



U.S. ARMY

Western Review of Legislative & Regulatory Actions Region 9



The U.S. Army Regional Environmental & Energy Office

June 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.....	2
Hawaii and Pacific Islands.....	10
Nevada.....	11
DoD Activity.....	12
Federal Activity.....	15
Professional Development.....	20
Staff Directory.....	23
Acronyms.....	24

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 9

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



AIR

CLEANER BURNING GASOLINE Arizona Department of Environmental Quality (ADEQ) is inviting [public comment](#) on a [proposed revision](#) to the Cleaner Burning Gasoline Program portion of the Arizona State Implementation Plan (SIP). A public hearing is scheduled for 21 JUN 13. Comments are due the same day. For more information, contact [John Englander](#).

MARICOPA COUNTY: VOC DEFINITION Maricopa County Air Quality Department is [proposing](#) to amend Rule 100 (General Provisions and Definitions) to align its definition of volatile organic compound (VOC) with federal definitions. The department would move the term "non-precursor organic compound" (i.e., compounds determined to have negligible photochemical reactivity) from Rule 100 and add the list of non-precursor organic compounds to Appendix G (Incorporated Materials). This action is intended to align state definitions with federal definitions and to make it easier to adopt changes to federal definitions. Comments are due 17 JUN 13. For more information, contact [Cheri Dale](#) at (602) 506-6010.

LEGISLATIVE DEVELOPMENTS

The [2013 Arizona legislative session](#) began 14 JAN13 and adjourned 7 MAY 13.



AIR

VOC CONTENT IN WINDSHIELD WIPER FLUID California Air Resources Board (CARB) [adopted amendments](#) to its regulation for reducing emissions from consumer products, specifically automotive windshield washer fluid. This action permits the sale of windshield washer fluid with higher VOC content in areas of the state in which freezing occurs. The amended rule also permits, but does not require, manufacturers of windshield washer fluid to change their product labels to add instructions for consumers on how to dilute concentrated washer fluid to adapt to travel in regions of the state that experience freezing. The final rule is effective 1 JUL 13. For more information, contact Jose Gomez at (916) 324-8033.

BAY AREA: METAL RECYCLING AND SHREDDING FACILITIES The Bay Area Air Quality Management District adopted [new Regulation 6, Rule 4](#) (Metal Recycling and Shredding Operations). The new rule is intended to minimize fugitive emissions of particulate matter from metal recycling facilities operating within the district. It applies to a metal recycling facility with a metal throughput of 1,000 tons or more per rolling 12-month period, with exemptions for

facilities that do not create or handle shredder residue. A [staff report](#) explains the rationale for the new rule and other related rulemakings. The final rule was effective 1 MAY 13. For more information, contact [Victor Douglas](#) at (415) 749-4752.

MOJAVE DESERT AIR DISTRICT FEES The Mojave Air Quality Management District [is proposing](#) to increase district fees specified in Rule 301 (Permit Fees) by 2%. Public hearings are scheduled for 10 JUN 13 and 24 JUN 13. Comments are due 17 JUN 13. For more information, contact Tracy Walters at (760) 245-1661, ext. 6122.

SAN JOAQUIN: PM2.5 PLAN San Joaquin Valley Air Pollution Control District is proposing to adopt an [incentive-based emission reductions program](#) for fine particulate matter (PM2.5) as an amendment to the district portion of the California SIP. The district [announced](#) a public hearing to consider adoption of [Quantifying Contingencies for the 2008 PM2.5 Plan](#). Proposed district rules will affect sources in the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. If adopted, the contingency quantification document will be submitted to EPA as a revision to the San Joaquin Valley portion of the California SIP. Comments were due 4 JUN 13. A public hearing is scheduled for 20 JUN 13. For more information, contact [Jessica Fierro](#) at (559) 230-6100.

SANTA BARBARA: GHG PSD The Santa Barbara County Air Pollution Control District [is proposing](#) amendments to district [Rule 810](#) that implements the federal Prevention of Significant Deterioration (PSD) requirements for greenhouse gases (GHGs). To promulgate federal PSD rules for GHGs at the local district level, EPA developed a model PSD rule. However, EPA has since found that the model PSD rule, which was adopted in 2011, needs minor revisions before EPA can incorporate Rule 810 into the California SIP. EPA is working with a number of California air districts on similar rule changes to assure SIP approval. After the amendments are adopted, the district will submit Rule 810 to CARB and EPA for inclusion into the SIP and the federal Outer Continental Shelf Air Regulations. A public hearing is scheduled for 20 JUN 13. For more information, contact the district at (805) 961-8800.

SOUTH COAST: OPEN BURNING The South Coast Air Quality Management District adopted amendments to Rule 445 (Wood-Burning Devices) and Rule 444 (Open Burning). The amendments implement 2012 Air Quality Management Plan control measure BCM-01 (Further Reductions from Residential Wood-Burning Devices) and BCM-02 (Further Reductions from Open Burning). This action reduces particulate emissions from wood burning devices and open burning sources to assist in the attainment of state and federal air quality standards. Amendments to:

- [Rule 445](#) (wood burning devices) lower the threshold used for mandatory winter burning curtailments; establish a mechanism where a mandatory winter burning curtailment could apply to the entire basin below an elevation of 3,000 feet; require commercial wood-based fuel sellers to label wood-based fuel; and clarify applicability to wood-based cooking devices.
- [Rule 444](#) (open burning) add a definition for product testing and clarify the product testing exemption; establish a winter season burn restriction consistent with Rule 445; and prohibit open burning in beach areas.

A [staff report](#) explains and provides rationale for the amendments. The final rules were adopted 3 MAY 13, effective the same day. For more information, contact [Michael Laybourn](#).

SOUTH COAST: EQUIPMENT NOT REQUIRING A PERMIT The South Coast Air Quality Management District adopted final amendments to [Rule 219](#) (Equipment Not Requiring A Written Permit Pursuant To Regulation II) and [Rule 222](#) (Filing Requirements For Specific Emission Sources Not Requiring A Written Permit Pursuant To Regulation II). Rule 219 amendments exempt certain equipment from the requirement to obtain a district permit. Rule 222 amendments add certain equipment to the district Rule 222 filing program that currently requires written district permits. A [staff report](#) released 4 APR 13 explains this rulemaking effort. For more information, contact [Don Hopps](#) at (909) 396-2334.

VENTURA COUNTY: METALWORKING FLUIDS & DIRECT CONTACT LUBRICANTS The Ventura County Air Pollution Control District [is proposing new Rule 74.31](#), which is based on South Coast Air Quality Management District [Rule 1144](#). The [proposed rule](#) is intended to reduce reactive organic compound (ROC) emissions from fluids used for metalworking (metal removal, metal forming, metal treating, and lubricating) operations where the fluid comes into contact with

parts or products. Processes that may be subject to the proposed new rule include: blanking, broaching, coining, and cutting. A workshop is scheduled for 1 JUL 13. For more information, contact [Stan Cowen](#) at (805) 645-1408.

CLIMATE CHANGE

UTILITY GHG RULES California Energy Commission (CEC) is [considering modifications](#) to its [GHG emission performance standard](#) applicable to local publicly owned electric utilities (Docket #12-OIR-1). CEC released [proposed final conclusions](#) indicating it would not seek to lower the standard. CEC's [pending rule](#) would revise state emission performance standards enacted under Senate Bill (SB) [1368 \(2006\)](#), which requires CEC to limit long-term investments in base load generation by the state's publicly owned utilities to power plants that meet the standard, which is set at 1,100 pounds of carbon dioxide (CO₂) per megawatt-hour (MWh). The standard is intended to encourage development of power plants that minimize GHG emissions and to phase out utility reliance on out-of-state coal-fired power.

ENERGY

PROCEDURAL RULES The California Public Utilities Commission (PUC) is [proposing](#) to amend the Rules of Practice and Procedure set forth in [Division 1, Chapter 1 of Title 20 of the California Code of Regulations](#). The proposed amended regulations are intended to reflect changes in the PUC's administration, provide consistency between rules, streamline requirements, and provide greater clarity. Comments are due 1 JUL 13. For more information, contact [Hallie Yacknin](#) at (415) 703-1675.

CLEAN ENERGY FINANCING PROGRAM The [California Alternative Energy and Advanced Transportation Financing Authority](#) adopted regulations implementing the [California Clean Energy Upgrade Program](#). This action replaces the emergency rule initially adopted 4 MAY12 (re-adopted 29 OCT 12). Adopted regulations are substantially similar to those enacted under the emergency rulemaking. Modifications clarify requirements and address "lessons learned" from the early implementation of the program. The purpose of the Clean Energy Upgrade Financing Program is to provide credit enhancement support for financial institutions making loans to finance energy efficiency and renewable energy improvements on real property. The final rule was effective 31 MAY 13. For more information, contact [Deana Carrillo](#) at (916) 651-8157.

NATURAL RESOURCES

NORTHERN SPOTTED OWL California Board of Forestry and Fire Protection [is proposing](#) to amend existing Forest Practice Rules pertaining to the protection of [northern spotted owls](#). The proposed amendments are in response to a petition for rulemaking. The petitioners are seeking to delete a portion of the Forest Practice Rules for the protection of northern spotted owl. Comments are due 2 JUL 13. A public hearing is scheduled for 10 JUL 13. For more information, contact Eric Huff at (916) 653-9633. Additional information about the board's proposed rule packages is available [here](#).

TOXICS

PROPOSITION 65: CLOMIPHENE CITRATE The California Office of Environmental Health Hazard Assessment (COEHHA) [added](#) clomiphene citrate to the list of chemicals known to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The notice of listing was published 24 MAY 13. For more information, contact [Cynthia Oshita](#) at (916) 445-6900.

WASTE

MERCURY THERMOSTAT COLLECTION PROGRAM The California Department of Toxic Substances Control [adopted a rulemaking](#) that establishes the annual collection performance goals for the collection of mercury-containing thermostats, which would otherwise become waste. The rulemaking establishes methodology for calculating the number of out-of-service, mercury-containing thermostats that become waste annually; establishes identification

requirements for thermostats delivered to collection centers; and defines annual reporting requirements for manufacturers. The final rule is effective 1 JUL 13. For more information, contact Neena Sahasrabudhe at (916) 324-8660.

WATER

LT1 & LT2 ENHANCED SURFACE WATER TREATMENT RULES The California Department of Public Health [adopted](#) regulations that are substantially identical to the federal Long-Term 1 (LT1) and Long-Term 2 (LT2) Enhanced Surface Water Treatment Rules. The state has been granted primary enforcement responsibility for drinking water safety by EPA. The final rules are effective 1 JUL 13. For more information, contact Mike McKibben at (619) 525-4023. The notice of proposed rulemaking is available at <http://www.oal.ca.gov/res/docs/pdf/notice/05z-2013.pdf#page=36>.

OIL SPILL CONTINGENCY PLANNING: DRILLS AND EXERCISES The California Department of Wildlife, Office of Spill Prevention and Response is [proposing](#) amendments to its drills and exercise requirements for oil spill contingency plans ([14 CCR 820.01](#)). The amendments affect schedules for testing exercise objectives, drill exercise schedules, drill exercise objectives, and drill exercise documentation. In addition, separate objectives are added for small marine fueling facilities, mobile transfer units, vessels carrying oil as secondary cargo, and equipment deployment drills. Other amendments affect the hearing process, make clarifications, and incorporate forms by reference. Comments are due 17 JUL 13. For more information, contact [Joy Lavin-Jones](#) at (916) 327-0910.

RECYCLED WATER POLICY California State Water Resources Control Board adopted amendments to the state [Policy for Water Quality Control for Recycled Water](#). The amendments require monitoring for constituents of emerging concern and reduce monitoring of priority pollutants in recycled water used for landscape irrigation. The amendments were approved in [Resolution 2013-0003](#).

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 Review. An** indicates the topic of the bill 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.	✓			Failed crossover deadline
AB 147 <i>Assemblyman Manuel Perez (D)</i> Proposes to specify certain actions be completed in regard to dust mitigation in the Salton Sea. Pertains to abatement of dust from the Salton Sea caused by other water transfers in the Quantification Settlement Agreement (QSA).	✓	✓		
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.	✓	✓		

<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>*AB 691 <i>Assemblyman Al Muratsuchi (D)</i> Proposes to specify that assessing the effects of sea level rise on certain public trust lands be a management priority. Requires certain trustees of public tidelands and submerged lands prepare and submit to the legislature an assessment of how they propose to address sea level rise.</p>	✓	✓		
<p>SB 605 <i>Senator Ricardo Lara (D)</i> Proposes to require the CARB, when updating the GHG scoping plan, to include specified criteria. Requires all GHG emissions reductions be achieved within the state in areas that are most impacted by GHG and other pollutants.</p>	✓	✓		
<p>SB 726 <i>Senator Ricardo Lara (D)</i> Proposes to require the Western Climate Initiative to cease all work on behalf of the state.</p>	✓	✓		
<p>SB 793 <i>Senator Ricardo Lara (D)</i> Proposes to require an oceangoing vessel equipped to receive shore power to conduct the testing and inspection of such equipment each time the equipment is used.</p>	✓			Failed crossover deadline
<p>SB 798 <i>Senator Kevin De Leon (D)</i> Proposes to enact the California Green Infrastructure Bank Act. Establishes the California Green Infrastructure Bank as a public corporation responsible for administering the act.</p>	✓			Failed crossover deadline
ENERGY				
<p>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.</p>	✓			Failed crossover deadline
<p>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.</p>	✓			Failed crossover deadline
<p>AB 190 <i>Assemblyman Joan Buchanan (D)</i> Proposes to make nonsubstantive changes to the meaning of kilowatt hour in the California Solar Initiative.</p>	✓			Failed crossover deadline
<p>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.</p>	✓	✓		
<p>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.</p>	✓			Failed crossover deadline

<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 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.	✓			Failed crossover deadline
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.	✓			Failed crossover deadline
AB 1014 <i>Assemblyman Das Williams (D)</i> Proposes to create the Green Tariff and Shared Renewable Generation program.	✓	✓		
AB 1350 <i>Assemblyman Roger Hernandez (D)</i> Proposes to require the Public Utilities Commission to adopt and implement a schedule that implements a second phase-in period for expanding direct transactions.	✓			Failed crossover deadline
AB 1409 <i>Committee On Utilities And Commerce</i> Proposes to move certain requirements for local publicly owned electric utilities from an area of the public utilities code pertaining to electrical restructuring, to the area of the code pertaining to the implementation of the California Solar Initiative.	✓	✓		
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.	✓	✓		
SB 715 <i>Senator Ricardo Lara (D)</i> Proposes to exclude a facility that burns municipal solid waste from consideration as a renewable energy resource unless it is located in the County of Los Angeles and was operational prior to September 26, 1996.	✓			Failed crossover deadline
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.	✓			Failed crossover deadline
SB 758 <i>Senator Martin Block (D)</i> Proposes to address Airport Land Use Compatibility Plan in the City of Coronado, where Naval Base Coronado is located.	✓	✓		
NATURAL RESOURCES				
AB 37 <i>Assemblyman Henry T. Perea (D)</i> Proposes to amend the California Environmental Quality Act (CEQA) to require project applicants to prepare certain documentation.	✓	✓		

<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 875 <i>Assemblyman Wesley Chesbro (D)</i> Proposes to address restoration grant programs relating to salmon and anadromous trout species.	✓			Failed crossover deadline
AB 1060 <i>Assemblyman Steve Fox (D)</i> Proposes to exempt certain military projects from CEQA filing fees.	✓	✓		
AB 1134 <i>Assemblyman Ben Hueso (D)</i> Proposes to make changes to migratory bird hunting rules.	✓			Failed crossover deadline
AB 1302 <i>Assemblyman Curt Hagman (R)</i> Proposes to enact the Sustainable Environmental Protection Act. Limits the scope of CEQA-based judicial challenges to projects.	✓			Failed crossover deadline
SB 167 <i>Senator Ted Gaines (R)</i> Proposes to amend CEQA requirements.	✓			Failed crossover deadline
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.	✓	✓		
AB 163 <i>Assemblyman Toni Atkins (D)</i> Proposes to extend for an additional ten years certain sales and use taxes, for operation of a thrift store on a military installation that assists members of the Armed Forces of the United States.	✓	✓		
AB 526 <i>Assemblyman Melissa Melendez (R)</i> Proposes to extend deferrals for active members of the Military Reserve and Active Guard for payments on mortgages, credit cards, retail installment accounts and contracts, real property taxes and assessments, and vehicle leases. Addresses reinstatement of health care coverage.	✓	✓		
AB 1327 <i>Assemblyman Jeff Gorell (R)</i> Proposes to prohibit public agencies from using or contracting for the use of unmanned aircraft systems with certain exceptions.	✓			Failed crossover deadline
** SB 221 <i>Senator Michael J. Rubio (D)</i> The topic of this bill changed from cost sharing waivers for certain mitigation projects in disadvantaged communities to taxes on alternative fuel motor vehicles. The bill no longer falls within the scope of the <i>Review</i> and will not appear again.	✓			Failed crossover deadline
SB 720 <i>Senator Lou Correa (D)</i> Proposes to provide mortgage relief to current service members.	✓	✓		
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>
AB 371 <i>Assemblyman Rudy Salas (D)</i> Proposes to authorize Kern County to prohibit the land application of sewage sludge.	✓			Failed crossover deadline
AB 1398 <i>Committee On Natural Resources</i> Proposes to define commercial solid waste to include all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units.	✓	✓		
SB 245 <i>Senator Lou Correa (D)</i> Proposes to establish the Used Mattress Recycling Act. Requires an industry group to establish a used mattress recycling program, similar to existing recycling programs for paint and used carpet.	✓			Failed crossover deadline
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.	✓	✓		
WATER				
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.	✓			
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.	✓	✓		
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.	✓	✓		
AB 467 <i>Assemblyman Mark Stone (D)</i> Proposes to require the state board, in expending moneys from the Freshwater Protection Fund, to prioritize programs that provide drinking water solutions for disadvantaged and severely disadvantaged communities.	✓	✓		
AB 1223 <i>Assemblyman Mark Stone (D)</i> Proposes to make technical, nonsubstantive changes to the California Safe Drinking Water Act.	✓			Failed crossover deadline
SB 246 <i>Senator Jean Fuller (R)</i> Proposes to reverse the consolidation of two water agencies (Desert View Water District and the Bighorn Mountains Water Agency).	✓	✓		
SB 322 <i>Senator Ben Hueso (D)</i> Proposes to mandate the development of criteria for recycled water.	✓	✓		

<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>
SB 449 <i>Senator Cathleen Galgiani (D)</i> Proposes to prohibit certain water project grants unless the project applicant is found to be sufficiently reducing their dependence on the Delta watershed.	✓			Failed crossover deadline



AIR

2013 AIR MONITORING NETWORK PLAN The Hawaii Department of Health [is inviting public comment](#) on the [2013 Air Monitoring Network Plan](#). This report, based on Title 40, Code of Federal Regulation (CFR) 58.10, describes Hawaii’s ambient air monitoring network. Comments are due 20 JUN 13. For more information, contact Lisa Young at (808) 586-4200.

ENERGY

NAVFAC HAWAII CONDUCTS OFFICE ENERGY STUDY TO REDUCE POWER USE Naval Facilities Engineering Command Hawaii is [teaming](#) with the National Renewable Energy Lab (NREL) to evaluate technologies to cut energy use and help the Navy meet its energy goals. A [demonstration project](#) is evaluating technologies that fall into three general categories: advanced heating ventilation and air conditioning (HVAC); building efficiency; and advanced renewable energy and facility integration. The technologies are now being installed and studied to see which are viable. A final report on the pilot project and the amount of energy saved is due to the NAVFAC Hawaii energy team in summer 2013.

NATURAL RESOURCES

PAPOHAKU DUNE SYSTEM The Hawaii Department of Land and Natural Resources, Office of Conservation and Coastal Lands [announced](#) a public hearing regarding a proposed subzone amendment to increase the level of protection for the Papohaku Dune system in west Molokai. The proposed subzone designation for Papohaku Dunes will provide the highest preservation potential for sensitive natural ecosystems that contain valuable historic, archeological and natural resource features. A public hearing was held 10 MAY 13. Comments were due 31 MAY 13. For more information, contact the [Office of Conservation and Coastal Lands](#).

LEGISLATIVE DEVELOPMENTS

The [2013 Hawaii legislative session](#) began 16 JAN 13 and adjourned 1 MAY 13. In addition, the [2013 Guam legislative session](#) began 2 JAN 13 and adjourns 28 DEC 13.

BCOR 108 proposes to change number of definitions in Guam’s 2010 bottle recycling law (Public Law 30-221) to give Guam EPA flexibility in adjusting program fees. Removes a [provision](#) from existing law that the bottle deposit fee be implemented six months after the government of Guam reaches a voluntary, written agreement with the U.S. Navy and U.S. Air Force. Introduced 16 MAY 13.

AIR

ANNUAL AMBIENT AIR QUALITY MONITORING NETWORK PLAN The Nevada Division of Environmental Protection released the [draft Annual Ambient Air Quality Monitoring Network Plan](#) for public comment. The plan provides for the establishment and maintenance of an air quality surveillance system consisting of a network of state and local monitoring stations. The final plan will be submitted to the EPA for review and approval. Comments are due 24 JUN 13. For more information, contact [Daren Winkelman](#) at (775) 687-9342.

LEGISLATIVE DEVELOPMENTS

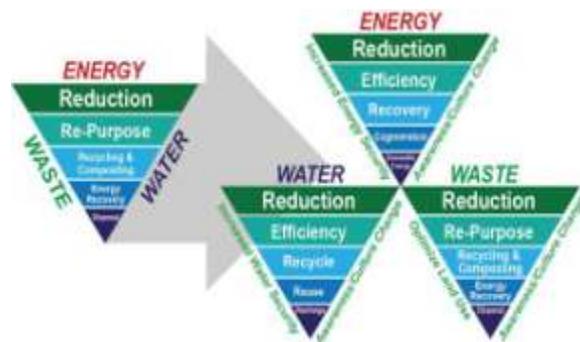
The [2013 Nevada legislative session](#) began 4 FEB 3 and adjourned 4 JUN 13.

<i>Nevada 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				
AB 239 <i>Assemblywoman Marilyn K. Kirkpatrick (D)</i> Proposes to address eligibility for energy related tax incentives. Makes various changes relating to energy.	✓			Failed upon adjournment
AB 391 <i>Assemblyman Skip Daly (D)</i> Proposes to address the use of incentives on certain renewable energy systems. Revises various provisions relating to energy.	✓	✓	✓	To Governor
LAND USE				
NATURAL RESOURCES				
AB 461 <i>Ways And Means</i> Proposes to govern the management of sagebrush ecosystems. Establishes the Sagebrush Council.	✓	✓		Failed upon adjournment
AB 483 <i>Natural Resources, Agriculture, And Mining</i> Proposes to limit fees the State Engineer can collect for certain applications to appropriate water for wildlife management purposes.	✓	✓	✓	Signed by Governor
SB 299 <i>Senator James Arnold Settlemeyer (R)</i> Proposes to revise provisions governing falconry.	✓			Failed crossover deadline
SB 333 <i>Senator Scott Hammond (R)</i> Proposes to revise provisions relating to wildlife, game preserves, and hunting of certain game species.	✓			Failed crossover deadline
OTHER				

<i>Nevada Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
WASTE				
AB 269 <i>Assemblywoman Melissa Woodbury (R)</i> Proposes to require the State Environmental Commission to adopt regulations relating to Class I, II, and III disposal sites for solid waste.	✓			Failed crossover deadline
WATER				
AB 301 <i>Assemblyman James Oscarson (R)</i> Proposes to require the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities.	✓	✓		Failed upon adjournment
AB 396 <i>Assemblyman David Bobzien (D)</i> Proposes to address public access to waters of this state.	✓			Failed crossover deadline

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 (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).

RENEWABLE ENERGY PROJECT REQUEST FOR PROPOSAL AT FORT IRWIN The Defense Logistics Agency, in close coordination with the EITF, released a request for proposal to procure solar energy from a photovoltaic renewable energy generation system located on Fort Irwin, California. The government estimates the size of the system at 15 megawatts, subject to final specification by the selected developer. The solicitation, [SP0600-13-R-0412](#), is posted on the [Federal Business Opportunities website](#).

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 (Solkane[®] 365/227);
- Solvent cleaning: Trans-1-chloro-3,3,3-trifluoroprop-1-ene (Solstice[™] 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[™] 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_x 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 (NO₂) ([78 FR 26026](#)). EPA considers the term nitrogen oxides (NO_x) to refer to all forms of oxidized nitrogen including multiple gaseous (e.g., NO₂, nitric oxide) and particulate (e.g., nitrate) species. However, the current review of the NO₂ NAAQS will focus only on the gaseous species of NO_x. In addition, evidence will be considered on the possible influence of atmospheric pollutants other than NO_x (e.g., sulfur oxides, carbon monoxide, ozone, particulate matter) on the role of NO_x 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 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.

ARIZONA SIP: VEHICLE EMISSIONS INSPECTION PROGRAM EPA is taking final action to approve three revisions to the Phoenix metropolitan area portion of the Arizona SIP ([78 FR 30209](#)). Two revisions relate to an amendment to Arizona's vehicle emissions inspection program that exempts motorcycles in the Phoenix metropolitan area from emissions testing requirements. The third revision expands the geographic area in which various air quality control measures apply in the Phoenix metropolitan area. Programs affected by the third revision include the cleaner burning gasoline (CBG) program, stage II vapor recovery program, and various coarse particulate matter (PM10) control measures. The final rule is effective 21 JUN 13. For more information, contact [Jeffrey Buss](#) at (415) 947-4152.

TRUCK AND BUS REGULATION EPA is granting California's request for authorization of its rules for in-use nonroad yard trucks and auxiliary engines used in two-engine sweepers ([78 FR 31536](#)). This action authorizes the state to regulate emissions from specified equipment under the California Truck and Bus regulation (*Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles*). The yard truck and auxiliary engine regulation that EPA is authorizing represents only a subset of provisions within the broader Truck and Bus regulation. Petitions for review must be filed by 23 JUL 13. For more information, contact [David Dickinson](#) at (202) 343-9256.

CALIFORNIA SIP: SOUTH COAST EPA is finalizing approval of revisions to the South Coast Air Quality Management District portion of the California SIP ([78 FR 30768](#)). This action approves local rules that regulate VOC emissions from municipal solid waste landfills. The final rule is effective 24 JUN 13. For more information, contact [Nancy Levin](#) at (415) 942-3848.

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.

TOOLS FOR COASTAL CLIMATE CHANGE ADAPTATION PLANNING Ecosystem-Based Management ([EBM](#)) Tools Network released a [free guide](#) to coastal climate planning tools. The guide is designed to help practitioners and planners prepare for the impacts of climate change on coastal communities by targeting those involved in conservation, local planning, and the management of coastal zones, natural resources, protected areas, habitat, and watersheds in the coastal U.S., including the Great Lakes. The guide focuses on software and web-based tools that help incorporate data (geophysical, environmental, or socioeconomic) and specialized analyses into the planning process.

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.

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

DEPREDAATION ORDER: YELLOW-BILLED MAGPIE FWS is proposing to revise regulations that allow control of depredating birds in some counties in California ([78 FR 27930](#)). The agency is proposing to remove the yellow-billed magpie (*Pica nuttalli*), a [species of conservation concern](#) in California, from the depredation order. A depredation order allows the take of specific species of migratory birds for specific purposes without need for a depredation permit. This action would limit use of the depredation order to Fresno, Merced, Napa, and Sonoma counties, California. The agency is also proposing to revise its language to precisely identify species that may be taken, specify when the species may

be taken, address control measures, and update reporting requirements. Comments are due 12 AUG 13. For more information, contact George Allen at (703) 358-1825.

STATUS DETERMINATION FOR 38 HAWAIIAN SPECIES FWS determined endangered status for 38 species on the Hawaiian Islands of Molokai, Lanai, and Maui, and reaffirmed the listing of two endangered Hawaiian plants ([78 FR 32013](#)). In this final rule, FWS also delisted the plant *Gahnia lanaiensis* due to new information that it is synonymous with *G. lacera*, a widespread species from New Zealand. Species details are available in the Federal Register citation. This final rule is effective 27 JUN 13. For more information, contact Loyal Mehrhoff at (808) 792-9400.

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 are due 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. Applications for authorization for continued use of TCE must be due 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 the CWA. 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** [3rd 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

Kevin Ward

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

Park Haney

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

Julia Miller

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

Tim Kilgannon

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

Howard Killian

Army Coordinator Hawaii
(808) 226-8517
Killianh001@hawaii.rr.com

Jeff Andrews

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

Adriane Miller

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

Nancy Reese

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

Additional Multi-Service Contacts

RADM Dixon Smith

Navy DoD REC Region 9
(619) 532-2925

Michael Huber

Navy/DoD REC POC Region 9
(619) 532-2303
Michael.huber@navy.mil

Steve Arenson

Air Force REC Region 9
(415) 977-8843
steven.arenson@brooks.af.mil

Pat Christman

Marine Corps REC Region 9
(760) 725-2674
patrick.christman@usmc.mil

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
NOx	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRC	Nuclear Regulatory Commission
NSEC	Nevada State Environmental Commission
NSPS	New Source Performance Standard
NSR	New Source Review
OMB	Office of Management and Budget
ORCR	Office of Resource Conservation and Recovery
ORW	outstanding resource water
P2	pollution prevention
PBDE	polybrominated diphenyl ethers
PFC	perfluorocarbons
PFOA	perfluorooctanoic acid
PFOS	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
SOx	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