



U.S. ARMY

Western Review of Legislative & Regulatory Actions Region 10



The U.S. Army Regional Environmental & Energy Office

March 2013

The **WESTERN REGION 10 REVIEW** provides current information on natural resource, energy and environmental issues relevant to Department of Defense interests in the 4 states that comprise Federal Region 10. 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 10 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.

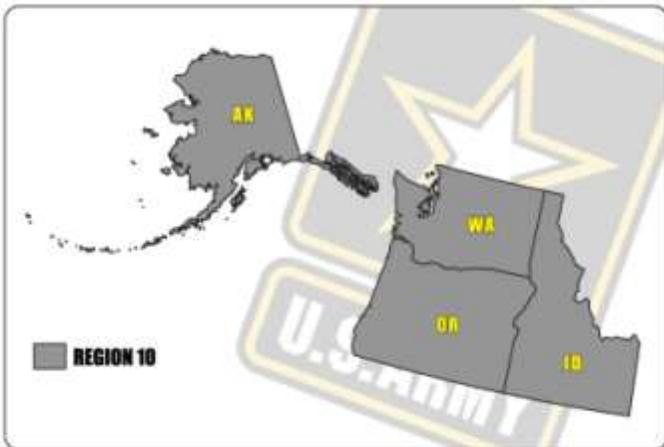


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Partnerships with Power

The Army's Regional Environmental and Energy Offices (REEOs) participate in partnerships with states and federal agencies to solve common problems, save money and ultimately, advance the military mission. Across the regions, partnerships have proven to be valuable for Department of Defense (DoD) installations and states.

Travel budgets have been reduced across all services, and while installation staff cannot currently attend national environmental workshops for education and information, the workforce still needs forums to share information and leverage resources outside the fence line. In August 2012, the REEO-Western (REEO-W) began hosting a roundtable discussion with Colorado installation environmental and media managers. The "Front Range Environmental Managers" group meets in a central location so no one needs to travel overnight. The meeting agendas are flexible and based on what the group wants to discuss. In August the roundtable topic was Colorado's storage tank and discharge rules. The January 2013 meeting focused on water rights. The roundtables give the group the chance to compare notes. For the REEO-W, they shine a light on installation challenges that might not have come up in a phone call.

Some partnerships inspire new groups to form, like the Region 5 Sustainability Network, which achieved its goals and generated new state groups in Illinois, Indiana, Michigan, Ohio, and Wisconsin. REEO-Northern works with these smaller partnerships to maintain effective dialog between state regulatory agencies and state military organizations.

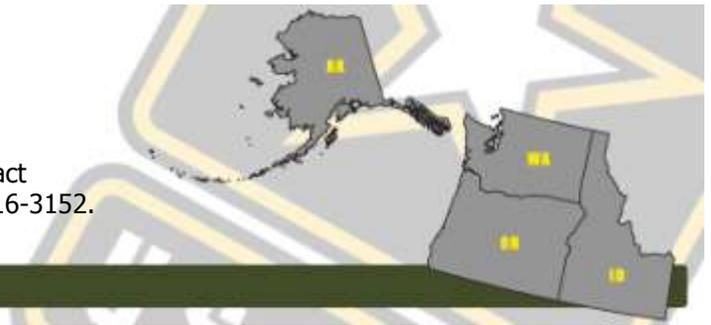
The Texas Environmental Partnership of the state regulatory community, DoD/Army, National Aeronautics and Space Administration, Texas National Guard, and Coast Guard has been successful in reducing enforcement actions against DoD facilities and avoiding significant compliance costs. REEO-Central has worked with the Texas Commission on Environmental Quality to ensure each installation is evaluated on its own environmental compliance history.

The Southeast Natural Resource Leaders Group (SENRLG) is a collaboration of 13 regional federal agency leaders with natural resource conservation responsibilities. SENRLG has collaborated on issues including climate change and the gulf oil spill. REEO-Southern is a SENRLG principal, and will host SENRLG's May 2013 meeting at Fort Benning, Georgia.

Read more about REEO partnerships across the regions at [LINK TO ARTICLE](#).

Region 10

For more information on any state issues in Region 10, contact [Jeff Andrews](#), Region 10 Environmental Coordinator (206) 316-3152.



VILLAGE ENERGY EFFICIENCY PROGRAM The Alaska Energy Export Authority is proposing to establish a new Village Energy Efficiency Program under Title 3 Alaska Administrative Code (AAC) Chapter 108. The program will enable small Alaska communities to apply for and obtain grant monies to implement energy efficiency measures in public and community buildings and facilities. The program’s goal is to reduce energy costs and consumption. Comments were due 6 MAR 13. For more information, contact [Teri Webster](#) at (907) 771-3074. The notice of proposed rulemaking is available at http://www.statescape.com/RegsText/StaticDownloads/67996_103560.pdf. The notice of public comment period is available at http://www.statescape.com/RegsText/StaticDownloads/67996_103785.htm.

LEGISLATIVE DEVELOPMENTS

The [Alaska 2013 legislative session](#) began 15 JAN 13 and adjourns 14 APR 13. An * indicates the first time a bill appears in the 2013 Review.

<i>Alaska Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
ENERGY				
* HB 103 <i>Representative Charisse E. Millett (R)</i> Proposes to establish special registration fees for alternative fuel vehicles.	✓			
* HJR 7 <i>Representative Lynn Gattis (R)</i> Proposes to urge the U.S. Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production.	✓			
* HR 2 <i>House Rules Committee</i> Proposes to establish a House Special Committee on In-State Energy.	✓	✓		Approved
* SJR 8 <i>Senator Lesil L. McGuire (R)</i> Proposes to support the continued and increased exploration, extraction, processing, and production of rare earth elements in the state. Urges the U.S. Congress to support efforts of the state to develop rare earth elements in the state.	✓			
SR 3 <i>Senate Rules Committee</i> Proposes to establish a Senate Special Committee on In-State Energy.	✓	✓		Approved

<i>Alaska Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
LAND USE				
HB 77 <i>House Rules Committee</i> Proposes to amend the Alaska Land Use Act, including certain authorizations, contracts, leases, permits, or other disposals of state land, resources, property, or interests. Amends authorization for the use of state land by general permit. Amends requirements relating to the exchange of state land and administrative appeals procedures.	✓			
*HB 123 <i>Representative Peggy Wilson (R)</i> Proposes to create the Alaska Transportation Panel. Addresses local transportation, motor fuel taxes, motor vehicle registration fee, driver license fees, studded tire tax, vehicle rental tax, and other fees and taxes.	✓			
SB 26 <i>Senate Rules Committee</i> Proposes to amend the Alaska Land Use Act, including certain authorizations, contracts, leases, permits, or other disposals of state land, resources, property, or interests. Amends authorization for the use of state land by general permit. Amends requirements relating to the exchange of state land and administrative appeals procedures.	✓			
NATURAL RESOURCES				
*HB 89 <i>Representative Paul K. Seaton (R)</i> Proposes to establish the invasive species response fund. Requires the state to establish as rapid response and management plan to address aquatic invasive species.	✓			
SJR 2 <i>Senator Fred J. Dyson (R)</i> Proposes to urge the federal government to limit federal overreach into management of state resources. Commends Alaska government for actions to limit federal incursion into management of state resources.	✓	✓		
Other				
*HCR 3 <i>Representative Charisse E. Millett (R)</i> Proposes to establish a Joint Committee on Federal Overreach.	✓			
HR 4 <i>House Rules Committee</i> Proposes to establish a House Special Committee on Military and Veterans' Affairs.	✓	✓		Approved
WASTE				
WATER				
HB 36 <i>Representative Tammie Wilson (R)</i> Proposes that a determination by the Department of Environmental Conservation regarding the permitting of active military ranges must be consistent with the federal Clean Water Act.	✓	✓		
*HB 78 <i>House Rules Committee</i> Proposes to establish authority for the state to evaluate and seek primacy for administering the regulatory program for dredge and fill activities.	✓			

<i>Alaska Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
*SB 27 <i>Senate Rules Committee</i> Proposes to establish authority for the state to evaluate and seek primacy for administering the regulatory program for dredge and fill activities.	✓			
SB 29 <i>Senate Rules Committee</i> Proposes to prohibit the discharge of untreated sewage and other solid or liquid wastewaters in a manner that violates any applicable state or federal law. Allows for a five-year plan for an alternative terms and conditions for vessel discharges concerning small commercial passenger vessels.	✓			



ENERGY

IDAHO STRATEGIC ENERGY ALLIANCE The Idaho Office of the Governor issued [Executive Order \(EO\) 2013-01](#) which continues the Idaho Strategic Energy Alliance as an effort between the State of Idaho and interested stakeholders to facilitate the discussion of a sound energy portfolio for Idaho. This order repeals and replaces EO 2009-05. The responsibilities of the Alliance are to provide information and policy analysis to:

- increase Idaho’s production of affordable, reliable and sustainable energy;
- increase cost-effective energy efficiency and conservation within Idaho;
- improve cooperation, collaboration and communication among public and private-sector entities in the areas of energy efficiency, conservation, and affordable and sustainable energy development; and
- seek new and innovative means to increase energy production in Idaho.

WATER

STORAGE OF PUBLIC DRINKING WATER The Idaho Department of Environmental Quality (IDEQ) is requesting public comment on its draft guidance for public water systems on how to store drinking water to meet demand. The draft [Guidance for Determining Equalization Water Storage for Public Water Systems](#) recommends methods for design engineers to determine sufficient equalization storage necessary to compensate for the difference between maximum pumping capacity and peak hour demand, as required by the Idaho Rules for Public Drinking Water Systems. Comments are due 13 Mar 13. For more information, contact [Dennis Meier](#) at (208) 373-0482. The notice of public comment period is available at <http://www.deq.idaho.gov/news-archives/water-pws-equalization-storage-guidance-comment-021213.aspx>.

ONSITE WASTEWATER GUIDANCE MANUAL The IDEQ is requesting public comment on proposed revisions to its guidance on how to design, construct, and operate subsurface sewage disposal systems. Proposed revisions to IDEQ’s web-based Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems address the use of holding tanks, use of seepage pits/beds, design of pressure distribution systems, design of recreational vehicle dump stations, and other disposal system procedures. Comments are due 20 MAR 13. For more information, contact [Tyler Fortunati](#) at (208) 373-0140.

WATER QUALITY STANDARDS The IDEQ is evaluating information on local and regional fish consumption as part of its efforts to determine whether Idaho’s statewide criteria are protective of designated uses. This action is in response to the Environmental Protection Agency’s (EPA’s) 10 MAY 12 disapproval of the state’s 2006 water quality standard rule

on the basis of disputed fish consumption values. A public meeting is scheduled for 10 APR 13. The rulemaking website is available at <http://www.deq.idaho.gov/laws,-rules,-etc/deq-rulemakings/docket-no-58-0102-1201.aspx>.

LEGISLATIVE DEVELOPMENTS

The Idaho 2013 legislative session began 7 JAN 13 and adjourns APR 13. An * indicates the first time a bill appears in the 2013 Review.

<i>Idaho 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				
LAND USE				
NATURAL RESOURCES				
* SB 1061 <i>Resources and Conservation Committee</i> Proposes to assert state primacy over the management of Idaho's fish and wildlife; specifies that it is against the policy of the State of Idaho to introduce or reintroduce any federally-listed species onto lands within the state or into state waters without state consultation and approval.	✓	✓		
OTHER				
WASTE				
WATER				
HB 38 <i>Environment, Energy, and Technology Committee</i> Proposes to ratify and approve the Comprehensive State Water Plan as adopted by the Idaho Water Resource Board on 28 NOV 12.	✓			
HB 48 <i>Resources and Conservation Committee</i> Proposes to add a security (in the form of a bond, letter of credit, or other acceptable surety) requirement for all Class II injection well permits.	✓	✓		
* HB 49 <i>Resources and Conservation Committee</i> Proposes to define Class II injection well (deep injection well for disposal of waste drilling fluids) and to establish filing and permit fees.	✓	✓		



NATURAL RESOURCES

FALL CHINOOK SALMON CONSERVATION PLAN The Oregon Department of Fish and Wildlife adopted a rulemaking that implements the [Conservation Plan for Fall Chinook Salmon in the Rogue Species Management Unit](#) in southwest Oregon. The plan was effective 1 JAN 13. For more information, contact Therese Kucera at (503) 947-6033. The

notice of proposed rulemaking is available at
http://www.statescape.com/RegsText/StaticDownloads/65945_103871.pdf#page=126.

LEGISLATIVE DEVELOPMENTS

The Oregon 2013 legislative session began 14 JAN 13 and adjourns 28 JUN 13. An * indicates the first time a bill appears in the 2013 Review.

<i>Oregon 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				
HB 2237 <i>Governor John Kitzhaber (D)</i> Proposes to repeal sunset on provisions related to low carbon fuel standards.	✓			
HB 2274 <i>Representative Vic Gilliam (R)</i> Proposes to modify, for purpose of gathering information related to greenhouse gas emissions, information that the Environmental Quality Commission may require to be reported.	✓			
HB 2336 <i>Representative Mitch Greenlick (D)</i> Proposes to require the Environmental Quality Commission to adopt by rule provisions requiring that certain permit applications include analysis regarding toxic air emissions.	✓			
HB 2412 <i>Representative Kevin Cameron (R)</i> Proposes to require the Environmental Quality Commission to implement a motor vehicle pollution control system inspection program.	✓			
SB 212 <i>Senator Chuck Thomsen (R)</i> Proposes to require the Environmental Quality Commission to prepare certain revisions to Oregon's State Implementation Plan under the federal Clean Air Act.	✓			
ENERGY				
HB 2106 <i>Representative John E. Huffman (R)</i> Proposes to require the State Department of Energy to develop a map that identifies areas east of summit of Cascade Mountains that are appropriate for siting of energy facilities and any related or supporting facilities.	✓			
HB 2108 <i>Representative Vic Gilliam (R)</i> Proposes to modify the renewable portfolio standard for small electric utilities to exclude certain sales to a single large consumer from calculation of percentage of sales to all retail electricity consumers.	✓			
HB 2300 <i>Representative Tobias Read (D)</i> Proposes to require the State Department of Energy to promote use of compressed natural gas.	✓			
HB 2343 <i>Governor John Kitzhaber (D)</i> Proposes to revise a requirement that a contracting agency dedicate a certain amount of the contract price toward including green energy technology in a public building.	✓			

<i>Oregon Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
* HB 2436 <i>House Interim Committee On Energy</i> Proposes to modify provisions of the energy efficiency and sustainable technology loan program.	✓	✓		
HB 2439 <i>House Interim Committee On Energy</i> Proposes to transfer certain duties, functions, and powers related to renewable energy from the State Department of Energy to the Public Utility Commission.	✓			
HB 2440 <i>House Interim Committee On Energy</i> Proposes to require the Department of Land Conservation and Development to review laws and rules regulating siting of solar energy projects.	✓			
HB 2472 <i>House Interim Committee On Revenue</i> Proposes to extend the sunset for tax credit for renewable energy resource equipment manufacturing facilities.	✓			
HB 2497 <i>House Interim Committee On Revenue</i> Proposes to impose tax on each fuel supplier and utility based on the amount of carbon in carbon-based fuel or that is used to produce carbon-generated electricity.	✓			
* HB 2758 <i>Committee On Transportation And Economic Development</i> Proposes to require the Department of Transportation to study issues related to alternative fuel vehicles.	✓			
* HB 2759 <i>Committee On Transportation And Economic Development</i> Proposes to require the Department of Transportation to study issues related to alternative fuels.	✓			
* HB 2791 <i>Committee On Energy And Environment</i> Proposes to repeal the sunset on provisions related to low carbon fuel standards.	✓			
* HB 2795 <i>Committee On Energy And Environment</i> Proposes to establish community net metering to allow subscribing customers to receive credit for electricity produced by a community net metering facility.	✓			
* HB 2797 <i>Committee On Energy And Environment</i> Proposes to require a portion of a public building renovation contract amount be set aside for green energy technology if the total cost exceeds a set limit.	✓			
* HB 2860 <i>Representative Tim J. Freeman (R)</i> Proposes to exempt diesel fuel sold for use in hospital facilities and long term care facilities from requirements for renewable content.	✓			
* HB 2940 <i>Committee On Energy And Environment</i> Proposes to modify the definition of "baseload electricity" for purposes of greenhouse gas emissions standards.	✓			

<i>Oregon Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
*HB 2981 <i>Representative Mike McLane (R)</i> Proposes to allow exception to employment requirements for rural renewable energy development zone exemption from property taxation. Allows extension of exemptions under certain circumstances.	✓			
*HB 3036 <i>Representative Alissa Keny-Guyer (D)</i> Proposes to direct the State Department of Energy to conduct a study of renewable thermal energy and renewable gas.	✓			
*HB 3242 <i>Representative Nancy Nathanson (D)</i> Proposes to authorize the Department of State Lands to adopt rules for authorization of certain renewable energy facilities or devices within Oregon's territorial sea.	✓			
HJR 9 <i>House Interim Committee On Revenue</i> Proposes to amend the Oregon constitution to allow fuel and vehicles taxes to fund transportation projects.	✓			
SB 321 <i>Senator Peter C. Courtney (D)</i> Proposes to extend the sunset for tax credit for renewable energy resource equipment manufacturing facilities.	✓			
SB 354 <i>Senator Arnie Roblan (D)</i> Proposes to authorize the State Treasurer to issue Article XI-D general obligation bonds for development of transmission capacity for wave energy.	✓			
LAND USE				
SB 250 <i>Senator Peter C. Courtney (D)</i> Proposes to authorize a local government that has an urban growth boundary to include land within the boundary consistent with local economic development projections and public facilities plans.	✓			
NATURAL RESOURCES				
HB 2022 <i>Representative Brian L. Clem (D)</i> Proposes to modify the definition of native fish for purposes of salmon and trout enhancement program.	✓			
HB 2173 <i>Representative Wayne Krieger (R)</i> Proposes to exempt land zoned for exclusive farm use from limitation on liability for damage, injury, or death for certain fish and wildlife habitat improvement project.	✓			
HB 2321 <i>Representative Peter Buckley (D)</i> Proposes to require agencies of the executive department to take certain actions to protect the environment.	✓			
*HB 3248 <i>Representative Peter Buckley (D)</i> Proposes to require the State Department of Fish and Wildlife to conduct reviews of wildlife management plans.	✓			
SB 338 <i>Senator Elizabeth Johnson (D)</i> Proposes to change the status of activities conducted to create, restore, or enhance wetlands on land zoned for exclusive farm use from outright permitted use to conditional use.	✓			

<i>Oregon Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 357 <i>Senator Larry George (R)</i> Proposes to establish policy direction for management of state forestlands, including management for timber harvesting.	✓			
SB 432 <i>Senator Chris Edwards (D)</i> Proposes to expand the grounds for the Department of Agriculture to establish quarantine/eradication areas to control invasive species.	✓			
OTHER				
HB 2262 <i>Governor John Kitzhaber (D)</i> Proposes to define commercial driving privileges for purposes of the Oregon vehicle code.	✓	✓		
* HB 2928 <i>Committee On Consumer Protection And Government</i> Proposes to modify the definition of "hazardous substance." Requires Director of Oregon Health Authority to adopt standards for labeling of articles that contain hazardous substances.	✓			
* HB 3171 <i>Representative Paul R. Holvey (D)</i> Proposes to create an exemption from state preemption for local laws designed to prevent or control presence of pesticides in potable water.	✓			
* HB 3199 <i>Representative Mike McLane (R)</i> Propose to prohibit the release of a sky lantern, the discharge of an exploding target, or the discharge of tracer ammunition during fire season on or near forest protection district lands.	✓			
* HB 3323 <i>Representative Gail Whitsett (R)</i> Proposes to prohibit the Environmental Quality Commission from adopting any rule concerning air quality and water quality that imposes stricter requirements or standards than those imposed under federal law.	✓			
HM 1 <i>House Interim Committee On Energy</i> Proposes to urge Congress to modernize the Toxic Substances Control Act.	✓			
WASTE				
HB 2048 <i>Governor John A. Kitzhaber (D)</i> Proposes to repeal the sunset on the architectural paint stewardship program.	✓			
HB 2075 <i>Representative Mitch Greenlick (D)</i> Proposes to implement a program by which patients may properly dispose of prescription drugs at hospitals and long-term care facilities.	✓			
HB 2284 <i>Representative Tobias Read (D)</i> Proposes to require the Oregon Business Development Department to establish and administer a program to make loans to qualified project sponsors for development certain brownfields.	✓			
HB 2438 <i>House Interim Committee On Energy</i> Proposes that conversion of certain waste plastics to oil using pyrolysis is considered recycling for certain purposes.	✓			

<i>Oregon Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
HB 2659 <i>Representative Lew Frederick (D)</i> Proposes to require the Department of Environmental Quality to study issues related to contaminated properties and to report to the legislature.	✓			
*HB 2938 <i>Committee On Energy And Environment</i> Proposes to prohibit persons from knowingly disposing of rechargeable batteries as solid waste.	✓			
SB 113 <i>Senator Peter C. Courtney (D)</i> Proposes to prohibit use of single-use checkout bags except in certain cases.	✓			
SB 248 <i>Senator Peter C. Courtney (D)</i> Proposes to increase the amount collected for solid waste disposal that may be set aside by local governments for certain uses.	✓			
WATER				
HB 2258 <i>Governor John Kitzhaber (D)</i> Proposes to make legislative findings regarding need for water supply management and merits of water banking.	✓			
HB 2259 <i>Governor John Kitzhaber (D)</i> Proposes to increase certain fees charged by the Water Resources Department.	✓			
HB 2396 <i>Representative Brad Witt (D)</i> Proposes to amend the definition of debris for purposes of in-channel removal-fill provisions.	✓			
SB 199 <i>Senator Peter C. Courtney (D)</i> Proposes to expand the means for acquisition of existing water rights for conversion to in-stream water rights.	✓	✓		
SB 200 <i>Senator Peter C. Courtney (D)</i> Proposes to allow certain water right holders to apply for assignment of a water right. Authorizes the Department of Water Resources to issue replacement water right permits.	✓	✓		
SB 217 <i>Senator Peter C. Courtney (D)</i> Proposes to impose an annual management fee on water rights.	✓			



AIR

SOLID FUEL BURNING DEVICES The Washington Department of Ecology (WADOE) is proposing updates to its Solid Fuel Burning Devices Rule (Chapter 173-433 Washington Administrative Code [WAC]). The amendments would incorporate language related to burn bans in areas of fine particulate nonattainment or a risk for fine particulate nonattainment; align the rule with other statutory changes; meet EPA requirements; and improve air quality in areas affected by woodstove pollution. Comments are due 16 MAR 13. For more information, contact [Margo Thompson](#) at (360) 407-6827.

NORTHWEST CLEAN AIR AGENCY The Northwest Clean Air Agency is proposing a suite of changes to its air program rules. The agency would:

- clarify requirements for Reasonably Achievable Control Technology (RACT) for existing sources and describe how the RACT program is implemented (new section 309);
- clarify existing requirements to better reflect the requirements in the Revised Code of Washington (RCW) regarding orders, including issuance, fee assessment, appeals, and relation to enforcement (Sections 121, 122, 123, 131, 200, and 324);
- update effectiveness dates to ensure the most recent versions of referenced regulations are adopted;
- adopt certain regulations in 40 Code of Federal Regulation (CFR) Part 60; and
- make housekeeping changes.

A public hearing is scheduled for 13 MAR 13. Comments are due the same day. For more information, contact [Mark Buford](#). The notice of proposed rulemaking is available at <http://apps.leg.wa.gov/documents/laws/wsr/2013/04/13-04-086.htm>.

NATURAL RESOURCES

SEPA REVISIONS The WADOE is proposing to update and modernize Washington's State Environmental Policy Act (SEPA) rules and repeal a rule that is not in use. This action would align SEPA rules (197-11 WAC) with [SB 6406 \(2012 Special Session\)](#); amend or repeal Chapter 173-806 WAC to align with changes being made in WAC 197-11; and repeal Chapter 197-06 WAC. For more information, contact [Fran Sant](#) at (360) 407-6004. The notice of proposed rulemaking is available at http://www.statescape.com/RegsText/StaticDownloads/68504_104642.pdf.

TOXICS

TOXICS REDUCTION STRATEGY The WADOE is exploring possible strategies to reduce the use of toxic substances in the state, and is requesting public comment on a white paper released by the Washington Toxics Reduction Strategies Workgroup. The paper lays out principals for management of toxic chemicals and makes twelve recommendations to reduce exposures to toxic chemicals in Washington. Some of the ideas (establishing a Green Chemistry Center) could be implemented now while others (a voluntary consumer labeling drawing attention to safer product ingredients and changes to the liability system for toxic chemicals) would need significant further study before decisions could be made. Comments were due 11 MAR 13. For more information, contact [Carol Kraege](#) at (360) 407-6906. A news release is available at http://www.statescape.com/RegsText/StaticDownloads/68505_104643.htm. The WADOE's Reducing Toxic Threats website is available at http://www.ecy.wa.gov/toxics/policy_trs.htm.

WASTE

JBLM SAVES \$300,000 WITH COMPOSTING Joint Base Lewis McChord composted 670 tons of food waste in 2012, diverting the food from landfills and saving \$300,000 in disposal costs, the base [reported](#). The composting facility is part of the JBLM's six-year-old program, which converts about 4,000 tons of organic waste into a high-quality soil amendment product annually, reusing it in on- and off-base projects. JBLM is the first military base to obtain [U.S. Composting Council Seal of Testing Assurance certification](#), meaning the compost has passed the highest level of EPA standards for metals and pathogens.

LEGISLATIVE DEVELOPMENTS

The [Washington 2013 legislative session](#) began 14 JAN 13 and adjourns 24 APR 13. An * indicates the first time a bill appears in the 2013 Review.

<i>Washington 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				
SB 5321 <i>Senator Doug Ericksen (R)</i> Proposes to harmonize state greenhouse gas reporting requirements with federal requirements.	✓			
* SB 5408 <i>Senator Doug Ericksen (R)</i> Proposes to provide exclusions for the definition of "nonpower attributes" for purposes of the Energy Independence Act.	✓	✓		
* SB 5796 <i>Senator Mark G. Schoesler (R)</i> Proposes to address the requirements of emergency engines and backup generators for use at hospitals, sewage treatment plants, data centers, and other vital public services.	✓			
ENERGY				
HB 1017 <i>Representative Jeff Morris (D)</i> Proposes to create new efficiency standards for battery charger systems, water closets, and urinals. Authorizes a city or county to enact an ordinance allowing the sale and installation of non low-consumption water closets or urinals.	✓			
HB 1030 <i>Representative Jeff Morris (D)</i> Proposes to adopt the Electric Transmission Line Siting Compact in order to promote an inter-state cooperative transmission siting process.	✓			
* HB 1106 <i>Representative John R. McCoy (D)</i> Proposes to exclude a third-party owner of a customer-sited renewable energy facility from the definition of "electrical company" for purposes of net metering. Changes the cumulative generating capacity available to net metering systems. Changes meter aggregation for customer-generators participating in certain generating facilities. Companion bill is SB 5707.	✓			
HB 1193 <i>Representative J.T. Wilcox (R)</i> Proposes to require an applicant of a permit to construct a wind turbine to provide notice of the application to adjacent landowners.	✓			
HB 1221 <i>Representative Dave Upthegrove (D)</i> Proposes to modify the Energy Independence Act by revising the definition of "load" and adding a definition for "coal transition power." Companion bill is SB 5298.	✓			
HB 1296 <i>Representative Jeff Morris (D)</i> Proposes to require an electric utility's integrated resource plan to include an assessment of energy storage systems on the utility and distributed generation scale.	✓			
HB 1347 <i>Representative Shelly Short (R)</i> Proposes to authorize a qualifying utility to use certain eligible renewable resources to meet its annual targets. Prohibits the utility from transferring or selling these eligible renewable resources to another utility.	✓			

<i>Washington Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<p>HB 1374 <i>Representative Jeff Morris (D)</i> Proposes to change the composition and duties of the Energy Facility Site Evaluation Council because there is a critical need for infrastructure to ensure the safe and reliable operations of electrical generation and energy transmission systems in the state and the region. Removes the military department from membership in the council.</p>	✓			
<p>HB 1426 <i>Representative Terry Nealey (R)</i> Proposes to authorize qualifying utilities serving retail customers to use eligible renewable resources located within the Western Electricity Coordinating Council area to comply with the Energy Independence Act. Companion bill is SB 5400.</p>	✓			
<p>*HJR 4200 <i>Representative Lawrence E. Haler (R)</i> Proposes to amend the state Constitution to recognize hydroelectric generation as a renewable resource.</p>	✓			
<p>SB 5294 <i>Senator Doug Ericksen (R)</i> Proposes to revise the Energy Independence Act by recognizing hydroelectricity as an eligible renewable resource.</p>	✓			
<p>SB 5298 <i>Senator John Braun (R)</i> Proposes to modify the Energy Independence Act by revising the definition of "load" and adding a definition for "coal transition power." Companion bill is HB 1221.</p>	✓			
<p>SB 5369 <i>Senator Adam Kline (D)</i> Proposes to address rights and permits associated with geothermal energy production. Allocates revenues associate with geothermal energy and creates a geothermal energy account in the state treasury.</p>	✓			
<p>SB 5400 <i>Senator Jim Honeyford (R)</i> Proposes to authorize qualifying utilities serving retail customers to use eligible renewable resources located within the Western Electricity Coordinating Council area to comply with the Energy Independence Act. Companion bill is HB 1426.</p>	✓			
<p>SB 5412 <i>Senator Doug Ericksen (R)</i> Proposes to revise the definition of "eligible renewable resource" for purposes of the Energy Independence Act.</p>	✓			
<p>*SB 5707 <i>Senator Kevin Ranker (D)</i> Proposes to exclude a third-party owner of a customer-sited renewable energy facility from the definition of "electrical company" for purposes of net metering. Changes the cumulative generating capacity available to net metering systems. Changes meter aggregation for customer-generators participating in certain generating facilities. Companion bill is HB 1106.</p>	✓			
LAND USE				
<p>HB 1158 <i>Representative Steve Kirby (D)</i> Proposes to authorize The Adjutant General (TAG) to file a petition to have real property owned by the state for military purposes annexed to a city or town if that property constitutes the whole of the property in the annexation petition. Companion bill is SB 5068.</p>	✓			

<i>Washington Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
HB 1277 <i>Representative David Sawyer (D)</i> Proposes to address tribes holding conservation easements.	✓	✓		
* SB 5011 <i>Senator Don Benton (R)</i> Proposes to prohibit the state and all political subdivisions from adopting and developing environmental and developmental policies that infringe or restrict private property rights without due process.	✓			
SB 5068 <i>Senator Steve Conway (D)</i> Proposes to authorize The Adjutant General (TAG) to file a petition to have real property owned by the state for military purposes annexed to a city or town if that property constitutes the whole of the property in the annexation petition. Companion bill is HB 1158.	✓			
NATURAL RESOURCES				
HB 1244 <i>Representative Derek Stanford (D)</i> Proposes to clarify the Department of Natural Resources' authority to enter into cooperative agreements. Addresses watershed management. Companion bill is SB 5634.	✓			
* SB 5547 <i>Senator Kevin Ranker (D)</i> Proposes to advise the governor on policies relating to the protection and conservation of ocean resources. Coordinates the implementation of measures to mitigate the impacts of ocean acidification.	✓			
* SB 5634 <i>Senator Christine Rolfes (D)</i> Proposes to clarify the Department of Natural Resources' authority to enter into cooperative agreements. Addresses watershed management. Companion bill is HB 1244.	✓	✓		
* SB 5702 <i>Senator Jim Honeyford (R)</i> Proposes to specify that transporting a recreational or commercial watercraft into the state without meeting valid documentation requirements is an aquatic invasive species infraction. Repeals the aquatic nuisance species committee.	✓			
OTHER				
HB 1010 <i>Representative Sherry V. Appleton (D)</i> Proposes to remove an exclusion that allowed the wholesale of bulk containers (55 gallons or greater) of antifreeze without an aversive agent.	✓	✓		
HB 1110 <i>Representative David Taylor (R)</i> Proposes to require employers to comply with certain federal standards for the purposes of respirator requirements for asbestos abatement projects.	✓			
* HB 1163 <i>Representative David Taylor (R)</i> Proposes to impose a general moratorium on state agency rulemaking. Establishes the Regulatory Freedom and Accountability Act and revises the State Administrative Procedure Act.	✓			
* HB 1434 <i>Representative Gerry Pollet (D)</i> Proposes to promote community involvement in environmental decision-making.	✓			

Washington Bill Number, Sponsor, and Description	Bill Introduced	Passed 1st House	Passed 2nd House	Status
<p>*HB 1926 <i>Representative Marcus Riccelli (D)</i> Proposes to require building materials that contain asbestos to be clearly labeled as such by manufacturers, wholesalers, and distributors. Companion bill is SB 5458.</p>	✓			
<p>SB 5002 <i>Senator Jim Honeyford (R)</i> Proposes to require mosquito control districts to the use integrated pest management methods in places where public health vectors are found or are likely to exist.</p>	✓	✓		
<p>*SB 5458 <i>Senator Andy Billig (D)</i> Proposes to require building materials that contain asbestos to be clearly labeled as such by manufacturers, wholesalers, and distributors. Companion bill is HB 1926.</p>	✓			
WASTE				
<p>HB 1310 <i>Representative Joe Fitzgibbon (D)</i> Proposes to authorize a local government, through its local legislative authority, to choose to regulate consumer access to retail carryout bags. Companion bill is SB 5386.</p>	✓			
<p>HB 1364 <i>Representative Steve Tharinger (D)</i> Proposes to create the used battery stewardship account to implement voluntary programs to collect and recycle used small rechargeable batteries. Companion bill is SB 5457.</p>	✓			
<p>HB 1498 <i>Representative Dave Upthegrove (D)</i> Proposes to require additional information in the annual electronic product recycling reports prepared by the Washington Materials Management and Financing Authority.</p>	✓			
<p>SB 5201 <i>Senator Kevin Ranker (D)</i> Proposes to create the brownfield redevelopment trust fund account to accelerate the cleanup of hazardous waste sites and brownfields throughout the state.</p>	✓			
<p>SB 5386 <i>Senator Mark Mullet (D)</i> Proposes to authorize a local government, through its local legislative authority, to choose to regulate consumer access to retail carryout bags. Companion bill is HB 1310.</p>	✓			
<p>SB 5457 <i>Senator Sharon Nelson (D)</i> Proposes to create the used battery stewardship account to implement voluntary programs to collect and recycle used small rechargeable batteries. Companion bill is HB 1364.</p>	✓			
WATER				
<p>HB 1016 <i>Representative Jan Angel (R)</i> Proposes to designate facilities and infrastructure of water purveyors as essential public facilities under growth management planning requirements.</p>	✓	✓		

Washington Bill Number, Sponsor, and Description	Bill Introduced	Passed 1st House	Passed 2nd House	Status
<p>*HB 1113 <i>Representative Shelly Short (R)</i> Proposes to require the Department of Ecology to identify data source validity prior to taking actions related to water quality, shore lands, and environmental assistance programs.</p>	✓	✓		
<p>HB 1179 <i>Representative Dawn Morrell (D)</i> Proposes to allow counties to adopt alternative procedures for the collection of sewer charges. Companion bill is SB 5218.</p>	✓	✓		
<p>HB 1237 <i>Representative Liz Pike (R)</i> Proposes to require the Department of Ecology to conduct a pilot project to evaluate net environmental effects of an alternative approach to municipal storm water management and verify the approach satisfies state/federal law. Companion bill is SB 5435.</p>	✓			
<p>HB 1239 <i>Representative Dean Takko (D)</i> Proposes to modify powers of water-sewer districts. Specifies how water sewer districts can use the powers of eminent domain and condemnation. Concerns waterworks used for electric generation. Companion bill is SB 5185.</p>	✓			
<p>HB 1350 <i>Representative Bruce Chandler (R)</i> Proposes to address future development criteria with regard to exempt well withdrawals in order to allow better allocation of water resources.</p>	✓			
<p>HB 1375 <i>Representative Brian Blake (D)</i> Proposes to allow local governments to consolidate a new exempt withdrawal of groundwater into an existing public water system. Companion bill is SB 5200.</p>	✓			
<p>HB 1414 <i>Representative Bruce Chandler (R)</i> Proposes to implement the integrated water resource management plan in the Yakima river basin. Companion bill is SB 5367.</p>	✓			
<p>HB 1438 <i>Representative Vincent Buys (R)</i> Proposes to address de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies. Companion bill is SB 5199.</p>	✓			
<p>HB 1512 <i>Representative Dean Takko (D)</i> Proposes to clarify the authority of water purveyors to provide fire suppression water facilities and services and to recover the costs. Provides liability protection.</p>	✓			
<p>SB 5071 <i>Senator Jerome L. Delvin (R)</i> Proposes to extend the time period permitted to put water to beneficial use.</p>	✓			
<p>SB 5185 <i>Senator Pam Roach (R)</i> Proposes to modify certain powers of water-sewer districts. Companion bill is HB 1239.</p>	✓			

<i>Washington Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 5199 <i>Senator Doug Ericksen (R)</i> Proposes to establish that the standards for a change of use application for certain types of water rights are the laws in place at the time the change of use was implemented. Companion bill is HB 1438.	✓			
SB 5200 <i>Senator Brian Hatfield (D)</i> Proposes to allow local governments to consolidate a new exempt withdrawal of groundwater into an existing public water system. Companion bill is HB 1375.	✓			
SB 5218 <i>Senator Bruce Dammeier (R)</i> Proposes to allow counties to adopt alternative procedures for the collection of sewer charges. Companion bill is HB 1179.	✓			
SB 5219 <i>Senator Jim Honeyford (R)</i> Proposes to establish a process to retain water rights when they are no longer used on state purchased lands and to make the water rights available for alternate uses by local economies rather than be permanently lost to the economy of the area through relinquishment.	✓			
SB 5324 <i>Senator Jim Honeyford (R)</i> Proposes to address mosquito abatement in storm water control retention ponds.	✓			
SB 5326 <i>Senator Ann Rivers (R)</i> Proposes to delay new storm water discharge permitting requirements and to extend current permits for a period of three years..	✓			
SB 5367 <i>Senator Jim Honeyford (R)</i> Proposes to implement the integrated water resource management plan in the Yakima river basin. Companion bill is HB 1414.	✓			
SB 5435 <i>Senator Annette Cleveland (D)</i> Proposes to require the Department of Ecology to conduct a pilot project to evaluate net environmental effects of an alternative approach to municipal storm water management and verify the approach satisfies state/federal law. Companion bill is HB 1237.	✓			
*SB 5836 <i>Senator Jim Honeyford (R)</i> Proposes to authorize the use of permit exempt wells as long as the basin is not closed to further appropriation of groundwater.	✓			

Department of Defense Activity

DoD's STRATEGIC SUSTAINABILITY PERFORMANCE PLAN 2012 This annual update of the [DoD Strategic Sustainability Performance Plan](#) lays out DoD's goals and sustainability performance expectations through FY2020. The Department not only commits to complying with environmental and energy statutes, regulations, and Executive Orders, but to going beyond compliance where it serves national security needs.

ARMY ANNOUNCES FISCAL YEAR 2012 ENVIRONMENTAL AWARD WINNERS The six installations, two teams and one individual selected as 2012 winners represent the best of the Army's ongoing commitment to sustain its training lands through sound environmental stewardship. [The winners](#) are from Army installations in Arizona, Georgia, Kentucky, Maryland, Michigan, North Carolina, Pennsylvania, Texas, and Italy.

FEMP CASE STUDIES HIGHLIGHT AGENCY ENERGY-MANAGEMENT BEST PRACTICES The Department of Energy (DOE) Federal Emergency Management Program (FEMP) recently published [three case studies](#) featuring energy and water conservation best practices used by the U.S. Air Force, U.S. Fish and Wildlife Service (FWS), and the U.S. Marine Corps, recipients of Federal Energy and Water Management Awards. The intent of these case studies is to showcase how other agencies can augment their efforts through adopting similar efficiency standards.

Federal Activity

AIR

NESHAP FOR RECIPROCATING INTERNAL COMBUSTION ENGINES EPA has finalized amendments to the national emission standards for hazardous air pollutants (NESHAP) for stationary reciprocating internal combustion engines ([78 FR 6673](#)). The final amendments include alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark-ignition stationary reciprocating internal combustion engines in sparsely populated areas, and alternative monitoring and compliance options for the same engines in populated areas. EPA is establishing management practices for existing compression ignition engines on offshore (drilling) vessels. This final rule is effective on 1 APR 13. EPA POC: [Melanie King](#), (919) 541-2469.

INDUSTRIAL, COMMERCIAL, & INSTITUTIONAL BOILERS & PROCESS HEATERS EPA is taking final action on its reconsideration of certain issues in the emission standards for the control of hazardous air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters at major sources of hazardous air pollutants ([78 FR 7137](#)). EPA POC: [Jim Eddinger](#), (919) 541-5426.

INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS EPA is taking final action on reconsideration of its 21 MAR 11 final rule addressing emission standards to control hazardous air pollutants from new and existing industrial, commercial and institutional boilers at area sources ([78 FR 7487](#)). The compliance date for existing sources is 21 MAR 14. The compliance date for new sources that began operations on or before 20 MAY 11 is 20 MAY 11. For new sources that start up after 20 MAY 11, the compliance date is the date of startup. New sources are defined as sources that began operation after 4 JUN 10. EPA POC: [Mary Johnson](#), (919) 541-5025.

NON-HAZARDOUS SECONDARY MATERIALS THAT ARE SOLID WASTE EPA has issued revisions to the final rules on the "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units." EPA also issued final amendments to the regulations codified by the Non-Hazardous Secondary Materials rule ([78 FR 9111](#)). EPA POC: [Toni Jones](#), (919) 541-0316.

ALASKA SIP: REGIONAL HAZE EPA is approving a State Implementation Plan (SIP) submittal from Alaska pertaining to regional haze ([78 FR 10546](#)). The SIP implements a regional haze program in Alaska for the first planning period, through 31 JUL 18. The agency is approving all provisions of Alaska's Regional Haze SIP submission, including the requirements for the calculation of baseline and natural visibility conditions, statewide inventory of visibility-impairing pollutants, best available retrofit technology (BART), Reasonable Progress Goals (RPGs), and Long-Term Strategy (LTS). Additionally, EPA is approving the Alaska Department of Environmental Conservation BART regulations, and

amendments to Alaska's Area Wide Pollution Control Program for Regional Haze. This final rule is effective 18 MAR 13. For more information, contact Keith Rose at (206) 553-1949.

OREGON SIP: HEAT SMART EPA is proposing to approve multiple revisions to Oregon's SIP ([78 FR 9651](#)). The revisions pertain to the Heat Smart Program rules in Oregon Administrative Rule (OAR), Chapter 340, address enforcement procedures and civil penalties (OAR 340-12), minor revisions and clarifications to general air pollution definitions (OAR 340-200), rules for stationary source notification requirements (OAR 340-210), and requirements for fuel burning (OAR 340-228). Comments are due 13 MAR 13. For more information, contact [Justin Spenillo](#) at (206) 553-6125.

OREGON SIP/FIP: 2008 LEAD NAAQS EPA found that several Oregon has not made complete SIP submissions to address elements necessary to implement the 2008 lead national ambient air quality standards (NAAQS), also referred to as "infrastructure" SIPs ([78 FR 12961](#)). This action starts a 24-month Federal Implementation Plan (FIP) clock for the EPA to approve a SIP for Oregon or for the EPA to finalize a FIP to address infrastructure. For more information, contact [Mia South](#) at (919) 541-5550.

CLIMATE CHANGE

FEDERAL AGENCY STRATEGIC SUSTAINABILITY PERFORMANCE PLANS The White House released 2012 [Strategic Sustainability Performance Plans](#) for federal agencies. The plans outline initiatives to reduce the vulnerability of federal programs, assets, and investments to the impacts of climate change, such as sea level rise or more frequent or severe extreme weather.

ENERGY

ENERGY CONSERVATION STANDARDS FOR SMALL, LARGE, AND VERY LARGE COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT DOE is initiating an effort to determine whether to amend the current energy conservation standards for certain commercial air-conditioning and heating equipment ([78 FR 7296](#)). Consistent with the American Energy Manufacturing Technical corrections Act of 2012 (Pub. L. 112-210), DOE is required to either determine that standards for these equipment types do not need to be amended, or to propose amended energy conservation standards. DOE must either adopt standards developed by American Society of Heating, Refrigerating, and Air-Conditioning Engineers, or adopt levels more stringent. Comments are due by 4 MAR 13. DOE POC: [Joshua Cociardi](#), (202) 287-1656.

ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL AND INDUSTRIAL FANS AND BLOWERS DOE is considering energy conservation standards for commercial and industrial fans and blowers ([78 FR 7306](#)). DOE has proposed to determine that the commercial and industrial fans and blowers (that DOE considers to be a type of fan with a specific ratio between 1.11 and 1.20) are covered equipment for which energy conservation standards should be developed. DOE has prepared the [Framework Document](#) to explain the relevant issues, analyses, and processes it anticipates using for development of standards. Comments are due by 18 MAR 13.

ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL AND INDUSTRIAL PUMPS DOE is considering energy conservation standards for commercial and industrial pumps ([78 FR 7304](#)). DOE has released a [Framework Document](#) to explain the relevant issues, analyses, and processes it anticipates using when considering new energy conservation standards for commercial and industrial pumps. DOE will accept comments until 18 MAR 13. DOE POC: [Charles Llenza](#), (202) 586-2192.

GREEN BUILDING CERTIFICATION SYSTEMS FOR FEDERAL GOVERNMENT General Services Administration (GSA) is requesting comment on possible approaches to the certification of green federal buildings including new construction, major renovations, and existing buildings ([78 FR 8145](#)). In a study released in May 2012, GSA and others reviewed three certification systems: Green Building Initiative's Green Globes (2010), U.S. Green Building Council's Leadership in Energy and Environmental Design (2009), and the International Living Building Institute's Living Building Challenge (2011). The study concluded that none of the existing green building certification systems as designed meets all of the

federal government's needs for high performance building metrics and conformity assessment. Comments are due by 5 APR 13. GSA POC: [Bryan Steverson](#), (202) 501-6115.

ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL BOILERS DOE is initiating the rulemaking and data collection process to consider amending the energy conservation standards for residential boilers ([78 FR 9631](#)). DOE will hold a meeting to discuss and receive comments on its planned analytical approach and issues it will address in this rulemaking proceeding. The meeting will be held on 13 MAR 13 in Washington, DC. DOE is planning to conduct in-depth technical analyses in the following areas: (1) engineering; (2) energy-use characterization; (3) product price; (4) life-cycle cost and payback period; (5) national impacts; (6) manufacturer impacts; (7) utility impacts; (8) employment impacts; (9) emission impacts; and (10) regulatory impacts. A copy of the DOE [Framework Document](#) is now available. Additionally, DOE plans to conduct the meeting via [webinar](#). Comments are due 28 MAR 13. DOE POC: [John Cymbalsky](#), (202) 286-1692.

OTHER

EPA'S NATIONAL ENFORCEMENT INITIATIVES FOR FISCAL YEARS 2014-2016 EPA is soliciting recommendations on national enforcement initiatives to be undertaken in fiscal years 2014-2016 ([78 FR 5799](#)). EPA invites comment on extending the current six national enforcement initiatives for the 2014-2016 cycle, or on new sectors, or other important strategic areas for consideration. EPA will also consider strategic program areas that are not sector-based as potential national enforcement initiatives. These include programs such as Next Generation Compliance (e.g., increasing use of advanced emissions monitoring, expanding transparency by increasing data availability and involving the public in helping to monitor compliance). EPA POC: [Michele McKeever](#), EPA, (202) 564-3688.

THREATENED & ENDANGERED SPECIES

FIVE-YEAR STATUS REVIEWS OF 44 SPECIES IN OREGON, HAWAII, GUAM, & N. MARIANA ISLANDS FWS initiated five-year status reviews for 44 animal and plant species in Oregon, Hawaii, Guam, and the Northern Mariana Islands ([78 FR 8185](#)). FWS requested the latest scientific and commercial data on these species. Comments and information are due by 8 APR 13. FWS POC: Kristi Young, (808) 792-9400. **POLAR BEAR SPECIAL RULE** FWS issued a final special rule for protection of the polar bear (*Ursus maritimus*), under Section 4 of the Endangered Species Act ([78 FR 11766](#)). This special rule is effective 22 MAR 13. It supersedes the [interim 4\(d\) special rule published May 15, 2008](#). This 4(d) special rule synchronizes the management of the polar bear under the Endangered Species Act with management provisions under the Marine Mammal Protection Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). For more information, contact Charles Hamilton at (907) 786-3309. Additional information, including a copy of the rule, is available at <http://alaska.fws.gov/fisheries/mmm/polarbear/esa.htm>.

90-DAY FINDING: 44 CORALS IN THE PACIFIC NORTHWEST The National Marine Fisheries Service (NMFS) announced the results of a 90-day finding on a petition to list 44 coral species in waters off Alaska in the Aleutian Islands, Gulf of Alaska, and/or Bering Sea, finding that the petition does not present enough information to determine whether listing is warranted ([78 FR 10601](#)). A status review will not be conducted at this time. This finding was made 14 FEB 13. For more information, contact John Olson at (907) 271-1508.

WATER

ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT PROGRAM The U.S. Army Corps of Engineers (COE) is amending its nationwide permit regulations so that district engineers can issue nationwide permit verification letters that expire on the same date a nationwide permit expires. Nationwide Permits (NWP) authorize activities that have minimal individual and cumulative adverse environmental effects ([78 FR 5726](#)). If, after reviewing the preconstruction notification, the district engineer determines that the proposed activity qualifies for NWP authorization, the district engineer issues an NWP verification letter to the project proponent. The NWP verification may contain special

conditions to ensure that the NWP activity results in minimal individual and cumulative effects on the aquatic environment. COE POC: [DAVID OLSON](#), (202) 761-4922.

REVISIONS TO THE TOTAL COLIFORM RULE EPA finalized revisions to the 1989 Total Coliform Rule (TCR) ([78 FR 10269](#)). Under the revised TCR there is no longer a monthly maximum contaminant level (MCL) violation for multiple total coliform detections. Instead, the revisions require systems that have an indication of coliform contamination in the distribution system to assess the problem and take corrective action that may reduce cases of illnesses and deaths due to potential fecal contamination and waterborne pathogen exposure. The final revised TCR establishes a health goal (Maximum Contaminant Level Goal, or MCLG) and an MCL for E. coli and eliminates the MCLG and MCL for total coliforms, replacing it with a treatment technique for coliforms that requires assessment and corrective action. Regulated categories and entities include both private industrial and federal publicly owned community water systems, transient non-community water systems, and non-transient non-community water systems. Public water systems and primacy agencies must continue to comply with the 1989 version of the rule until the new rule goes into effect in 2016. EPA POC: [Sean Conley](#), (202) 564-1781.

Professional Development

5-7 MAR 13, WASHINGTON, DC [8TH ANNUAL MILITARY ENERGY ALTERNATIVES CONFERENCE](#) This will be an in-depth discussion on strategies to integrate the latest technologies, establish returns on alternative energy investments and create a successful business environment with stakeholders in an effort to meet energy efficiency and security targets.

6-7 MAR 13, PHILADELPHIA, PA [24TH ANNUAL GLOBALCON 2013](#) Presented by the Association of Energy Engineers (AEE), topics addressed at this conference include energy efficiency, high performance buildings, energy conservation, and other energy related issues.

25-28 MAR 13, MYRTLE BEACH, SC [COASTAL GEOTOOLS](#) This conference series focuses on the technical information needs of the nation's coastal programs. It will focus on building the Digital Coast, a Web platform that provides access to geospatial data, tools, and technical training.

1-4 APR 13, LOS ANGELES, CA [2013 NATIONAL ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS \(NAEP\)](#) NAEP and the California Association of Environmental Professionals (AEP) will jointly host their annual meetings. The theme of the conference is "Walk-the-Talk," highlighting the best efforts by private- and public-sector environmental professionals in the areas of regulations, analyses, project construction, and project operations. The focus will be on highlighting the work of environmental professionals that achieves the spirit of NEPA and the California Environmental Quality Act, while balancing the needs of economic development, quality of life, and conservation and protection of the environment.

11-13 APR 13, WASHINGTON, DC [RECLAIM + REMAKE SYMPOSIUM](#) This conference brings together the most innovative practices in education and research for current and future reuse and recycling of material resources in the built environment.

16-18 APR 13, WASHINGTON, DC [ESPC COMPREHENSIVE WORKSHOP](#) Open only to federal employees and DOE management and operating contractors, the workshop outlines the latest DOE Energy Savings Performance Contracts (ESPC) process. The session is taught by DOE national laboratory experts and other consultants with extensive background in ESPCs.

8-10 MAY 13, CHICAGO, IL [INTERNATIONAL SOCIETY OF SUSTAINABILITY PROFESSIONALS CONFERENCE](#) The conference is structured around stories from the field featuring presentations of on-the-ground implementation from organizations worldwide; emerging strategies for building the business case, engaging employees and

developing cultures of sustainability; and sustainability tools that will demonstrate the latest sustainability assessments, reporting standards and more.

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

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

VARIOUS DATES AND TIMES ONLINE

READINESS AND ENVIRONMENTAL PROTECTION INITIATIVE – [WEBINAR SERIES](#) The REPI Webinar Series is presented by DoD in partnership with the [Land Trust Alliance](#). This online series covers best practices, tutorials and knowledge sharing on REPI partnerships that support military mission and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. For detailed webinar descriptions please visit the [REPI website](#).

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

[EPA NPDES TRAINING COURSES AND WORKSHOPS](#) Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES Permit program. They are designed for permit writers, dischargers, USEPA officials and other interested parties.

[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 USEPA's waste website. Introductory and advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations and implementation.

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

USACE PROSPECT TRAINING USACE announces its FY13 PROSPECT training program. Please see the [Course Catalog \(a.k.a. Purple Book\)](#) and [List of Classes and schedule](#) for details. Courses are open to all federal employees, state, county and city employees and contractors. There are different registration processes for each entity.

[NAVY AND ISEERB ENVIRONMENTAL TRAINING FY13](#) The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY13 is available. Course topics include environmental overview

and management; law planning and sustainability; pollution prevention; restoration; conservation; supplemental and Internet/computer-based training, and more.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY13 The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government. Fees vary according to personnel status (i.e., active duty Air Force/civilian, other U.S. government employee, contractor).

How the Regional Offices Work for You

When used within the framework of ISO 14001, the *Western Region Review* can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO 14001. Information in the *Review* is intended for general guidance, and the reader should refer to cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations.

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

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

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

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Acronyms

AEC	Army Environmental Command
ADEC	Alaska Department of Environmental Conservation
ADFG	Alaska Department of Fish and Game
ADNR	Alaska Department of Natural Resources
ACHP	Advisory Council on Historic Preservation
ACUB	Army Compatible Use Buffer
ATSDR	Agency for Toxic Substances and Disease Registry
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
CAMR	Clean Air Mercury Rule
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulation
CH₄	methane
CNOR	candidate notice of review
CO₂	carbon dioxide
CO₂e	carbon dioxide equivalent
COE	Corps of Engineers
CrVI	hexavalent chromium
CTED	Washington Department of Community, Trade, & Economic Development
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	United States Department of Transportation
DPS	distinct population segment
EA	environmental assessment
ECA	emission control area
ECF	emission comparable fuel
EIO	Energy Initiatives Office
EIS	environmental impact statement
EO	Executive Order
EPA	Environmental Protection Agency
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
GHG	greenhouse gas
GRP	geographic response plan
GSA	General Service Administration
HCFC	hydrochlorofluorocarbon

HFC	hydrofluorocarbon
HFE	hydrofluorinated ethers
HID	high intensity discharge
IDAPA	Idaho Administrative Procedures Act
IDEQ	Idaho Department of Environmental Quality
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
LOSS	large on-site sewage system
LT2	long term 2
MACT	maximum achievable control technology
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
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NF₃	nitrogen trifluoride
NHTSA	National Highway Traffic Safety Administration
NIST	National Institute of Standards and Technology
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NO₂	nitrogen dioxide
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRC	Nuclear Regulatory Commission
NSPS	New Source Performance Standard
NSR	New Source Review
OAR	Oregon Administrative Rules
ODA	Oregon Department of Agriculture
ODEQ	Oregon Department of Environmental Quality
OEQC	Oregon Environmental Quality Commission
OMB	Office of Management and Budget
ORCR	Office of Resource Conservation and Recovery
P2	pollution prevention
PBDE	polybrominated diphenyl ethers
PFC	perfluorocarbons
PFOA	perfluorooctanoic acid
PFOS	perfluorooctane sulfonic acid
PHMSA	Pipeline and Hazardous Materials Safety Administration
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
REEO-W	Regional Environmental and Energy Office - Western
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
SMP	Shoreline Management Plan
SNAP	significant new alternatives policy
SNUR	significant new use rule
SO₂	sulfur dioxide
SO_x	sulfur oxides
SPCC	spill prevention, control, and countermeasures
TAC	toxic air pollutant
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
USGS	United States Geological Survey
UST	underground storage tank
USTCA	Underground Storage Tank Compliance Act
VOC	volatile organic compound
WAC	Washington Administrative Code
WCI	Western Climate Initiative
WEFSEC	Washington Energy Facility Site Evaluation Council
WDC	Washington Department of Commerce
WDOE	Washington Department of Ecology
WDOH	Washington Department of Health
WPCF	Water Pollution Control Facility
WRAP	Western Regional Air Partnership