i> Proposes to establish the Makua Valley Reserve Commission to oversee preservation and restoration activities in Makua Valley on Oahu.	✓	✓		
NATURAL RESOURCES				
OTHER				
WASTE				
WATER				

In addition, the [2013 Guam legislative session](#) began 2 JAN 13 and adjourns 28 DEC 13.



WATER

UNDERGROUND INJECTION WELL PERMITS FOR STORMWATER The Nevada Division of Environmental Protection [is proposing](#) to issue a new underground injection control (UIC) general permit, (Permit No. GUSW). Coverage under the proposed permit would authorize discharges to the groundwaters of the state via stormwater drainage wells (Class V injection well) and other similar subsurface distribution systems that are designed to dispose of stormwater runoff. Class V injection wells include:

- Vertical wells (bored, drilled, driven or dug hole whose depth is greater than its largest surface dimension);
- Subsurface stormwater distribution systems that dispose of stormwater below the ground surface; and
- Other similar subsurface mechanisms used to distribute stormwater below the ground surface.

This permit establishes Notice of Intent (NOI) requirements, water quality limitations, prohibitions, and management practices for two separate stormwater discharge categories. The agency is proposing a permit term of five years. Comments are due 15 APR 13. For more information, contact [Jason Ferrin](#) at (775) 687-9502, or refer to this [fact sheet](#).

LEGISLATIVE DEVELOPMENTS

The [2013 Nevada legislative session](#) began 4 FEB 3 and adjourns 6 JUN 13.

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 Camobreco](#), (202) 564-9043.

SAN DIEGO REDESIGNATION TO ATTAINMENT EPA is proposing to approve, as a revision of the California SIP, a request to redesignate the San Diego County ozone nonattainment area to attainment of the 1997 8-hour ozone National Ambient Air Quality Standard (1997 ozone standard) ([78 FR 17902](#)). The agency EPA is also proposing to approve the state's plan for maintaining the 1997 ozone standard in San Diego County for ten years beyond redesignation, and the inventories and related motor vehicle emissions budgets within the plan. Comments are due 24 APR 13. EPA POC: [John Ungvarsky](#), (415) 972-3963.

CALIFORNIA SIP: SOUTH COAST VOC EMISSIONS EPA is finalizing approval of revisions to the South Coast Air Quality Management District portion of the California SIP. This action was proposed in the Federal Register on 7 NOV 12 and concerns VOC emissions from architectural coatings. The agency approved a local rule that regulates these emission sources. The final rule is effective 25 APR 13. EPA POC: [Nicole Law](#), (415) 947-4126.

CALIFORNIA SIP: SOUTH COAST VMT EMISSIONS EPA is taking final action to withdraw its previous approvals of SIP revisions to meet the vehicle-miles-traveled (VMT) emissions offset requirement for the Los Angeles-South Coast Air Basin 1-hour and 8-hour ozone nonattainment areas ([78 FR 18849](#)). EPA is also taking final action to disapprove the same plan revisions. This rule is effective 29 APR 13. EPA POC: [Wienke Tax](#), (415) 947-4192.

CALIFORNIA SIP: SOUTH COAST ORGANIC LIQUID STORAGE EPA is taking direct final action to approve a revision to the South Coast Air Quality Management District portion of the California SIP ([78 FR 18853](#)). This revision concerns VOC emissions from organic liquid storage. The agency is approving a local rule that regulates these emission sources. This rule is effective on 28 MAY 13 without further notice, unless EPA receives adverse comments by 29 APR 13. EPA POC: [Cara Peck](#), (415) 972-3382.

OCS CONSISTENCY UPDATE: VENTURA COUNTY EPA finalized its update of the outer continental shelf (OCS) air regulations pertaining to requirements for which the Ventura County Air Pollution Control District is the designated corresponding onshore area (COA) ([78 FR 14917](#)). This action approves the OCS requirements for the district to regulate emissions from OCS sources in accordance with the requirements onshore. This final rule was effective 8 APR 13. EPA POC: [Cynthia Allen](#), (415) 947-4120.

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 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. [new guide](#)

FEMP LAUNCHES WEBSITE TO HELP FEDERAL AGENCIES REDUCE GHG EMISSIONS FEMPs [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.

NATURAL RESOURCES

MORE EFFICIENT ENVIRONMENTAL REVIEWS The Council on Environmental Quality 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 The Fish and Wildlife Service (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.

CRITICAL HABITAT: BUENAVISTA LAKE SHREW The FWS reopened the comment period on the [10 JUL 12](#) revised proposal to designate critical habit for the Buena Vista Lake shrew (*Sorex ornatus relictus*) ([78 FR 14245](#)). The species is found in Kern County, California. Comments are due 6 May 13. FWS POC: Jan Knight, (916) 414-6600.

PETITION TO LIST THE HUMPHHEAD WRASSE AS THREATENED OR ENDANGERED The National Marine Fisheries Service (NMFS) announced that the petition to list the humphead wrasse as threatened or endangered and designate critical habitat may be warranted ([78 FR 13614](#)). Within U.S. waters, humphead wrasse occur in American Samoa, Guam, Commonwealth of the Northern Mariana Islands and the Line Islands. Within this range, distribution of the fish is patchy. Humphead wrasses are typically associated with well-developed coral reefs. NMFS will conduct a review of the status of the species to determine if the petitioned action is warranted. Comments are due 29 APR 13. NMFS POC: Krista Graham, (808) 944-2238.

LISTING AS ENDANGERED AND DESIGNATION OF CRITICAL HABITAT FOR ACUNA CACTUS AND FICKEISEN PLAINS CACTUS The FWS announced the reopening of the public comment period on its [3 OCT 12](#) proposal to add the acuña cactus and Fickeisen plains cactus to the list of endangered species and to designate critical habitat ([78 FR 18938](#)). For the acuña cactus, the agency is proposing to designate approximately 53,720 acres of critical habitat in Maricopa, Pima, and Pinal counties, Arizona. For the Fickeisen plains cactus, the agency is proposing to designate approximately 49,186 acres of critical habitat in Coconino and Mohave counties, Arizona. Comments are due 29 APR 13. FWS POC: Steve Spangle, (602) 242-0210.

ROSEMONT TALUSSNAIL The FWS announced the results of a 12-month finding on a petition to list Rosemont talussnail and designate critical habitat, finding that listing is not warranted ([78 FR 18936](#)). The species has been removed from the candidate list. The Rosemont talussnail is found near Rosemont, Pima County, Arizona. FWS POC: Steve Spangle, (602) 242-0210.

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, titled 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 may vary.

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?

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Acronyms

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
CH₄	methane
CNOR	candidate notice of review
CO₂	carbon dioxide
CO₂e	carbon dioxide equivalent
COAL	California Office of Administrative Law
COE	Army Corps of Engineers
COEHHA	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

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	Guam Environmental Protection Agency
GHG	greenhouse gas
GSA	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	Hawaii Department of Health
HFC	hydrofluorocarbon
HFE	hydrofluorinated ethers
HID	high intensity discharge
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
N₂O	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
NF₃	nitrogen trifluoride

NHTSA	National Highway Traffic Safety Administration
NIST	National Institute of Standards and Technology
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NO₂	nitrogen dioxide
NO_x	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	perfluorooctane sulfonic acid
PM	particulate matter
PM_{2.5}	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
SO₂	sulfur dioxide
SO_x	sulfur oxides
SPCC	spill prevention, control, and countermeasures
TiO₂	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
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
WRAP	Western Regional Air Partnership