



U.S. ARMY

# Western Review of Legislative & Regulatory Actions Region 8



The U.S. Army Regional Environmental & Energy Office

June 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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## Sequestration and Federal Facility Enforcement

Under the terms of the sequestration law, the Environmental Protection Agency (EPA) must reduce spending across the board by approximately 5% from fiscal year (FY) 2012. Although the agency must cut funding evenly for each account, it is authorized to disproportionately cut specific programs within an account. The agency's [final FY13 operating plan](#) does that by selectively focusing funding cuts on enforcement of Superfund cleanups at federal facilities.

The FY13 operating plan cuts the budget for Superfund enforcement at federal facilities by 24% (from \$10.22 million to \$7.76 million) from FY12 levels. Although actual EPA cleanup operations at federal facilities sites are funded through a separate agency account, (slated for a 2.35% cut of \$597,000), the enforcement account is important because it is used to resolve disputes over cleanup mandates. The enforcement account pays for EPA site inspections and overall enforcement of cleanup requirements at federal facility sites.

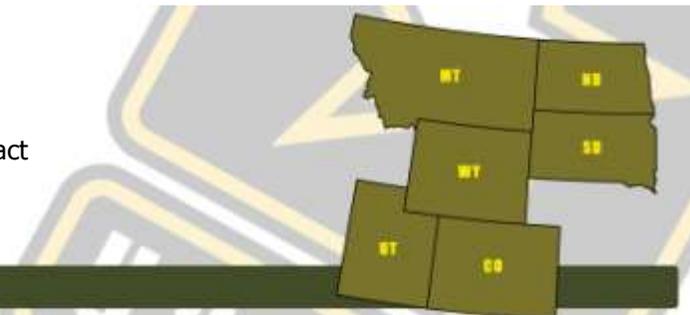
In the FY13 operating plan EPA also intends to cancel \$5.83 million in planned transfers to other federal agencies to support their Superfund activities. This move mirrors plans in the agency's proposed FY14 spending plan to stop budgeting for such transfers, and instead enact them on an as-needed basis.

For FY14, the agency is requesting a \$1.40 million cut to its Federal Facilities Enforcement Office (FFEO), compared to the FY12 enacted budget. FFEO is responsible for enforcement responses at federal facility cleanup sites. The change reflects a net reduction in compliance assistance and cleanup oversight activities at federal facilities, EPA budget documents say.

For FY14, EPA is also requesting an increase of \$667,000 to its Superfund [federal facilities response program](#), as compared to FY12. The program oversees cleanups and provides technical assistance at federal facilities.

# Region 8

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



## LAND USE

**STATEWIDE TRANSPORTATION PLANNING** Colorado Department of Transportation [adopted amendments](#) to its Statewide Transportation Planning Process and Transportation Planning Regions rule, codified at Title 2, Colorado Code of Regulation (CCR), 601-22. The amendments incorporate federal authority by reference. The final rule was effective 30 MAY 13. For more information, contact [Mary Frances Nevans](#) at (303) 757-9723.

## WATER

**REGULATION 32: ARKANSAS RIVER BASIN** Colorado Department of Public Health and Environment (CDPHE) [adopted temporary modifications](#) to Regulation 32 (Classifications and Numeric Standards for Arkansas River Basin) codified at 5 CCR 1002-32. The department adopted temporary modifications of the arsenic standard in stream segments that have both water and fish standards and a permitted discharger with a water quality-based effluent limit compliance problem. The final rule is effective 30 SEP 13. For more information, contact [Sarah Johnson](#) at (303) 692-3609.

**ON-SITE WASTEWATER TREATMENT SYSTEM REGULATION** CDPHE adopted [new Regulation 43](#) (On-site Wastewater Treatment Systems Regulation) to be codified at 5 CCR 1002-43 and repealed its Guidelines on Individual Sewage Disposal Systems, codified at 5 CCR 1003-6. The purpose of the rulemaking is to establish minimum standards for the location, design, construction, performance, installation, alteration, and use of onsite wastewater treatment systems and to establish the minimum requirements for regulations adopted by local boards of health. The final rule is effective 30 JUN 13. For more information, contact [Barbara Dallemund](#) at (303) 692-2366.

## LEGISLATIVE DEVELOPMENTS

The [Colorado 2013 legislative session](#) began 9 JAN 13 and adjourned 8 MAY 13.

| <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><br><i>Representative Dave Young (D)</i><br>Proposes to authorize the Air Quality Control Commission to allow fleet owners to use an alternate method for demonstrating compliance with opacity standards. | ✓                      | ✓                       | ✓                       | Signed by Governor |

| <i>Colorado Bill Number, Sponsor, and Description</i>   | <i>Bill Introduced</i> | <i>Passed 1st House</i> | <i>Passed 2nd House</i> | <i>Status</i>             |
|---|------------------------|-------------------------|-------------------------|---------------------------|
| <b>HB 1128</b><br><i>Representative Lori Saine (R)</i><br>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 crossover deadline |
| <b>HB 1293</b><br><i>Representative Paul Rosenthal (D)</i><br>Proposes to direct the Governor to establish a position for climate change issues. Requires the appointee to develop climate action plans and report to the general assembly regarding how climate change affects the state.  | ✓                      | ✓                       | ✓                       | Signed by Governor        |
| <b>SB 252</b><br><i>Senator John P. Morse (D)</i><br>Proposes to raise the percentage of retail electricity sales that must be achieved from eligible energy resources by cooperative electric associations that provide service to 100,000 meters or more from 10% to 25%, starting in 2020. Increases the allowable retail rate impact for cooperative electric associations. | ✓                      | ✓                       | ✓                       | To Governor               |
| <b>ENERGY</b>   |                        |                         |                         |                           |
| <b>HB 1110</b><br><i>Representative Randy Fischer (D)</i><br>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.                        | ✓                      | ✓                       | ✓                       | Signed by Governor        |
| <b>SB 63</b><br><i>Senator Kevin Grantham (R)</i><br>Proposes to address recycled energy (gas derived from waste) with regard to renewable energy standards and synthetic gas.  | ✓                      |                         |                         | Failed crossover deadline |
| <b>LAND USE</b>   |                        |                         |                         |                           |
| <b>SB 37</b><br><i>Senator Larry Crowder (R)</i><br>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 crossover deadline |
| <b>NATURAL RESOURCES</b>  |                        |                         |                         |                           |
| <b>SB 83</b><br><i>Senator Ellen Roberts (R)</i><br>Proposes to create the Colorado Prescribed Burning Act. The Act directs the Division of Natural Resources to promulgate rules for prescribed burning.   | ✓                      | ✓                       | ✓                       | To Governor               |
| <b>SB 169</b><br><i>Senator Larry Crowder (R)</i><br>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.   | ✓                      | ✓                       | ✓                       | To Governor               |
| <b>OTHER</b>  |                        |                         |                         |                           |
|   |                        |                         |                         |                           |
| <b>WASTE</b>  |                        |                         |                         |                           |
| <b>SB 50</b><br><i>Senator Nancy J. Todd (D)</i><br>Proposes to establish the Recycling Resources Economic Opportunity Fund. Specifies that fund monies be generated from fees on commercial disposal vehicles.   | ✓                      | ✓                       | ✓                       | To Governor               |

| <i>Colorado Bill Number, Sponsor, and Description</i>   | <i>Bill Introduced</i> | <i>Passed 1st House</i> | <i>Passed 2nd House</i> | <i>Status</i>             |
|---|------------------------|-------------------------|-------------------------|---------------------------|
| <b>SB 57</b><br><i>Senator Steve King (R)</i><br>Proposes to divest the CDPHE of the authority to review plans associated with solid waste facility design.   | ✓                      |                         |                         | Failed crossover deadline |
| <b>WATER</b>  |                        |                         |                         |                           |
| <b>HB 1044</b><br><i>Representative Randy Fischer (D)</i><br>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 crossover deadline |
| <b>HB 1130</b><br><i>Representative Jerry Sonnenberg (R)</i><br>Proposes to allow the state engineer to extend an original agreement for operation of an interruptible water supply.  | ✓                      | ✓                       | ✓                       | To Governor               |
| <b>HB 1252</b><br><i>Representative Millie Hamner (D)</i><br>Proposes to create the Petroleum Cleanup and Redevelopment Fund. Specifies how fund monies can be spent.   | ✓                      | ✓                       | ✓                       | Signed by Governor        |
| <b>SB 19</b><br><i>Senator Gail S. Schwartz (D)</i><br>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. | ✓                      | ✓                       | ✓                       | Signed by Governor        |
| <b>SB 41</b><br><i>Senator Mary Hodge (D)</i><br>Proposes to reverse certain Colorado Supreme Court holdings concerning flood control, fire or drought protection, beneficial use, and water rights.  | ✓                      | ✓                       | ✓                       | Signed by Governor        |
| <b>SB 72</b><br><i>Senator Mary Hodge (D)</i><br>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><br><i>Senator Mary Hodge (D)</i><br>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.  | ✓                      | ✓                       | ✓                       | Signed by Governor        |
| <b>SB 75</b><br><i>Senator Greg Brophy (R)</i><br>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><br><i>Senator Angela Giron (D)</i><br>Proposes to provide a process for a water right holder to address erroneous recordkeeping associated with points of water diversion.   | ✓                      | ✓                       | ✓                       | Signed by Governor        |



## NATURAL RESOURCES

**BURIAL SITE PROTECTION** The Montana Burial Preservation Board [adopted](#) New Rules I through VII pertaining to repatriation of human skeletal remains and funerary objects and renumbered Administrative Rules of Montana (ARM) [2.65.102](#) through [2.65.108](#) that pertain 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)
- New Rule VII (Delay of a Repatriation for Scientific Study)

The [final rule](#) was effective 10 MAY 13. For more information, contact [Monica Abbott](#) at (406) 444-2032.

## LEGISLATIVE DEVELOPMENTS

The [Montana 2013 legislative session](#) began 7 JAN 13 and adjourned 24 APR 13.

| <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><br><i>Environmental Quality Council</i><br>Proposes to eliminate the air pollution control advisory council and its functions.  | ✓                      | ✓                       | ✓                       | Became law without Governor's signature |
| <b>ENERGY</b>   |                        |                         |                         |   |
| <a href="#">HB 394</a><br><i>Representative Mike Phillips (D)</i><br>Proposes to allow for aggregate net metering.  | ✓                      |                         |                         | Failed crossover deadline               |
| <a href="#">SB 26</a><br><i>Senator Greg Jergeson (D)</i><br>Proposes to revise the graduated renewable energy standard by changing deadlines and clarifying compliance requirements.   | ✓                      | ✓                       | ✓                       | Failed upon adjournment                 |
| <a href="#">SB 31</a><br><i>Senator Debby Barrett (R)</i><br>Proposes to exclude existing hydroelectric resources within the definition of renewable energy resource under the Montana Renewable Power Production and Rural Economic Development Act. | ✓                      | ✓                       |                         | Failed upon adjournment                 |
| <a href="#">SB 45</a><br><i>Senator Jim Keane (D)</i><br>Proposes to revise the definition of eligible renewable resource to include hydroelectric project expansions.  | ✓                      | ✓                       | ✓                       | Signed by Governor                      |
| <a href="#">SB 52</a><br><i>Senator Jim Keane (D)</i><br>Proposes to clarify what entities are responsible for reporting renewable energy credits; establishes penalties for those entities' failure to report.                                       | ✓                      | ✓                       | ✓                       | 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 74</b><br><i>Senator Jason Priest (R)</i><br>Proposes to require that renewable energy projects and universal systems benefits (public purpose) projects be green certified.   | ✓                      |                         |                         | Failed crossover deadline               |
| <b>SB 106</b><br><i>Senator Greg Jergeson (D)</i><br>Proposes to add certain definitions related to the renewable portfolio standard.  | ✓                      | ✓                       | ✓                       | Signed by Governor                      |
| <b>SB 116</b><br><i>Senator Ron Arthun (R)</i><br>Proposes to revise special fuel user permit laws by repealing the special fuel user's permit and by removing certain requirements.   | ✓                      | ✓                       | ✓                       | Signed by Governor                      |
| <b>LAND USE</b>  |                        |                         |                         |   |
| <b>HB 169</b><br><i>Representative Kerry White (R)</i><br>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                      |
| <b>SB 288</b><br><i>Senator Chas V. Vincent (R)</i><br>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. | ✓                      | ✓                       |                         | Failed upon adjournment                 |
| <b>SB 290</b><br><i>Senator Elsie Arntzen (R)</i><br>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.                                   | ✓                      | ✓                       | ✓                       | Became law without Governor's signature |
| <b>SJR 15</b><br><i>Senator Jennifer Fielder (R)</i><br>Proposes to request an interim study evaluating the management of certain federal lands, assessing risks, and identifying solutions.   | ✓                      | ✓                       | ✓                       | Approved                                |
| <b>NATURAL RESOURCES</b>   |                        |                         |                         |   |
| <b>HB 246</b><br><i>Representative Kerry White (R)</i><br>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 crossover deadline               |
| <b>HB 580</b><br><i>Senator Bradley Hamlett (D)</i><br>Proposes to provide funding for the Greater Sage-Grouse Habitat Conservation Advisory Council.  | ✓                      | ✓                       |                         | Failed upon adjournment                 |
| <b>SB 18</b><br><i>Water Policy Committee</i><br>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.   | ✓                      | ✓                       | ✓                       | Signed by Governor                      |
| <b>SB 200</b><br><i>Senator Chas V. Vincent (R)</i><br>Proposes to revise laws related to wolf management.   | ✓                      | ✓                       | ✓                       | 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 201</b><br><i>Senator Bradley Hamlett (D)</i><br>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. | ✓                      | ✓                       | ✓                       | Signed by Governor        |
| <b>SB 273</b><br><i>Senator Sharon Stewart-Peregoy (D)</i><br>Proposes to revise Montana antiquities laws. Requires state agencies to consult with Indian tribes about actions potentially affecting tribal traditional cultural property.  | ✓                      |                         |                         | Failed crossover deadline |
| <b>OTHER</b>  |                        |                         |                         |                           |
|   |                        |                         |                         |                           |
| <b>WASTE</b>  |                        |                         |                         |                           |
| <b>HB 146</b><br><i>Representative Kristin Hansen (R)</i><br>Proposes to limit how and when the Department of Environmental Quality can impose fees on solid waste facilities. Requires justification for fee increases.  | ✓                      | ✓                       | ✓                       | Signed by Governor        |
| <b>HB 173</b><br><i>Representative David Moore (R)</i><br>Proposes to revise the Department of Environmental Quality's process for certain remedial actions. Limits certain remedial actions near schools.  | ✓                      |                         |                         | Failed crossover deadline |
| <b>WATER</b>  |                        |                         |                         |                           |
| <b>HB 37</b><br><i>Representative Bill McChesney (D)</i><br>Proposes to allow a temporary change of a water right through a lease. Establishes requirements for a temporary lease.  | ✓                      | ✓                       | ✓                       | Signed by Governor        |
| <b>HB 106</b><br><i>Representative Pat Connell (R)</i><br>Proposes to clarify the process for a permit or a change in appropriation right and to streamline permit requirements in closed basins.   | ✓                      | ✓                       | ✓                       | Signed by Governor        |
| <b>HB 128</b><br><i>Representative Galen Hollenbaugh (D)</i><br>Proposes to authorize the expenditure of fines collected for unlawful use of water in order to enforce water use laws.  | ✓                      | ✓                       |                         | Failed upon adjournment   |
| <b>HB 516</b><br><i>Representative Bill Harris (R)</i><br>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 crossover deadline |
| <b>HB 561</b><br><i>Representative Roger Hagan (R)</i><br>Proposes to define the term "combined appropriation" for water wells and developed springs that are exempt from permitting.   | ✓                      |                         |                         | Failed crossover deadline |
| <b>HJR 7</b><br><i>Representative Patrick Connell (R)</i><br>Proposes to initiate legal action against the federal government for damages to state waters.  | ✓                      | ✓                       |                         | Failed upon adjournment   |
| <b>SB 18</b><br><i>Water Policy Committee</i><br>Proposes to clarify ownership of a channel and former channel of a navigable river or stream following an avulsion.  | ✓                      | ✓                       | ✓                       | 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 19</b><br><i>Water Policy Committee</i><br>Proposes to define appropriation terms for wells and developed springs that are exempt from permitting.  | ✓                      | ✓                       | ✓                       | Vetoed<br>[ <a href="#">veto message</a> ] |
| <b>SB 38</b><br><i>Water Policy Committee</i><br>Proposes to define terms associated with ground water appropriations within stream depletion zones. Limits the creation of stream depletion zones.   | ✓                      |                         |                         | Failed crossover deadline                  |
| <b>SB 76</b><br><i>Senator Chas V. Vincent (R)</i><br>Proposes to require permits for cooling water intake structures.  | ✓                      | ✓                       | ✓                       | Signed by Governor                         |
| <b>SB 233</b><br><i>Senator Jim Peterson (R)</i><br>Proposes to clarify enforcement provisions for interference with a prior water right.   | ✓                      | ✓                       |                         | Failed upon adjournment                    |
| <b>SB 263</b><br><i>Senator Bradley Hamlett (D)</i><br>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 crossover deadline                  |
| <b>SB 271</b><br><i>Senator Fred Thomas (R)</i><br>Proposes to revise laws governing dissolution of water and sewer districts.  | ✓                      | ✓                       | ✓                       | Signed by Governor                         |
| <b>SB 335</b><br><i>Senator Bradley Hamlett (D)</i><br>Proposes to provide for removal of a natural obstruction that impairs a prior water right.   | ✓                      | ✓                       | ✓                       | Signed by Governor                         |
| <b>SB 346</b><br><i>Senator Chas V. Vincent (R)</i><br>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. | ✓                      | ✓                       | ✓                       | Became law without Governor's signature    |
| <b>SB 347</b><br><i>Senator Chas V. Vincent (R)</i><br>Proposes to specify that a diversion or withdrawal of water or a modification of stream flow is not degradation under the Water Quality Act.   | ✓                      | ✓                       | ✓                       | Vetoed<br>[ <a href="#">veto message</a> ] |
| <b>SB 355</b><br><i>Senator Bradley Hamlett (D)</i><br>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.  | ✓                      | ✓                       | ✓                       | Signed by Governor                         |



## **LEGISLATIVE DEVELOPMENTS**

The [North Dakota 2013 legislative session](#) began 8 JAN 13 and adjourned 3 MAY 13.



## **LEGISLATIVE DEVELOPMENTS**

The [South Dakota 2013 legislative session](#) began 8 JAN 13 and adjourned 25 MAR 13.



## **AIR**

**PLASTIC PART COATING OPERATIONS** Utah Department of Environmental Quality (UDEQ) adopted [new rule R307-353](#) (Plastic Part Coating) applicable to automobile, truck, and business machine plastic part coating line operations that have the potential to emit 2.7 tons of volatile organic compounds (VOCs) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties. The rule would establish reasonably available control technologies (RACT) requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. For more information, contact [Mark Berger](#) at (801) 536-4000. The final rule was effective 1 MAY 13.

## **WATER**

**ONSITE WASTEWATER SYSTEMS** The UDEQ [is proposing](#) to re-write Rule [R317-4](#) (Onsite Wastewater Systems). This action would substitute old language and awkward organization with newer concepts and technologies in a more intuitive format. Comments are due 14 JUN 13. For more information, contact [Judy Etherington](#) at (801) 536-4344.

## **LEGISLATIVE DEVELOPMENTS**

The [Utah 2013 legislative session](#) began 28 JAN 13 and adjourned 14 MAR 13.



## **AIR**

**WYOMING AIR QUALITY STANDARDS AND REGULATIONS** Wyoming Department of Environmental Quality (WDEQ) [announced](#) a meeting of the Air Quality Advisory Board to consider proposed changes to Wyoming Air Quality Standards and Regulations (WAQSR): Chapter 3, General Emission Standards; Chapter 5, National Emission Standards; and Chapter 8, Nonattainment Area Regulations. Comments were due 5 JUN 13. For more information, contact Steven A. Dietrich at (307) 777-7391.

## **ENERGY**

**WYOMING ENERGY STRATEGY** Wyoming Governor Matt Mead released an [energy strategy](#) that establishes a framework to address energy, environmental, and economic issues facing the state. The strategy breaks down energy policy into four basic subgroups – economic competitiveness, expansion and diversification; efficient, effective regulation; natural resource conservation, reclamation and mitigation; and education, innovation and new technologies. Each group contains one or more subtopics. The subtopic related to "state rules" includes 21 initiatives. Planned rule development efforts include rules governing baseline water testing before oil and gas development and a revisit of existing eminent

domain laws that allow developers to condemn private land for projects fitting certain criteria. A date for groundwater baseline testing has not yet been identified. A [press release](#) about the policy is posted on the [Governor's website](#).

## **WATER**

**2014 WATER QUALITY ASSESSMENT & IMPAIRED WATERS LIST** WDEQ is [preparing](#) the 2014 Wyoming Water Quality Assessment and Impaired Waters List (Integrated 305(b) and 303(d) Report). The integrated report is revised every two years and summarizes the condition of state surface waters. The report includes the 303(d) list of waters requiring development of total maximum daily loads (TMDLs). Comments are due 15 JUL 13. For more information, contact [Richard Thorp](#) at (307) 777-3501.

**WATER QUALITY STANDARDS** WDEQ is [proposing revisions](#) to Chapter 1 of the Water Quality Rules and Regulations. The revisions are intended to meet the triennial review requirements of the Clean Water Act (CWA); resolve EPA disapprovals from the last revision of Chapter 1; update numeric criteria for priority and non-priority pollutants; revise the duration of the E. coli geometric mean; and correct a number of omissions, errors, and inconsistencies. Comments are due 27 JUN 13. A public hearing is scheduled for 11 JUL 13. For more information, contact [Lindsay Patterson](#) at (307) 777-7079.

## **LEGISLATIVE DEVELOPMENTS**

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

# **Department of Defense Activity**

**NET ZERO** The Army released its first [progress report](#) on the Net Zero pilot program begun in 2011. The report provides a summary of the Army's progress in meeting Net Zero energy, water, and waste goals at the 17 installations and one state-wide national guard organization selected to implement and evaluate various strategies, technologies, and programs for applicability Army-wide. The report identifies best practices in energy, water, and waste, and concludes with the Army's plans for the Net Zero Initiative for fiscal year 2013 and beyond. A [news release](#) announcing the progress report indicates that a new policy expanding the Net Zero program to all Army installations will be released [fall 2013](#). One early finding of the pilot program was that the Net Zero hierarchy applies differently to energy, water, and waste; therefore, alternate versions of the Net Zero hierarchy were developed to capture these differences.



## **CLEANUP**

**DoDI: DERP** DoD Instruction ([DoDI](#)) 4715.07 [Defense Environmental Restoration Program](#) (DERP), released 21 MAY 13, establishes policy, assigns responsibilities, and provides procedures for implementing DERP. The instruction

incorporates DoD's new policies to improve managing risk prior to construction of final cleanup actions, considers green and sustainable cleanup opportunities, and maximizes transparency of DoD's cleanup efforts. The DoDI also establishes a DoD Cleanup Committee tasked to identify, discuss, and provide recommendations to resolve DERP programmatic issues.

## **ENERGY**

**ARMY OPERATIONAL ENERGY POLICY** The Army released a [new policy for operational energy](#). The policy requires all levels of command to understand how energy supports their mission; assigns responsibilities for integrating operational energy into existing policy, strategy, and regulation; and ensures operational energy is accounted for within the Army's energy consumption totals. A [policy memorandum](#) directs secretaries, commands, components, and units to:

- Find ways to improve energy performance through techniques, behaviors, and organizational culture;
- Integrate operational energy considerations into planning, requirements development, acquisition, construction, operations, research, development, technology and evaluation, reporting, and management programs;
- Coordinate energy-related plans, budgets and activities; and
- Track, manage, and report operational energy performance and usage.

The memorandum also directs Department of the Army Headquarters-level Secretariat and staff offices to review their functional policies, guidance, Army regulations, and associated tasks within the Army Campaign Plan within 180 days and to address updates and deficiencies within normal review processes and timeframes. Operational energy changes to policy, guidance, and regulations should be coordinated with ASA(IE&E). The policy was effective 30 APR 13.

**ARMY MATOC AWARDS \$7 BILLION RENEWABLE ENERGY CONTRACT** The U.S. Army Corps of Engineers, Engineering and Support Center, Huntsville, working with the [Army Energy Initiatives Task Force \(EITF\)](#), [awarded a Indefinite Delivery Indefinite Quantity \(IDIQ\) Multiple Award Task Order Contracts \(MATOC\)](#) to support renewable energy on DoD installations. Individual MATOC awards are being staggered by technology, beginning with geothermal. Announcement of awards for the remaining technologies (i.e., solar, wind, and biomass) are anticipated for release through the end of calendar year 2013. The MATOC (not to exceed \$7 billion) will be used to procure reliable, locally generated, renewable, and alternative energy through power purchase agreements (PPA).

## **LAND USE**

**RANGE ENCROACHMENT & SUSTAINABILITY Concerns** about the impact of encroachment and environmental laws on the use of installations and training ranges prompted the House Armed Services Committee to require the Government Accountability Office (GAO) review Pentagon efforts to address the potential for restrictions that may hinder military training. A [report](#) prepared by the Readiness Subcommittee accompanying the fiscal 2014 defense authorization bill [directs](#) the GAO to complete a report by 3 MAR 14 that addresses:

- The types of restrictions and their impacts on military training and operations;
- What authorities DoD has, or needs, to protect its ability to train;
- The extent to which the department has identified restrictions at its training ranges and whether it has mitigated them;
- How DoD collaborates with local governments and the private sector to limit encroachment;
- How effective the department's systems are to measure the effects of environmental limitations and encroachment;
- What options DoD has to mitigate the impacts of such restrictions; and

- Which ranges are at highest risk, and which ones should be the highest priority to protect from encroachment due to unique training environments and/or the ability to minimize electromagnetic spectrum interference.

## ***NATURAL RESOURCES***

**DoD Legacy Program: FY14 Request for Pre-Proposals** DoD's Legacy Program released a [request for pre-proposals](#) for FY14 Legacy Program funding. Pre-proposals must support military mission needs and improve the management of natural and cultural resources. In particular, the program is seeking to fund proposals that support readiness and range sustainment; species at risk, species of concern, and declining species and habitat; and streamline the identification and management of DoD cultural resources. Pre-proposals are due 31 JUL 13. Submissions must be completed via the [DoD Legacy Tracker](#) website. Although projects may take more than one year to complete, recipients of Legacy funds are required to obligate, and sometimes expend those funds by the end of the fiscal year in which they are awarded.

**Legacy Project Reports Posted Online** [Legacy projects](#) reports, fact sheets, and presentations are available on [DENIX](#). Projects study threatened, endangered, and at-risk species management; fish and wildlife management (birds; invasive species management); and habitat restoration:

*Workshop to Improve Inter-Agency Cooperation and Collaboration for Managing Sustainable Populations of Mohave Ground Squirrels* – [Final Report](#) and [Fact Sheet](#) (Legacy 11-121);

*Coral Ecosystem and Marine Resources Initiative T/E and Sensitive Species* – [Fact Sheet](#) (Legacy 11-306);

*Restoration of Native Warm Season Grasses to Improve Migratory Bird Habitat* – [Final Report](#) and [Fact Sheet](#) (Legacy 07-354);

*Le Conte's Thrasher Occupancy and Distribution: Barry M. Goldwater Range and Yuma Proving Ground in Southwestern Arizona* – [Interim Report](#) and [Fact Sheet](#) (Legacy 10-343);

*Bird Strike Hazards and Mitigation Strategies for Military Rotary Wing Aircraft* – [Fact Sheet](#) (Legacy 11-944);

*Tracing the Geographic Origin of Migratory Birds Breeding on DoD Lands Using Stable Isotopes* – [Fact Sheet](#) (Legacy 10-427);

*DoD Early Detection Rapid Response Invasive Species Strike Teams, A Pilot Project* – [Final Report and Protocols](#) (Legacy 12-622);

*Brown Treesnake Pheromone Attractant for Assessing Large-Scale Population Control and Incipient Population Detection* – [Final Report](#) (Legacy 09-441); and

*Developing Coastal Wetland Restoration Techniques to Enhance Coastal Habitats at Ahua Reef, Hickam AFB, Hawaii* – [Final Report](#), [Technical Report](#), [Tech Note](#), and [Fact Sheet](#) (Legacy 11-320).

## ***TOXICS***

**Pesticide Management and Applicator Training** The DoD re-issued Department of Defense Manual (DoDM) 4150.07 which describes the DoD's pest management training and certification program for pesticide applicators. The DoDM was re-issued 23 MAY 13 in three volumes:

[Volume 1](#) provides procedures for DoD training and certification of pesticide applicators to meet the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It applies to DoD employees applying any pesticides on DoD land, property, or material assets under DoD administrative control and located within any one of the 50 states; the District of Columbia; the commonwealths of Puerto Rico, the Northern Marianas, and the Virgin Islands; and the territories of Guam and American Samoa.

[Volume 2](#) updates the DoD training and certification for applicators not under the jurisdiction of FIFRA. It assigns responsibilities and sets procedural requirements for non-FIFRA training and certification for pesticides applicators in Japan, Korea, and Europe.

[Volume 3](#) provides procedures for training and certification of pesticide applicators to meet the FIFRA requirements for pesticide application outside the US, Japan, Korea, and Europe. It establishes consistent requirements with DoD pest management policy, applicable international agreements, status of forces agreements (SOFA), final governing standards (FGS) issued for the host nations or, where no FGS have been issued, the criteria in [DoD 4715.05-G](#).

# Federal Activity

## AIR

**ODS SUBSTITUTE** EPA issued a final rule that adds a new fire suppression agent to the list of approved substitutes for ozone depleting substances (ODSs) ([78 FR 24997](#)). EPA added C7 Fluoroketone as an acceptable substitute for Halon 1211, subject to narrowed use limits, for use as a streaming agent in portable fire extinguishers in nonresidential applications. For more information, contact [Bella Maranion](#) at (202) 343-9749.

**ODS SUBSTITUTES** EPA approved additional substitutes for ODSs for use in the refrigeration and air conditioning; foam blowing; solvent cleaning; adhesives, coatings and inks; and fire suppression sectors, as follows ([78 FR 29034](#)):

- Refrigeration and air conditioning: EPA approved R-442A (RS-50), which is a blend of several hydrofluorocarbons. Approved uses include commercial ice machines and retail food refrigeration (rack refrigeration systems only);
- Foam blowing: Commercial blends of HFC-365mfc and HFC-227ea (Solthane<sup>®</sup> 365/227);
- Solvent cleaning: Trans-1-chloro-3,3,3-trifluoroprop-1-ene (Solstice<sup>™</sup> 1233zd(E)) used for metals cleaning, electronics cleaning, or precision cleaning; and
- Adhesives, coatings and inks: Trans-1-chloro-3,3,3-trifluoroprop-1-ene (Solstice<sup>™</sup> 1233zd(E)), as a carrier solvent in adhesives or coatings.

For more information, contact [Margaret Sheppard](#) at (202) 343-9163.

**DRAFT PLAN: INTEGRATED SCIENCE ASSESSMENT FOR NO<sub>x</sub>** EPA released a [Draft Plan for Development of the Integrated Science Assessment for Nitrogen Oxides - Health Criteria](#) prepared as part of the review of the primary health-based national ambient air quality standards (NAAQS) for nitrogen dioxide (NO<sub>2</sub>) ([78 FR 26026](#)). EPA considers the term nitrogen oxides (NO<sub>x</sub>) to refer to all forms of oxidized nitrogen including multiple gaseous (e.g., NO<sub>2</sub>, nitric oxide) and particulate (e.g., nitrate) species. However, the current review of the NO<sub>2</sub> NAAQS will focus only on the gaseous species of NO<sub>x</sub>. In addition, evidence will be considered on the possible influence of atmospheric pollutants other than NO<sub>x</sub> (e.g., sulfur oxides, carbon monoxide, ozone, particulate matter) on the role of NO<sub>x</sub> in health effects. Comments were due 31 MAY 13. For more information, contact [Dr. Molini Patel](#) at (919) 541-1492.

**REQUIREMENTS FOR HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS** EPA issued a rule finalizing amendments to the Federal Implementation Plan (FIP) and the new source performance standards for [hospital/medical/infectious waste incinerators](#) (HMIWI) ([78 FR 28051](#)). States with HMIWI must either implement the guidelines through their respective state implementation plans (SIPs), or be subject to the FIP. Refer to the Federal Register citation for details on the status of state plans. New HMIWI may be covered by the final amended new source performance standard. This final amended FIP requires that all HMIWI, including small rural units, conduct initial performance tests for all nine pollutants and opacity to demonstrate initial compliance. Sources may use results of their previous emissions tests to demonstrate initial compliance with the revised emissions limits as long as the sources certify that the previous test results are representative of current operations. For more information, contact [Amy Hambrick](#) at (919) 541-0964.

**MONTANA SIP: PM2.5 NAAQS** EPA is proposing to partially approve and partially disapprove revisions to the Montana SIP regarding interstate transport requirements for the 2006 fine particulate matter (PM2.5) NAAQS ([78 FR 27883](#)). The partial disapprovals, if finalized, would not trigger an obligation for EPA to promulgate a FIP to address these interstate transport requirements because EPA is determining that the existing SIP is adequate to meet Clean Air Act (CAA) requirements. Comments are due 12 JUN 13. For more information, contact [Adam Clark](#) at (303) 312-7104.

**MONTANA SIP: OZONE** EPA is proposing to disapprove a specific portion of the Montana SIP relating to the 1997 ozone NAAQS ([78 FR 32613](#)). EPA is proposing to disapprove a portion of SIP revisions (submitted in 2007 and 2009) because the SIP does not meet the requirements in the CAA for state boards that approve permits or enforcement orders. Comments are due 1 JUL 13. For more information, contact [Kathy Ayala](#) at (303) 312-6142.

**NORTH DAKOTA SIP: PM2.5 NAAQS** EPA is proposing to approve revisions to the North Dakota SIP regarding interstate transport requirements for the 2006 PM2.5 NAAQS ([78 FR 27888](#)). Comments are due 12 JUN 13. For more information, contact [Adam Clark](#) at (303) 312-7104.

**UTAH SIP: EMISSIONS DURING BREAKDOWNS** EPA is proposing to approve changes to Utah Rule [R307-107](#), which pertains to source emissions during breakdowns ([78 FR 27165](#)). On 18 APR 11, EPA issued a call for Utah to either revise or remove R307-107, and began a timeline to implement a FIP if the state failed to respond. This action would approve the state's revision and if finalized, would remove the call for development of a FIP. Comments were due 10 JUN 13. For more information, contact [Adam Clark](#) at (303) 312-7104.

**UTAH SIP: INTERSTATE TRANSPORT** EPA is proposing to disapprove a portion of the Utah SIP regarding compliance with the 2006 PM2.5 NAAQS ([78 FR 29314](#)). Under a recent court decision (*EME Homer City*), this disapproval does not trigger an obligation for EPA to promulgate a FIP to address these interstate transport requirements. Comments are due 19 JUN 13. For more information, contact [Adam Clark](#) at (303) 312-7104.

**WYOMING SIP: GENERAL CONFORMITY** EPA is proposing to approve revisions to the Wyoming SIP that align state general conformity requirements with current federal general conformity regulations and that incorporate by reference those sections of the Code of Federal Regulation (CFR) that are referred to in the state's general conformity rules ([78 FR 26563](#)). This action would approve revisions to Wyoming's Air Quality Standards and Regulations Chapter 8 (Nonattainment Area Regulations) that addresses general conformity requirements and add a new Section 5 to Chapter 8 (incorporation by reference). Comments were due 6 JUN 13. For more information, contact [Tim Russ](#) at (303) 312-6479.

## **CLEANUP**

**TOXICITY VALUES FOR DNT** EPA issued [toxicity values](#) for technical grade dinitrotoluene (DNT) that covers all six forms of the chemical used in explosives and polyurethanes. The agency began working on the toxicity values after questions arose regarding regulator authority to require assessment and cleanup of the less common DNT isomers in the absence of a toxicity value. This action may provide regulators with leverage to require testing and cleanup of sites with DNT.

**CUMULATIVE RISK ASSESSMENT** EPA is soliciting information and citations pertaining to approaches and methods that can be used to plan and conduct cumulative risk assessments, both to human populations and the environment ([78 FR 25440](#)). Cumulative risk assessments consider combined risks from multiple agents or stressors and/or toxicity pathways. EPA is developing guidelines for the assessment of cumulative risk as defined and characterized in the 2003 EPA publication [Framework for Cumulative Risk Assessment](#), which was EPA's first step toward development of cumulative risk assessment guidelines. EPA indicates they are open to extending consideration of stressors and vulnerable populations to include non-chemical stressors such as socio-economic stressors. Comments are due 28 JUN 13. For more information, contact [Lawrence Martin](#) at (202) 564-6497.

## **CLIMATE CHANGE**

**GAO REPORT INFRASTRUCTURE & CLIMATE CHANGE** GAO released a [report](#) about federal infrastructure decision making and climate change ([GAO-13-242](#)). GAO found that decision makers have not systematically considered climate change in infrastructure planning because more immediate priorities (e.g., managing aging infrastructure) consume time and resources, limiting decision makers' ability to consider and implement climate adaptation measures. Difficulties in obtaining and using information needed to understand vulnerabilities were found to be other factors. The report identifies several emerging federal efforts under way to facilitate more informed adaptation decisions, but these efforts could be revised to better support the needs of local infrastructure decision makers.

## **CULTURAL RESOURCES**

**NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT** Department of Interior (DOI) published final amendments to the [Native American Graves Protection and Repatriation Act \(78 FR 27078\)](#). Among the more substantive changes are:

- Clarification of notification requirements to lineal descendants. Notification is required to known lineal descendants of a deceased Native American individual whose human remains and associated funerary objects were inadvertently discovered.
- Text was added to clarify that, with respect to recoveries from federal lands, the priority of right of control of human remains and associated funerary objects defaults to a culturally affiliated Indian tribe or Native Hawaiian organization only where the lineal descendants of the deceased Native American cannot be ascertained. With respect to other cultural items recovered from federal lands, the priority of ownership is the culturally affiliated Indian tribe or Native Hawaiian organization.

The final rule was effective 10 JUN 13. For more information, contact [Sherry Hutt](#) at (202) 354-1479.

## **ENERGY**

**ERNEST MONIZ NEW SECRETARY OF ENERGY** [Ernest Moniz](#) was sworn in as the new Secretary of the Department of Energy (DOE), after being unanimously confirmed on 16 MAY 13 by the U.S. Senate. He replaces former Energy Secretary Steven Chu. Prior to his appointment, Moniz was the Cecil and Ida Green Professor of Physics and Engineering Systems at the Massachusetts Institute of Technology (MIT), where he was a faculty member since 1973. At MIT, he headed the Department of Physics and the Bates Linear Accelerator Center, and served as the founding Director of the MIT Energy Initiative and Director of the MIT Laboratory for Energy and the Environment. During the Clinton Administration, Moniz was Undersecretary of Energy and Associate Director of the White House Office of Science and Technology.

**GSA INITIATIVE TO REPLACE FLEET WITH HYBRID VEHICLES** Acting General Services Administration (GSA) administrator Dan Tangherlini [announced](#) a new [GSA fleet](#) consolidation initiative to give federal agencies the opportunity to replace their aging fleet with hybrid vehicles. Through this initiative, GSA will expand the number of hybrid vehicles in the federal fleet by up to 10,000 vehicles, resulting in the reduction of approximately one million gallons of fuel per year for the life of these vehicles. If agencies choose to participate in the program, GSA will fund the total incremental cost to replace eligible vehicles with new hybrid sedans.

**TOOL FOR GLOBAL ENERGY TRENDS** As part of the [Energy Data Initiative](#), DOE [announced a new tool](#) to visualize energy data and make this information more available and useful for state and local governments, private industry, and other energy researchers. The Free Energy Data platform ([FRED](#)) builds on the broader Energy Data Initiative by making energy usage and generation data more transparent.

**ADVANCED ENERGY LEGISLATION TRACKER** Colorado State University's [Center for the New Energy Economy \(CNEE\)](#) launched an [Advanced Energy Legislation \(AEL\) Tracker](#), a database tracking energy-related state legislation pending

in all 50 states. The AEL tracker provides current legislative language, recent actions, bill sponsor information, and policy trend analyses. Legislation is organized into one of ten policy areas: electricity generation, energy efficiency, financing, regulatory, natural gas, emissions, transportation, infrastructure, economic development, and other energy. Throughout the year, CNEE will publish policy trend analyses in each of the ten policy categories, providing insight into the direction states are going in advanced energy. The first of these trend reports is available [here](#).

**BUILDING ENERGY LABELING PROGRAM EXPANDED** American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) [released](#) a new, voluntary building energy label that rates a building's potential energy use under standard conditions, independent of the building's occupancy and use. The [Building Energy Quotient \(bEQ\)](#) "As Designed" label complements bEQ's existing "In Operation" label that rates the building's actual measured energy use as influenced by the building's occupancy and usage. bEQ is a voluntary program that draws on successful features from other U.S. and European building labeling and certification programs. Building energy use disclosure is already mandatory in the states of California and Washington; the cities of Washington, D.C.; Austin, TX; Boston, MA; Philadelphia; PA.; New York City, NY; San Francisco, CA; and the European Union and Australia.

**GREEN BUTTON ENERGY DATA INDUSTRY STANDARD** The [Council on Environmental Quality](#) posted an updated [article on use of the industry-standard Green Button format for metered energy data](#). In addition to providing smart meter data for download by utility customers, utilities in California and the Mid-Atlantic area are beginning to implement Green Button Connect My Data functionality making it easier for their customers to securely transfer their own energy usage data to authorized third parties, based on affirmative (opt-in) customer consent and control. Availability of this smart meter data is spawning third party initiatives offering targeted energy saving opportunities, improved load management, assessment of solar renewable potential, and other services.

**EAGLE CONSERVATION PLAN GUIDANCE FOR LAND-BASED WIND ENERGY** Fish and Wildlife Service (FWS) released [Eagle Conservation Plan Guidance Module 1 – Land-based Wind Energy Version 2](#) to help wind energy facilities assess the potential threat to eagles from their operations and develop comprehensive avoidance, mitigation, and compensation strategies ([78 FR 25758](#)). The guidance is intended to promote compliance with the [Migratory Bird Treaty Act](#) and [Bald and Golden Eagle Protection Act](#) with respect to eagles and wind development. For more information, contact George Allen at (703) 358-1825.

## ***NATURAL RESOURCES***

**NATIONAL STRATEGY FOR ARCTIC** The White House released the [National Strategy for the Arctic Region](#). The strategy sets U.S. priorities: advancing security interests, pursuing responsible Arctic region stewardship, and strengthening international cooperation. It recognizes existing policy structure and ongoing efforts by more than 20 federal departments and agencies as well as Alaskan senators, the state of Alaska, and Alaskan Native communities. Next steps include development of an implementation plan and a document defining roles and responsibilities. A White House press release is available [here](#). An article about implications for the Navy is available [here](#).

## ***OTHER***

**MODERNIZING FEDERAL INFRASTRUCTURE REVIEW AND PERMITTING REGULATIONS AND POLICIES** The President issued a memorandum titled, [Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures](#) which advances the goal of cutting aggregate timelines for major infrastructure projects in half ([78 FR 30733](#)). The memorandum encourages the development of innovative mitigation tools to improve environmental outcomes; development of more targeted and relevant environmental reviews; provision of more opportunities for public input; and improvement in collaboration with state, local, and tribal governments.

## ***THREATENED & ENDANGERED SPECIES***

**CONSERVATION STRATEGY: GRIZZLY BEAR** FWS announced availability of a draft [Conservation Strategy](#) for the Northern Continental Divide Ecosystem [grizzly bear](#) (*Ursus arctos horribilis*) for public comment ([78 FR 26064](#)).

Comments are due 1 AUG 13. Although grizzly bears are listed as threatened in the contiguous 48 states, current grizzly bear distribution has been reduced to five areas in the western United States, including the Northern Continental Divide in northwestern Montana. For more information, contact the FWS grizzly bear project leader at (406) 243-4903.

**LESSER PRAIRIE CHICKEN** FWS is proposing to create a special rule that would provide for the conservation of the [lesser prairie chicken](#) (*Tympanuchus pallidicinctus*) (78 FR 26302). The special rule would foster conservation of the lesser prairie chicken and give landowners across the species' range additional flexibility to manage their land, should the species require protection as a threatened species. In addition, the agency reopened its 11 DEC 12 public comment period on its proposed rule to list the species as threatened. Lastly, the agency announced the availability of a [draft range wide conservation plan for the lesser prairie chicken](#). Comments on the proposed special rule, proposed listing, and draft plan are due 20 JUN 13. The species is found in southeastern Colorado, western Kansas, eastern New Mexico, western Oklahoma, and the Texas Panhandle. For more information, contact Dixie Porter at (918) 581-7458.

**12 MONTH FINDING: PREBLE'S MEADOW JUMPING MOUSE** FWS announced the results of two petitions to delist the [Preble's Meadow jumping mouse](#) (*Zapus hudsonius preblei*), finding that delisting is not warranted at this time because habitat loss continues to threaten the existence of the mouse throughout its range in Colorado and Wyoming (78 FR 31679). This finding was made 24 MAY 13. For more information, contact Susan Linner at (303) 236-4773.

**CORAL PINK SAND DUNES TIGER BEETLE** FWS reopened the public comment period on its 2 OCT 12 proposed listing and critical habitat designation for the [Coral Pink Sand Dunes tiger beetle](#) (*Cicindela albissima*) (78 FR 26308). In 2012, the agency proposed approximately 2,276 acres in Kane County, Utah, for designation as critical habitat. However, the 2012 Coral Pink Sand Dunes tiger beetle surveys found beetle adults and larvae in habitat adjacent to the proposed critical habitat area. In addition, the agency announced the availability of a draft economic analysis (DEA), a draft environmental assessment (EA), an amendment to the 2009 Conservation Agreement and Strategy for the Coral Pink Sand Dunes tiger beetle, and an amended required determinations section of the proposal. Comments on the DEA, EA, conservation agreement, and strategy were due 5 JUN 13. For more information, contact Larry Crist at (801) 975-3330.

## **TOXICS**

**LEAD PAINT - RENOVATION, REPAIR, AND PAINTING OF PUBLIC AND COMMERCIAL BUILDINGS** EPA reopened the comment period on its 31 DEC 12 proposed rulemaking addressing renovation, repair, and painting activities in public and commercial buildings (78 FR 27906). EPA is in the process of determining whether interior or exterior renovation, repair, and painting activities in public and commercial buildings may create lead-based paint hazards; and, for those that do, developing certification, training, and work practice requirements. Under the terms of a settlement agreement, EPA agreed to issue a proposed rule covering renovation, repair, and painting activities in public and commercial buildings, or to make a determination that these activities do not create lead-based paint hazards, by 1 JUL 15. A public meeting is scheduled for 26 JUN 13. Comments are due 12 JUL 13. For more information, contact [Hans Scheifele](#) at (202) 564-3122.

**NTO ADDED TO THE EMERGING CONTAMINANTS WATCH LIST** The chemical 5-Nitro-1,2,4-triazol-3-one (NTO), used as an explosive, was added to the DoD's Emerging Contaminants Watch List. The DoD's [Chemical and Material Risk Management Program](#) is conducting a Phase I Impact Assessment for NTO in JUL 13; subject matter experts are being recruited.

**EUROPEAN CHROMIUM COMPOUND PHASE OUT** The [European Commission](#) set a phase out date of 21 SEP 17 for [seven chromium compounds](#) under the [European Union's \(EU's\) REACH chemicals regulation](#). The regulation adds seven chromium compounds to the authorization list in Annex XIV. These chromium compounds will be banned in the EU after the phase out date unless authorizations for specific continued uses are granted. Applications for authorization for continued use for specific compounds must be received by 21 MAR 16.

**EUROPEAN TCE PHASE OUT** The European Commission set a phase out date of 21 APR 16 for trichloroethylene (TCE) under the EU's REACH chemicals regulation, adding TCE to the authorization list. TCE will be banned in the EU after its phase out date unless authorizations for specific continued uses are granted. Those wanting to secure authorizations for continued use of TCE must submit applications by 21 OCT 14.

## ***WATER***

**AQUIFERS BEING DEPLETED AT ACCELERATING RATE** A new U.S. Geological Survey (USGS) study [finds](#) that U.S. aquifers are being drawn down at an accelerating rate. [Groundwater Depletion in the United States \(1900-2008\)](#) evaluates long-term cumulative depletion volumes in 40 separate aquifers in the U.S. For more information, contact [Jon Campbell](#) at (703) 648-4180.

**PROPOSED FEDERAL LEGISLATION** [S. 971 \(HR 2026\)](#) The proposed Silvicultural Consistency Act proposes to amend the Clean Water Act (CWA) to exempt silvicultural activities, including logging, from the National Pollutant Discharge Elimination System (NPDES) permitting requirements. The bill maintains that forest roads are non-point sources exempt from CWA permitting. Introduced 16 MAY 13.

## ***Professional Development***

**COURSE CANCELLATION/RESCHEDULE** [Advanced Historic Law and Section 106 Compliance](#) course, originally scheduled for 7-9 MAY 13 at Fort Belvoir, has been rescheduled for 13-15 AUG 13 at Joint Base Mayer/McNair/Hendersonhall.

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

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Regulatory Watch for information on new or changed laws or regulations;
- P2 opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Environmental [conferences](#), meetings, [training](#), and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.

FedCenter also provides member assistance services such as:

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

**28-30 JUN 13, PARK CITY, UT** [Western Governors Association \(WGA\) Annual Meeting](#) The following topics will be discussed at the 2013 WGA Annual Meeting: healthcare, education, endangered species, energy, and public lands. The Western Governors' Association is an independent, nonprofit organization representing the governors of 19 states and three U.S.-Flag Pacific islands. Through their association, the governors identify and address key policy and governance issues that include natural resources, the environment, human services, economic development, intergovernmental relations, and international relations.

**\*22-23 JUL 12, SAN DIEGO, CA** [3<sup>rd</sup> Bi-Annual Energy Development on Tribal Lands](#) Learn how to navigate the legal and cultural complexities associated with the development of renewable energy projects on tribal lands.

**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***

**\*25 JUL 13, GENERAL SERVICES ADMINISTRATION (GSA) CARBON FOOTPRINT TOOL - Live Demonstration of New Features** This presentation will highlight GSA Carbon Footprint Tool basics as well as the new Energy Star Portfolio Manager Import functionality.

**CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES** This [webinar series](#) was developed to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation. Presentations include: [From Icefield to Ocean: Impacts of Glacier Change in Alaska](#); [Fish Habitat and Climate Change](#); [Impacts of Climate Change and Melting Glaciers on Coastal Ecosystems in the Nearshore Waters of the Gulf of Alaska](#); [Climate Change in Higher Elevation Ecosystems](#); and [Can Camouflage Keep up with Climate Change](#).

**Production Tax Credit Extension, Process, and Impacts Webinar** This webinar featured Paul Holshouser of the American Wind Energy Association and Jon Chase from Vestas, who provided an insiders' perspective of the last-minute Production Tax Credit extension, including details about how this extension differs from past extensions, current status of the rule implementation, and the potential impacts on the wind industry.

**Water's Impact on the Energy Sector** This webinar featured Stacy Tellinghuisen, senior energy/water policy analyst at Western Resource Advocates, who shared new research on the national impacts of water scarcity on the energy sector, including how the expanded use of renewable energy and energy efficiency can help reduce the potential impacts that prolonged droughts will have on the energy sector.

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

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

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

## *Staff Directory*

### **Mark Mahoney**

Director /DoD REC Region 8  
(303) 844-0956  
[mark.a.mahoney.civ@mail.mil](mailto:mark.a.mahoney.civ@mail.mil)

### **Kevin Ward**

Regional Counsel  
(303) 844-0955  
[kevin.m.ward40.civ@mail.mil](mailto:kevin.m.ward40.civ@mail.mil)

### **Park Haney**

Deputy Director  
(303) 844-0957  
[reed.p.haney.civ@mail.mil](mailto:reed.p.haney.civ@mail.mil)

### **Julia Miller**

Region 8 Program Coordinator (Marstel-Day, LLC)  
(303) 844-0952  
[julia.c.miller16.ctr@mail.mil](mailto:julia.c.miller16.ctr@mail.mil)

### **Tim Kilgannon**

Army Coordinator Region 9  
(303) 844-0953  
[timothy.r.kilgannon.civ@mail.mil](mailto:timothy.r.kilgannon.civ@mail.mil)

### **Howard Killian**

Army Coordinator Hawaii  
(808) 226-8517  
[killianh001@hawaii.rr.com](mailto:killianh001@hawaii.rr.com)

### **Jeff Andrews**

Army Coordinator Region 10  
(206) 316-3152  
[jeffrey.a.andrews.civ@mail.mil](mailto:jeffrey.a.andrews.civ@mail.mil)

### **Adriane Miller**

Project Manager (Plexus Scientific Corporation)  
(410) 278-6165  
[adriane.b.miller2.ctr@mail.mil](mailto:adriane.b.miller2.ctr@mail.mil)

### **Nancy Reese**

Regulatory Affairs Specialist (Marstel-Day, LLC)  
(303) 844-0954  
[nancy.l.reese2.ctr@mail.mil](mailto:nancy.l.reese2.ctr@mail.mil)

### **Additional Multi-Service Contacts**

#### **Clark Pitchford**

Navy REC Region 8  
(360) 315-5440  
[clark.pitchford@navy.mil](mailto:clark.pitchford@navy.mil)

#### **Mike Garrison**

Air Force REC Region 8  
(214) 767-4652  
[david.garrison.1@us.af.mil](mailto:david.garrison.1@us.af.mil)

# 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>2</sub>e</b> | carbon dioxide equivalent   |
| <b>COE</b>             | Corps of Engineers  |
| <b>CrVI</b>            | hexavalent chromium   |
| <b>CSB</b>             | Chemical Safety Board   |
| <b>CWA</b>             | Clean Water Act   |
| <b>CWQCC</b>           | Colorado Water Quality Control Commission                             |
| <b>CX</b>              | categorical exclusion   |
| <b>DA</b>              | Department of Agriculture   |
| <b>DO</b>              | dissolved oxygen  |
| <b>DoD</b>             | Department of Defense   |
| <b>DOE</b>             | Department of Energy  |
| <b>DOI</b>             | Department of Interior  |
| <b>DOT</b>             | Department of Transportation  |
| <b>ECA</b>             | emission control area   |
| <b>DPS</b>             | distinct population segment   |
| <b>ECF</b>             | emission comparable fuel  |
| <b>EIO</b>             | Energy Initiatives Office   |
| <b>EIS</b>             | environmental impact statement  |
| <b>EO</b>              | Executive Order   |
| <b>EPA</b>             | Environmental Protection Agency                                       |
| <b>EQC</b>             | Environmental Quality Council   |
| <b>ESA</b>             | Endangered Species Act of 1973  |
| <b>ESTCP</b>           | Environmental Security Technology Certification Program               |
| <b>FERC</b>            | Federal Energy Regulatory Commission                                  |
| <b>FIFRA</b>           | Federal Insecticide, Fungicide, and Rodenticide Act                   |
| <b>FONSI</b>           | finding of no significant impact                                      |
| <b>FS</b>              | Forest Service  |
| <b>FWS</b>             | Fish and Wildlife Service   |
| <b>FY</b>              | fiscal year   |
| <b>GAO</b>             | Government Accountability Office                                      |
| <b>GHG</b>             | greenhouse gas  |
| <b>GSA</b>             | General Service Administration  |

|                         |  |
|-------------------------|--|
| <b>HCFC</b>             | hydrochlorofluorocarbon                                  |
| <b>HFC</b>              | hydrofluorocarbon  |
| <b>HFE</b>              | hydrofluorinated ethers                                  |
| <b>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                             |