



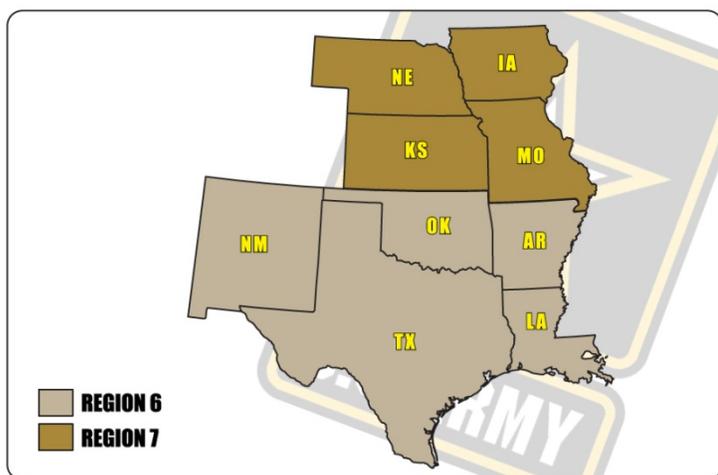
Central Review of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

May 2013

The **CENTRAL REGION REVIEW** provides current information on government affairs, energy and environment relevant to Department of Defense interests in the 9 states in Federal Regions 6 and 7. The Review is intended to be a tool useful to DoD and Army leaders, planners, and program managers in carrying out their responsibilities. The Central Region Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. For further information please visit the [ARMY'S REGIONAL ENVIRONMENTAL AND ENERGY OFFICES'](#) website.



Texas Army National Guard and FT Hood Win Environmental Awards

TX Army National Guard is [recognized by the Federal Green Challenge program](#) for doubling their municipal solid waste donated from 0.5 tons in 2011 to 1 ton in 2012.

The Federal Green Challenge (FGC) is a national effort under EPA's Sustainable Materials Management program that challenges federal agencies throughout the country to lead by example in reducing the federal government's environmental impact. FGC recognizes federal agencies for outstanding efforts going beyond regulatory compliance and striving for annual improvements in selected areas.

FT Hood, TX won three first-place [Keep Texas Beautiful Awards](#) for 2013.

- [Civic Organization, Program](#) - FT Hood Recycle Center netted more than 74,000 pounds of refuse and debris;
- [Military](#) - FT Hood DPW Environmental engaged the community to help the post become the military leader in environmental and sustainability efforts; and
- [Media Print, Weekly](#) - DPW Environmental and FT Hood *Sentinel* articles promoted the installation's Net Zero Waste 2020 Program to eliminate landfill use by the year 2020. Increased awareness in 2012 led to collection of more than 15 million pounds of recyclable materials.



Table of Contents

Region 6	2
Arkansas	2
Louisiana	3
New Mexico	5
Oklahoma	7
Texas	8
Region 7	13
Iowa	13
Kansas	14
Missouri	16
Nebraska	19
DOD Activity	19
Federal Activity	20
National Conferences and Symposia	22
Regional Meetings	22
Professional Development	23
Internet Resources	25
Staff Directory	26

Customer's Corner: Please send any comments, questions, lessons learned best practices etc to Dennis Takade at (816) 389-3327.

Region 6



NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 14 Jan 13 and adjourns 17 May 13.

LEGISLATION SIGNED BY GOVERNOR

(SIGNED 23 APR 13) [HB 2196](#) DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) AND OWNER/OPERATOR PROPERTY ACCESS FOR INVESTIGATION, SITE ASSESSMENT, OR CORRECTIVE ACTION. The purpose of this act is to clarify rights of DEQ and owners/operators to access property for purposes of investigation, site assessment, or corrective action and to prohibit a release from interfering with investigations, site assessments, or corrective actions.

Sponsor: Representative Greg Leding (D)

(SIGNED 23 APR 13) [HB 2252](#) WATER QUALITY STANDARDS amends certain laws concerning water quality standards to improve process for refining and revising water quality standards, and to create cost-effective attainment strategies.

Sponsor: Representative Greg Leding (D)

(SIGNED 18 APR 13) [HB 2019](#) NET-METERING FACILITIES. An electric utility shall allow net-metering facilities to be interconnected using a standard meter capable of registering flow of electricity in two directions. Following notice and opportunity for public comment, the Public Service Commission shall establish appropriate rates, terms, and conditions for net-metering contracts, including a requirement that net-metering equipment be installed to accurately measure electricity supplied. Sponsor: Representative David L. Branscum (R)

(SIGNED 18 APR 13) [SB 796](#) RESPONSIBILITIES OF DEQ AND AR POLLUTION CONTROL AND ECOLOGY COMMISSION (APCE), STATE IMPLEMENTATION PLANS (SIPs). DEQ shall develop SIPs for attainment and maintenance of any applicable National Ambient Air Quality Standard (NAAQS) to include measures necessary for attainment and maintenance of the NAAQS in each air quality control region or portion of an air quality control region within the state.

Sponsor: Senator Ronald Caldwell (R)

(SIGNED 8 APR 13) [HB 1771](#) SEWAGE COLLECTION SYSTEM/SEWAGE WORKS concerns a municipality operating a sewage collection system or sewage works and contracts with other political subdivisions. Act is amended to read "No such contract shall be made for a period of more than thirty (30) years." Sponsor: Representative Dan Douglas (R)

(SIGNED 8 APR 13) [HB 1886](#) HAZMAT EMERGENCY MANAGEMENT. Each facility required to report to the State Hazardous Materials Emergency Response Commission, under the provisions of 42 U.S.C. §§ 25 11022 and 11023, shall pay the following annual fees to the State Office of Hazardous Materials Emergency Management:

- For each facility required to file one or more hazardous chemical inventory reports, an annual fee of \$50, and an additional fee of \$10 for each report filed annually, with a maximum limit of \$1,000 annually for each reporting facility; and
- For each facility required to file one or more toxic chemical release forms, an annual fee of \$350 and an

additional fee of \$50 for each report, with a maximum limit of \$400 annually for each reporting facility.
Sponsor: Representative Andrea Lea (R)

(SIGNED 8 APR 13) [HB 1929](#) PROMULGATION OF WATER QUALITY STANDARDS. Water quality standards shall comply with the following requirements without precluding evaluation of existing and readily available water quality-related data:

- Development and implementation of standards and criteria for minerals, including without limitation total dissolved solids, chlorides, and sulfates, and the assessment of a stream or a stream segment's conformity with or attainment of a standard or criteria for minerals shall be based on the greater of the average flow in the stream or stream segment or four cubic feet per second (4 ft³/s); and
- Development and implementation of standards or criteria for minerals, including without limitation total dissolved solids, chlorides, and sulfates to protect the use of a domestic water supply, and assessment of a stream or a stream segment's conformity with or protection of the use of a domestic water supply.

Sponsor: Representative Andy Davis (R)

PROPOSED LEGISLATION

(UPDATE) [HB 1919](#) **INVASIVE SPECIES, FERAL HOGS.** Any person may take, capture, and/or kill a feral hog:

- On public property during any established hunting season but must be taken with a weapon and method allowed for that hunting season;
- On private land if the person is the landowner or lessee or has permission of landowner or lessee; and
- On any land where hunter has legal access unless prohibited by the landowner.

The person must possess a valid state hunting license and comply with state hunting regulations. Referred to House Committee on Agriculture, Forestry and Economic Development, amended and reported engrossed. **Withdrawn by author.** Sponsor: Representative Homer Lenderman (D)

(UPDATE) [HB 1932](#) **RENTS, FEES, AND CHARGES OF REGIONAL SOLID WASTE MANAGEMENT DISTRICTS/BOARDS** amends provisions of the AR Code relating to rents, fees, and charges of a regional solid waste management district or board. Referred to House Committee on City, County & Local Affairs. Measure amended, amendment adopted and bill ordered engrossed. Returned from committee with a "Do Pass" as amended recommendation but **failed to pass.** Sponsor: Representative Dan Douglas (R)

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(EFFECTIVE 2 MAY 13) EPA APPROVAL AND PROMULGATION OF AIR QUALITY STATE IMPLEMENTATION PLANS (SIPs): PREVENTION OF SIGNIFICANT DETERIORATION (PSD), GREENHOUSE GAS (GHG) TAILORING RULE REVISIONS. EPA will take final action to approve two [revisions to AR SIP](#). DEQ's 17 Feb 10 SIP revision to New Source Review (NSR) PSD program updated the SIP to incorporate by reference (IBR) requirements for federal PSD permitting program under EPA's 29 Nov 05 Phase II 8-hour Ozone Implementation rule. The 6 Nov 12 SIP revision to NSR PSD program provided state the authority to issue PSD permits governing GHG emissions.



NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 8 Apr 13 and adjourns 6 Jun 13.

PROPOSED LEGISLATION

(NEW) [HB 186](#) **HAZARDOUS MATERIALS TRANSPORTATION ROUTE DESIGNATION** changes transportation of hazardous material on Interstate 49 (I-49) between Caddo-DeSoto parish boundary and its intersection with the LA-AR boundary instead of I-49's intersection with I-20. Except for carriers making local pickups/deliveries, no carrier shall transport hazardous materials in Caddo or Bossier parishes, except on specific routes in present law, including but not limited to I-49 between Caddo-DeSoto parish boundary and its intersection with I-20. Referred to House Committee on

Transportation, Highways, and Public Works, reported favorably from committee. Passed House, sent to Senate and referred to Senate Transportation, Highways and Public Works. Sponsor: Representative Henry Burns (R)

(NEW) **HB 307 APPEALS OF CERTAIN DEPARTMENT OF ENVIRONMENTAL QUALITY DECISIONS.** Authorizes a court to order a stay of a final permit action only after notice and an opportunity for a hearing and removes authority to grant such stays *ex parte*. Present law provides for stays of agency decisions through judicial review in the Administrative Procedure Act and specifies these stays may be granted by the agency or the court *ex parte* and may be granted in accordance with local court rules pertaining to injunctive relief and issuance of temporary restraining orders. Referred to House Committee on Judiciary and reported favorably from committee. Debated on floor, passed House and sent to Senate. Sponsor: Representative Eddie J. Lambert (R)

(NEW) **HB 445 BEVERAGE CONTAINER ACT** provides for a system of deposits and redemption on glass and metal beverage containers. The bill:

- Defines beverage, beverage container, dealer, department, distributor, manufacturer, mixed spirit drink, mixed wine drink, operator of a vending machine, person, place of business, redeemer, redemption center, secretary, use or consumption, and within this state;
- Provides for a minimum refund of \$0.05 on every beverage container sold or offered for sale that will be collected by a dealer and forwarded to DEQ;
- Requires every authorized redemption center to accept containers from and pay to redeemers the LA refund value, beginning 1 Dec 13.
- Requires handling fees to be not less than \$0.01 cent per aluminum can and \$0.02 cents per other beverage container paid by the department to the redemption center.
- Requires every beverage container sold in state to clearly indicate the container refund value and the letters LA Refund;
- Exempts glass beverage containers, which already have a refund value on the container.

Referred to House Committee on Natural Resources and Environment. Sponsor: Representative Eddie J. Lambert (R)

(NEW) **HB 529 PLASTIC BAG TAX.** Proposed constitutional amendment imposes a \$0.05 tax on each single-use plastic bag. Rate of tax may be adjusted by an instrument receiving two-thirds vote of members of both houses of the legislature. For purposes of proposed constitutional amendment, bag means a bag composed primarily of thermoplastic synthetic polymeric material provided to a purchaser for use in carrying or transporting purchased goods. Referred to House Committee on Ways and Means. Sponsor: Representative Regina Ashford Barrow (D)

(NEW) **HB 577 TRANSPORTATION OF SOLID WASTE** requires commercial vehicles' load be properly covered for acceptance at a solid waste disposal facility. Proposed law prohibits a commercial solid waste disposal facility from receiving solid waste from a commercial vehicle unless vehicle's load, upon entering the facility, is covered in a manner preventing waste from falling or blowing from the vehicle. Referred to House Committee on Natural Resources and Environment. Sponsor: Representative Robert E. Billiot (D)

(NEW) **HB 591 WASTE TIRE PROGRAM** requires collection of \$2 per passenger/light truck tire, \$5 per medium truck tire, and \$10 per off-road tire be collected for every new tire sold. Fees are deposited into the Waste Tire Management Fund to operate DEQ's waste tire program. Proposed law requires payments to waste tire processors by the 25th of each month. Also requires DEQ to initiate rulemaking to implement the proposed law on or before 10 Aug 13, and submit summary report to oversight committees by 31 Dec 13. Referred to House Committee on Natural Resources and Environment, reported favorably from committee as amended and ordered engrossed. Scheduled for floor debate. Sponsor: Representative Stuart J. Bishop (R)

(NEW) **HB 711 TAX ON SINGLE-USE PLASTIC CARRY BAGS** (See HB 529) levies a \$0.05 tax on each single-use plastic bag and authorizes tax rate to be adjusted by two-thirds vote of the legislature. Proposed law provides for collection of the tax in same manner and on same tax return as state sales and use tax and prohibits including tax in calculating dealer's compensation. Measure referred to House Committee on Ways and Means. Sponsor: Representative Regina Ashford Barrow (D)

(NEW) **SB 36 SMOKING PROHIBITED** on grounds of and inside facilities or buildings utilized by institutions managed and supervised by certain post-secondary education management boards. Referred to Senate Committee on Health and Welfare, reported favorably from committee and ordered engrossed for final vote. Sponsor: Senator David Heitmeier (D)

(NEW) **SB 203 GROUNDWATER WITHDRAWAL LIMITS**. Proposed law provides for certain groundwater restrictions:

- From 1 Aug 13 to 31 Jul 14, commissioner must not authorize, issue or re-issue any permit allowing use or withdrawal of 40 million gallons or more of groundwater per day;
- From 1 Aug 14 to 31 Jul 15, commissioner must not authorize, issue or re-issue any permit allowing use or withdrawal of 35 million gallons or more of groundwater per day;
- From 1 Aug 15 to 31 Jul 16, commissioner must not authorize, issue or re-issue any permit allowing use or withdrawal of 30 million gallons or more of groundwater per day;
- From 1 Aug 16 to 31 Jul 17,, the commissioner must not authorize, issue or re-issue any permit allowing use or withdrawal of 25 million gallons or more of groundwater per day; and
- Beginning 1 Aug 17, the commissioner must not authorize, issue or re-issue any permit allowing use or withdrawal of 20 million gallons or more of groundwater per day. Proposed law exempts agricultural or residential uses from proposed law.

Referred to Senate Committee on Natural Resources. Sponsor: Senator Daniel Claitor (R)

FINAL RULE

(EFFECTIVE 20 APR 13) DEPARTMENT OF HEALTH AND HOSPITALS, OFFICE OF PUBLIC HEALTH EMERGENCY RULE: PLANS AND SPECIFICATIONS FOR ISSUANCE OF A PERMIT FOR A POTABLE WATER SUPPLY (LAC 51:XII.105). This [emergency rule](#) changes specific approval of plans and specifications submitted for issuance of a permit. Approvals will be made in accordance with the "Ten-State Standards" and LA Water Well Rules, Regulations, and Standards (LAC 56:1), plus any additional requirements of the state health officer. POC: Department of Health and Hospitals (225) 342-9500

PROPOSED RULES

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY PROPOSED RULE: ASBESTOS CONTAINING MATERIALS IN SCHOOLS AND STATE BUILDINGS (LAC 33:III.2701, 2703, 2705, 2707, 2711, 2713, 2717, 2719, 2721, 2723, 2725, 2735, 2739, 2741 AND 2799) (AQ329)**. Rationale for [this revision](#) is to clarify language adopted from federal regulations to ensure the regulated community understands requirements to protect public health when disturbing asbestos-containing materials. POC: Deidra Johnson at (225) 219-3985.

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY PROPOSED RULE: EMISSION STANDARD FOR ASBESTOS (LAC 33:III.5151) (AQ330)**. Regulation provides for [notification and accreditation](#) requirements, deletes unnecessary language, clarifies some language in the regulations and makes necessary changes to help implement programs. Basis and rationale is to clarify language adopted from federal regulations to ensure the regulated community understands requirements to protect public health when disturbing asbestos-containing materials. POC: Deidra Johnson at (225) 219-3985.



NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convened 15 Jan 13 and adjourned *sine die* 16 Mar 13.

LEGISLATION SIGNED BY GOVERNOR

(SIGNED 5 APR 13) SB 99 DENTAL AMALGAM WASTE ACT. A dental office shall install an appropriately sized amalgam separator system and, upon inspection for cause, demonstrate to NM Board of Dental Health Care proper installation, operation, maintenance and amalgam waste recycling or disposal in accordance with manufacturer's recommendations. NM Board of Dental Health Care shall consider noncompliance with Dental Amalgam Waste Reduction Act as unprofessional conduct subject to penalties and discipline of the board pursuant to Uniform Licensing Act and Dental Health Care Act. Sponsor: Senator Peter F. Wirth (D)

(SIGNED 2 APR 13) [HB 415](#) PUBLIC WATER SUPPLY FEE AND CONTAMINANT TESTING. A "water conservation fund" is created in the state treasury and shall be administered by the Environment Department with funds appropriated to:

- Test public water supplies for contaminants required to be tested pursuant to provisions of federal Safe Drinking Water Act;
- Perform vulnerability assessments to assess a public water supply's susceptibility to those contaminants; and
- Implement new requirements of Utility Operators Certification Act and provide training for all public water supply operators.

Sponsor: Representative George Dodge (D)

(SIGNED 2 APR 13) [SB 160](#) BIODIESEL AND DEFINITION OF SPECIAL FUEL relates to taxation and defining blended biodiesel, deduction for receipt of biodiesel fuel to rack operators for blending and resale.

Sponsor: Senator Stuart Ingle (R)

FINAL RULE

(EFFECTIVE 13 MAY 13) ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD FINAL RULES: REVISIONS TO TITLE V OPERATING PERMIT PROGRAM AND SIP FOR AIR QUALITY (NMAC 20.11.60, 20.11.61, 20.11.42). Final rulemaking amends [20.11.60 NMAC](#), Permitting In Nonattainment Areas, [20.11.61 NMAC](#), PSD and [20.11.42 NMAC](#), Operating Permits. Amendments to 20.11.42 NMAC adopt a revision to Title V Operating Permit Program, and amendments to 20.11.60 NMAC and 20.11.61 NMAC are adopted as a revision for Air Quality SIP. POC: Neal Butt at (505) 768-2660

PROPOSED RULES

(NEW) ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD PROPOSED RULE: SIP FOR NITROGEN DIOXIDE (NO₂) adopts a SIP for Sections 110(a)(1) and (2) of the federal Clean Air Act (CAA), 42 U.S.C. Sections 7410(a)(1) and (2) referred to as the "[NO₂ Infrastructure SIP](#)." Section 110(a)(1) of CAA addresses timing requirements for submissions of any "Infrastructure SIP" revisions, while Section 110(a)(2) of the CAA lists required elements comprising "Infrastructure SIP." Hearing scheduled for 12 Jun 13, comments due 5 Jun 13. POC: Neal Butt at (505) 768-2660

(NEW) ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD PROPOSED RULE: STATE BOARDS SIP REVISION proposes to amend [State Boards SIP](#) to satisfy requirements of Clean Air Act Section 128(a) - State Boards referred to as the "State Boards Sip Revision." Hearing scheduled for 12 Jun 13, comments due 5 Jun 13. POC: Neal Butt at (505) 768-2660

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) ENVIRONMENT DEPARTMENT REQUEST FOR PUBLIC INPUT: TRIENNIAL REVIEW OF WATER QUALITY STANDARDS. [Water Quality Standards](#) (20.6.4 NMAC) establish designated uses for surface waters across the state, specify water quality criteria to protect those uses and contain an anti-degradation policy. Bureau identified a number of issues needing attention during the upcoming review. Changes considered include:

- Revisions to segment-specific standards to apply appropriate protections for existing and designated aquatic life uses, particularly in southern parts of the state;
- Addition or revision of procedures to allow temporary site-specific standards to be proposed, adopted, and implemented;
- Updates to aquatic life, primary contact recreation and wildlife habitat criteria based on EPA's most recent recommendations;
- Listing of unclassified waters determined to be ephemeral waters (20.6.4.97 NMAC) pursuant to Subsection C of Section 20.6.4.15 NMAC;
- Review of waters designated with limited aquatic life and secondary contact uses to ensure these designations are still correct; and
- Revisions to clarify applicability of criteria or to correct grammatical errors.

Comments due 15 May 13. POC: Kristine L. Pintado at Kristine.Pintado@state.nm.us

RANGE-WIDE LESSER PRAIRIE CHICKEN CONSERVATION PLAN SUBMITTED TO U.S FISH AND WILDLIFE SERVICE. TX Parks and Wildlife Department and other state wildlife agencies in **NM, OK, KS**, and CO have submitted a [3rd draft of a range-wide plan](#) to U.S. Fish and Wildlife Service (USFWS), which is considering whether to list the lesser prairie chicken as

threatened under the federal Endangered Species Act. The multi-state plan includes habitat management goals and voluntary conservation practices to be applied throughout the lesser prairie-chicken's range to help preclude the need to list the bird.



NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 4 Feb 13 and adjourns 31 May 13.

LEGISLATION SIGNED BY GOVERNOR

(SIGNED 22 APR 13) [HB 1718](#) AUTHORIZATION TO INSPECT COMPRESSED NATURAL GAS FUELING STATIONS. In addition to other powers and duties prescribed by law, OK Corporation Commission shall have power and duty to issue, renew, deny, modify, suspend, refuse to renew, and revoke permits for storage tank systems pursuant to provisions of the OK Storage Tank Regulation Act. Commission may promulgate rules and enter at any reasonable time any public or private property for purpose of inspecting and investigating storage tank system monitoring or remediation equipment and take samples as may be necessary to determine compliance. Sponsor: Representative Leslie Osborn (R)

(SIGNED 8 APR 13) [SB 33](#) HAZARDOUS WASTE RECYCLING. Facilities recycling hazardous waste shall be exempt from subsection C of Sections 2-7-113 and Section 2- 7-113.1, and Section 2-7-115 with regard to units exclusively used in recycling. Off-site hazardous waste recycling facilities are subject to requirements specified by Hazardous Waste Management Act, Environmental Permitting Act, and rules promulgated there under for a permit, and shall also meet promulgated design standards. Sponsor: Senator Ron Justice (R)

(SIGNED 8 APR 13) [SB 489](#) CONFIDENTIAL INFORMATION RELATING TO RADIATION. Following information may be kept confidential:

- Investigative evidence of a plan or scheme to commit an act of terrorism;
- Vulnerability assessments of government facilities or public improvements to an act of terrorism and work papers directly related to preparing the assessment of vulnerability;
- Records including details for deterrence, prevention of, or protection from an act or threat of an act of terrorism; and
- Records including details for response or remediation after an act of terrorism.

Sponsor: Senator Frank Simpson (R)

LEGISLATION PASSED BY LEGISLATURE

(UPDATE) [HB 1762](#) OPEN BURNING BANS makes it unlawful for any person to set fire to any forest, grass, range, crop, or other wildlands, build a campfire or bonfire, burn trash or other material potentially causing a forest, grass, range, crop or other wildlands fire in any county, counties or area within a county where there is gubernatorially proclaimed "extraordinary danger from fire," unless setting of any backfire during drought emergency is necessary for saving life or property. Referred to House Committee on Utility and Environmental, recommended "Do Pass" by committee. Passed House, engrossed to Senate, and referred to Senate Committee on Agriculture and Rural Development. Reported from committee with "Do Pass" recommendation. Measure passed Senate, engrossed and returned to House. Sponsor: Representative Tommy Hardin (R)

(UPDATE) [HB 1922](#) "SCENIC RIVERS ACT." Legislature finds some free-flowing streams and rivers possess unique scenic beauty, water conservation, fish, wildlife and outdoor recreational values of present and future benefit to people of the state. Policy dictates these areas be preserved for benefit of the people. For this purpose, there are designated certain "scenic river areas" to be preserved as a part of the state's diminishing resource of free-flowing rivers and streams. Referred to House Committee on Appropriations and Budget. Reported from committee as "Do Pass" as substituted. Passed House and engrossed to Senate. Referred to Senate Committee on Energy, reported "Do Pass" from committee, passed Senate, engrossed and returned to House. Sponsor: Representative Dale R. DeWitt (R)

(UPDATE) [SB 926](#) **RECYCLING INITIATIVE**. Legislature declares it is necessary to health and economic welfare to encourage and promote recycling and reuse of recoverable materials. Recycling and reuse substantially reduce disposal costs and flow of solid waste to state's dwindling solid waste sites while preserving, expanding and encouraging economic growth. Introduced and referred to Senate Rules Committee. Withdrawn from Rules Committee and referred to Energy. Reported "Do Pass" as amended, passed Senate, and engrossed to House. Referred to House Committee on Energy and Aerospace, returned from committee with "Do Pass" as amended recommendation and passed House. Engrossed and returned to Senate. Sponsor: Senator Rob Johnson (R)

PROPOSED LEGISLATION

(UPDATE) **SENATE CONCURRENT RESOLUTION ([SCR](#)) 3 OK WATER RESOURCES BOARD AND DEQ MEMORANDUM OF AGREEMENT (MOA) RELATING TO WATER QUALITY AND REUSE**. OK Water Resources Board and Department of Environmental Quality are directed to enter into a MOA no later than 1 Sep 13. MOA shall describe measures agencies individually and collectively shall take to ensure consideration of adoption of water quality standards impacting opportunities for water reclamation and reuse. Implementation of approved standards through permitting and other regulatory actions shall be expedited to maximum extent practicable without compromising public participation as required by law and principles of government openness and transparency. Reported as "Do Pass" from committee, adopted and referred for engrossment. Passed Senate and sent to House. Sponsor: Senator Susan Paddack (D)

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY PROPOSED REGIONAL HAZE SIP REVISION**. Under the OK Clean Air Act, DEQ is given responsibility and authority to prepare and implement OK's air quality management plan, compiled in 40 CFR Part 52, Subpart LL. DEQ prepared and submitted the original [Regional Haze SIP](#) in Feb 10 to comply with requirements contained in the federal Clean Air Act and 40 CFR Part 51, Subpart P, Protection of Visibility. On 27 Jan 12, EPA partially approved and partially disapproved the Regional Haze SIP (76 Fed. Reg. 81727). This revision addresses those disapproved portions of the Regional Haze SIP. Hearing scheduled for and comments due 20 May 13. POC: Cheryl E. Bradley (405) 702-4100

RANGE-WIDE LESSER PRAIRIE CHICKEN CONSERVATION PLAN SUBMITTED TO U.S FISH AND WILDLIFE SERVICE. TX Parks and Wildlife Department and other state wildlife agencies in **NM, OK, KS,** and CO have submitted a [3rd draft of a range-wide plan](#) to U.S. Fish and Wildlife Service (USFWS), which is considering whether to list the lesser prairie chicken as threatened under the federal Endangered Species Act. The multi-state plan includes habitat management goals and voluntary conservation practices to be applied throughout the lesser prairie-chicken's range to help preclude the need to list the bird.



NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 8 Jan 13 and adjourns 27 May 13.

PROPOSED LEGISLATION

(NEW) [HB 2354](#) **STRINGENCY OF ENVIRONMENTAL REGULATIONS ADOPTED BY STATE AGENCIES**. Notwithstanding any other law, a state agency may not adopt an environmental standard or requirement:

- Exceeding a standard set by federal law, unless rule is specifically required by state law;
- Exceeding an express requirement of state law, unless rule is specifically required by federal law;
- Exceeding a requirement of delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or
- Adopting a rule solely under general powers of the agency instead of under a specific state law.

Referred to House Committee on Environmental Regulation. Sponsor: Representative James White (R)

(UPDATE) [HB 252](#) (COMPANION BILL: [SB 1170](#)) **WATER SHORTAGE REPORTING BY WATER UTILITIES**. TCEQ shall require a retail public utility to:

- Project future period for which the utility's water supply is a reasonably certain source for the volume of water required for the utility's needs; and
- Notify TCEQ when utility's projected water supply is reasonably certain for less than 180 days.

Referred to House Committee on Natural Resources, reported favorably from committee as substituted, committee report filed. Passed House, engrossed and sent to Senate. Referred to Senate Natural Resources Committee. Sponsor: Representative Lyle Larson (R)

(UPDATE) [HB 788](#) **GREENHOUSE GAS EMISSIONS (COMPANION BILL: [SB 536](#))**. TCEQ rule shall adopt a program to allow commission to assume authority for issuing permits, including preconstruction and federal operating permits to include regulation of GHG emissions in accordance with federal law. TCEQ shall develop measures to streamline authorization, using general permits, standard permits, and/or presumptive best available control technology TCEQ determines is warranted for certain GHG source categories. Referred to House Committee on Environmental Regulation. Testimony heard, measure reported favorably from committee as substituted, committee report filed, passed House. Engrossed, sent to Senate and referred to Natural Resources Committee. Sponsor: Representative Wayne Smith (R)

(UPDATE) [HB 1241](#) **SPREAD OF AQUATIC INVASIVE SPECIES**. TX Parks and Wildlife Commission may adopt rules requiring a person leaving public water to drain from a vessel or portable container on board a vessel, any water collected from or that has come in contact with public water. An authorized employee may inspect a vessel leaving or approaching public water, including any portable containers on board vessel. Referred to House Committee on Culture, Recreation and Tourism. Recommended measure be sent to Committee on Local and Consent. Reported favorably from committee as substituted, passed House and sent to Senate, referred to Senate Agriculture, Rural Affairs and Homeland Security Committee. Sponsor: Representative Ryan Guillen (D)

(UPDATE) [HB 1377](#) **OWNERSHIP AND LOCAL REGULATION OF TREES AND TIMBER**. A landowner owns all trees and timber on their land as real property until cut or otherwise removed from the land, unless otherwise provided by a contract, bill of sale, deed, mortgage, deed of trust, or other legally binding document. A governmental entity may not prohibit a landowner from trimming or removing trees or timber located on the landowner's land. A governmental entity may, if authorized by other state law and subject to limitations of that law, assess a mitigation fee against a landowner for the removal of a mature tree on the landowner's land. Introduced and referred to House Committee on Urban Affairs. Reported favorably from committee as substituted. Sponsor: Representative Lois W. Kolkhorst (R)

(UPDATE) [HB 1490](#) **COLLECTION AND USE OF MUNICIPAL SOLID WASTE FEES**. Except as provided, TCEQ shall charge a fee of \$1.25 per ton on all solid waste disposed of within the state at a municipal solid waste landfill if solid waste is measured by weight. If solid waste is measured by volume, fee for compacted solid waste is \$0.04 per cubic yard or, for un-compacted solid waste, \$0.25 per cubic yard. Referred to House Committee on Environmental Regulation, reported favorably as substituted. Sponsor: Representative Cecil Bell (R)

(UPDATE) [HB 1509](#) **ORDINANCE ENFORCEMENT BY CIVIL ACTION**. A municipality may bring a civil action for enforcement of an ordinance for:

- Preservation of public safety, relating to materials or methods used to construct a building or other structure or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits; and
- Preservation of public health or to fire safety of a building or other structure or improvement, including provisions relating to materials, types of construction or design, interior configuration, illumination, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits, etc.

Referred to House Committee on Urban Affairs, reported favorably from committee. Sponsor: Representative Rafael Anchia (D)

(UPDATE) [HB 1714](#) **COMPLIANCE HISTORY PROGRAM**. TCEQ by rule shall establish a procedure to prepare compliance summaries relating to applicant's solid waste management activities (in accordance with method for evaluating compliance history developed by TCEQ [Section 5.754, Water Code]). A compliance summary shall include, as evidence of compliance, information regarding applicant's implementation of an environmental management system at the facility for seeking authorization. "Environmental management system" is described by Section 5.127, Water Code. Referred to

House Committee on Environmental Regulation. Testimony heard, measure remains pending in committee. Reported favorably from committee as substituted. Sponsor: Representative Wayne Smith (R)

(UPDATE) [HB 2150](#) **CLASSIFICATION OF ELK AS EXOTIC ANIMALS**. TCEQ by rule may make a determination elk are wild animals. Referred to House Committee on Culture, Recreation and Tourism, reported favorably from committee as substituted, committee report filed. Sponsor: Representative Poncho Nevarez (D)

(UPDATE) [HB 2615](#) **(COMPANION BILL: [SB 1209](#)) IMPOUNDING, DIVERTING, OR OTHERWISE USING STATE WATER**. A person who fails to file an annual report as required by Subsection (a) or fails to timely comply with a request to make information available under Subsection (d) is liable for a penalty and the state may sue to recover the penalty. Each person who has a water right issued by commission or who impounds, diverts, or otherwise uses state water shall maintain water use information required under Subsection (a) on a monthly basis during the months a water rights holder uses permitted water. Referred to House Committee on Natural Resources, reported favorably from committee. Sponsor: Representative Eric Johnson (D)

(UPDATE) [HB 2695](#) **MUNICIPAL AUTHORITY TO REGULATE WIND TURBINES**. The governing body of a municipality by ordinance may extend to extraterritorial jurisdiction of the municipality, application of municipal ordinances relating to authorization, and development of wind turbines. Referred to House Committee on Urban Affairs. No action taken in committee. Sponsor: Representative Yvonne Davis (D)

(UPDATE) [HB 2701](#) **EDWARDS AQUIFER AUTHORITY (EAA) AND WELLS WITH LIMITED PRODUCTION CAPABILITIES**. EAA's regulation of wells with limited production capabilities is as follows:

- A well serving a subdivision requiring platting does not qualify for an exempt use;
- A well drilled on or before 1 Jun 13 for any purpose authorized under this article is exempt from the requirement to obtain a withdrawal permit provided the well is:
 - Not capable of producing more than 1,250 gallons of water a day, or
 - Metered and does not produce more than 1.4 acre-feet of water in a calendar year.

Referred to House Committee on Natural Resources. Companion bill ([SB 1241](#)) being considered in lieu of this measure. Sponsor: Representative Doug Miller (R)

(UPDATE) [HB 3013](#) **UNDERGROUND STORAGE OF WATER**. A permit described by Subsection (a) must authorize use of a sufficient quantity of appropriated water to demonstrate feasibility of aquifer storage and recovery. This will provide the commission further opportunity to evaluate storage of appropriated water in target aquifer or aquifers for subsequent retrieval and beneficial use. After considering success of the project, TCEQ shall determine whether to issue a permit or permit amendment authorizing continued storage of appropriated water in the aquifer. Referred to House Committee on Natural Resources, reported favorably from committee. Sponsor: Representative Lyle Larson (R)

(UPDATE) [HB 3087](#) **CONDEMNATION OF CONSERVATION EASEMENTS**. Application of any law, rule, policy, ordinance, or regulation promulgated under Government Code, Local Government Code, Water Code or Natural Resources Code requiring more than 50% of surface area of an owner's private real property to remain in a natural or undeveloped state will require:

- Consent of owner under Chapter 183 of the Natural Resources Code; or
- Exercise of eminent domain under this Chapter.

Referred to House Committee on Land and Resource Management, no action taken. Sponsor: Representative Paul Workman (R)

(UPDATE) [HB 3233](#) **INTER-BASIN TRANSFERS OF STATE WATER**. TCEQ may grant, in whole or in part, an application for an inter-basin transfer only if detriments to basin of origin during proposed transfer period are less than benefits to receiving basin. If transfer of water is based on a contractual sale of water, new water right or amended permit, certified filing, or certificate of adjudication authorizing transfer shall contain a condition for a term or period not greater than the term of contract, including any extension or renewal of contract. Referred to House Committee on Natural Resources. Reported favorably from committee as substituted. Sponsor: Representative Allan B. Ritter (D)

(UPDATE) [HB 3509](#) **ENDANGERED SPECIES HABITAT CONSERVATION**. Subject to this subchapter, a political subdivision of the state may participate in a study, preparation for and creation of a regional habitat conservation plan. Referred to House Committee on State Affairs, reported favorably from committee as substituted. Sponsor: Representative Dennis Bonnen (R)

(UPDATE) **HB 3678 LAND APPLICATION OF CLASS B SLUDGE.** Health and Safety Code is amended to read "Class B sludge" is sewage sludge, including septage meeting one of the pathogen reduction requirements of 30 T.A.C. 312.82(b). Referred to House Committee on Environmental Regulation. Sponsor: Representative Marsha Farney (R)

(NEW) **SB 1894 ENVIRONMENTAL FLOW STANDARDS AND ENVIRONMENTAL FLOW SET-ASIDES.** An environmental flow standard or environmental flow set-aside adopted may be altered by TCEQ in a rulemaking process undertaken in accordance with a schedule established by TCEQ. Sponsor: Senator Troy Fraser (R)

(UPDATE) **SB 459 RETENTION AND DISPOSAL OF SCRAP OR USED TIRES.** A retail seller shall prohibit a customer from retaining a scrap tire or used tire removed from customer's vehicle during purchase of a tire. A retail seller who takes possession of a scrap tire from a customer during a transaction shall dispose of scrap tire according to local and state laws. A retail seller is not required to prohibit a customer from retaining a scrap tire or used tire removed from customer's vehicle during purchase of a tire if customer certifies on a form prescribed by TCEQ:

- Tire will be used in customer's agricultural business; and
- Customer assumes liability for tire.

Introduced and referred to Senate Committee on Transportation. Reported favorably from committee as substituted, passed Senate and reported engrossed. Sent to House and referred to House Environmental Regulation Committee. Sponsor: Senator José Rodríguez

(UPDATE) **SB 634 PUBLIC NUISANCE** is:

- Keeping, storing, or accumulating refuse in a neighborhood unless refuse is contained in a closed receptacle;
- Keeping, storing, or accumulating rubbish including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans in a neighborhood or within 300 feet of a public street for 10 days or more, unless rubbish or object is enclosed in a building or is not visible from a public street;
- Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests;
- Allowing weeds to grow on premises in a neighborhood if weeds are located within 300 feet of another residence or commercial establishment; among other definitions.

In case of a nuisance under Section 343.011(c)(13), county may use any means of abatement reasonably necessary to bring system into compliance with Chapter 366 only after the defendant fails to abate the nuisance as ordered by the court under Section 343.012(e). Referred to Senate Committee on Intergovernmental Relations, reported favorably from committee. Passed Senate, sent to House and referred to House Committee on County Affairs. Sponsor: Senator Wendy R. Davis (D)

(UPDATE) **SB 1200 TX MILITARY PREPAREDNESS COMMISSION (TMPC)** is composed of 13 public members, appointed by the governor and the following ex officio members:

- Chair of the committee of the Texas House of Representatives having primary jurisdiction of matters concerning defense affairs and military affairs; and
- Chair of the committee of the Texas Senate having primary jurisdiction of matters concerning defense affairs and military affairs.

TMPC shall act as liaison to improve coordination among the TX Commander's Council and state agencies including:

- TX Veterans Commission,
- Veterans' Land Board, and
- Public Utility Commission.

Referred to Senate Committee on Veteran Affairs and Military Installations, reported favorably from committee as substituted. Passed Senate, reported engrossed and sent to House. Sponsor: Senator Leticia R. Van De Putte (D)

(UPDATE) **SB 1212 TRANSFER OF EXOTIC SPECIES.** A water transfer described by this subsection, without evidence of introduction of an exotic fish or shellfish, is not a violation of this section. Department may not require a permit under this section for a water transfer described by this subsection. Referred to Senate Committee on Agriculture, Rural Affairs and Homeland Security and reported favorably from committee as substituted. Recommended for local and uncontested calendar, passed Senate, ordered engrossed and sent to House. Referred to House Committee on Natural Resources, reported favorably from committee. Sponsor: Senator Craig Estes (R)

(UPDATE) [SB 1241](#) (COMPANION BILL: [HB 2701](#)) **EDWARDS AQUIFER AUTHORITY AND WELLS WITH LIMITED PRODUCTION CAPABILITIES.** EAA's regulation of wells with limited production capabilities reads as follows:

- A well serving a subdivision requiring platting does not qualify for an exempt use;
- A well drilled on or before June 1, 2013, for any purpose authorized under this article is exempt from the requirement to obtain a withdrawal permit provided that the well:
 - is not capable of producing more than 1,250 gallons of water a day; or
 - is metered and does not produce more than 1.4 acre-feet of water in a calendar year.

Referred to Senate Committee on Natural Resources. Testimony heard, recommend for local and uncontested calendar. Passed Senate, sent to House. Referred to House Committee on Natural Resources, then passed on to Committee on Local and Consent, reported favorably from committee. Sponsor: Senator Glenn Hegar (R)

(UPDATE) [SB 1532](#) (COMPANION BILL: [HB 430](#)) **INJECTION WELLS TRANSECTING OR TERMINATING IN THE EDWARDS AQUIFER.** This section applies only to portion of the Edwards Aquifer within a geographic area circumscribed by external boundaries of the Barton Springs-Edwards Aquifer Conservation District but is not in that district's territory or territory of EAA. TCEQ by rule or permit may not authorize an injection well transecting or terminating the Edwards Aquifer. TCEQ by rule may authorize injection of fresh water withdrawn from the Edwards Aquifer into a well transecting or terminating in the Edwards Aquifer for the purpose of providing additional recharge or injection of rainwater, storm water, flood water, or groundwater into the Edwards Aquifer by means of an improved natural recharge feature such as a sinkhole or cave located in a karst topographic area. Referred to Senate Committee on Natural Resources. Reported favorably from committee as substituted, passed Senate and reported engrossed. Sent to House and referred to House Committee on Natural Resources. Sponsor: Senator Judith Zaffirini (D)

FINAL RULES

(EFFECTIVE 2 MAY 13) COMMISSION ON ENVIRONMENTAL QUALITY FINAL RULE: CONTROL OF AIR POLLUTION FROM NITROGEN COMPOUNDS, STATIONARY DIESEL ENGINE PETITION (30 TAC 117) [expands list of exempted sources](#) in §117.2103 to include stationary diesel engines used exclusively for product testing and personnel training, operating less than 1,000 hours per year on a rolling 12-month basis, and meet applicable emission standards for non-road engines listed in 40 Code of Federal Regulations (CFR) §89.112(a), Table 1 (23 Oct 98) at the time of installation, modification, reconstruction, or relocation. POC: Javier Galván (512) 239-1492.

(EFFECTIVE 2 MAY 13) COMMISSION ON ENVIRONMENTAL QUALITY FINAL RULE: GENERAL AIR QUALITY RULES AND DEFINITION UPDATE AND REVISIONS TO CHAPTER 101 (30 TAC 101, 117) revises Chapters [101](#) and [117](#) to update references to Electric Reliability Council of Texas, Inc. (ERCOT) protocols and reflect changes to ERCOT's new Emergency Response Service (ERS) program. Rulemaking revises §101.379 and definition of emergency situation in §117.10 to reference most recent version of ERCOT protocols. Rulemaking also revises definition of emergency situation in §117.10 to reflect changes made by ERCOT to promote reliability during energy emergencies by allowing operation of generators for purposes of selling power to electric grid under limited circumstances. POC: Ray Schubert at (512) 239-6615.

PROPOSED RULE

(NEW) COMMISSION ON ENVIRONMENTAL QUALITY PROPOSED RULE: STAGE II DECOMMISSIONING (30 TAC 115). EPA finalized rulemaking determining vehicle [On-board Refueling Vapor Recovery \(ORVR\)](#) technology is in widespread use for controlling motor vehicle refueling emissions throughout motor vehicle fleets. Action allows EPA to waive requirement for states to implement Stage II gasoline vapor recovery systems at gasoline dispensing facilities (GDF) in nonattainment areas classified as serious and above for the ozone NAAQS. Hearing dates 28 May 13- El Paso, 30 May 13- Beaumont, 31 May 13- Houston, 3 Jun 13- Arlington and 4 June 13- Austin. Comments due 10 Jun 13. POC: Santos Olivarez at (512) 239-4718.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) COMMISSION ON ENVIRONMENTAL QUALITY: NOTICE OF A PROPOSED AMENDMENT AND RENEWAL OF A GENERAL PERMIT AUTHORIZING DISCHARGE OF WASTEWATER. TCEQ prepared a [draft renewal](#) with amendments of an existing general permit authorizing discharge of waters contaminated by petroleum fuel or petroleum substances into or adjacent to water in the state. No significant degradation of high quality waters is expected and existing uses will be maintained and protected. Executive director proposes to require regulated dischargers to submit a Notice of Intent to obtain authorization for discharges. Comments due 26 May 13. POC: Laurie Fleet at (512) 239-5445.

(EFFECTIVE 2 MAY 13) EPA APPROVAL AND PROMULGATION OF SIPs: REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) FOR THE 1997 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS). EPA finalized proposal to approve SIP revisions for the [Houston/Galveston/Brazoria \(HGB\) 1997 8-Hour ozone nonattainment Area](#). The HGB Area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties. Specifically, EPA is finalizing its proposed approval of portions of two revisions to SIP submitted by TCEQ as meeting certain RACT requirements for Volatile Organic Compounds (VOC), and nitrogen oxides (NO_x) in the HGB Area.

RANGE-WIDE LESSER PRAIRIE CHICKEN CONSERVATION PLAN SUBMITTED TO U.S FISH AND WILDLIFE SERVICE. TX Parks and Wildlife Department and other state wildlife agencies in **NM, OK, KS,** and CO have submitted a [3rd draft of a range-wide plan](#) to U.S. Fish and Wildlife Service (USFWS), which is considering whether to list the lesser prairie chicken as threatened under the federal Endangered Species Act. The multi-state plan includes habitat management goals and voluntary conservation practices to be applied throughout the lesser prairie-chicken's range to help preclude the need to list the bird.

Region 7



NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 14 Jan 13 and adjourns 3 May 13.

LEGISLATION SIGNED BY GOVERNOR

(SIGNED 24 APR 13) [HF 522](#) CONTROL OF AQUATIC INVASIVE SPECIES prohibits a person from transporting on a public road, or placing or attempting to place into waters of the state, any water-related equipment with aquatic invasive species or aquatic plant attached to or within equipment unless specified exceptions apply. A violation of these provisions is punishable by a scheduled fine of \$500 plus an additional fine of \$500 for each repeat violation within the same 12-month period. Sponsor: Committee on Natural Resources

(SIGNED 24 APR 13) [SF 355](#) (COMPANION BILL: [HF 583](#)) VEHICLES OF EXCESSIVE SIZE AND WEIGHT. If a vehicle permitted to transport indivisible loads has a retractable body extension, extension must be reduced to legal dimensions unless the vehicle is loaded and extension is in use. The bill allows persons requesting permits to do so in person, through the Internet, by facsimile, or by telephone. Sponsor: Committee on Transportation

PROPOSED LEGISLATION

(NEW) [SSB 1247](#) BEVERAGE CONTAINER CONTROL bill expands list of beverage containers regulated under Code chapter 455C, commonly referred to as the bottle bill. Newly regulated beverages include any non-alcoholic, carbonated and noncarbonated drink, excluding fruit and vegetable juices, fruit drinks, and grade "A" milk and milk products as specified in the grade "A" pasteurized milk ordinance. Bill also includes a list of other exceptions to newly regulated beverages. Reimbursement amount, commonly referred to as a handling fee, is paid by the distributor who collects the beverage containers from the dealer or person operating a redemption center. Sponsor: Senator Robert E. Dvorsky (D)

FINAL RULES

(EFFECTIVE 5 JUN 13) WORKFORCE DEVELOPMENT DEPARTMENT FINAL RULES: FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS (875 IAC 10.20, 26.1). Workforce Development Department, Labor Services Division [amendments to Chapter 10](#), "General Industry Safety and Health Rules," and Chapter 26, "Construction Safety and Health Rules," IA Administrative Code, adopt by reference changes to federal occupational safety and health standards. Changes to federal standards make corrections and technical amendments to general industry and construction standards. POC: Kathleen Uehling at (515) 281-5387.

(EFFECTIVE 8 MAY 13) DEPARTMENT OF TRANSPORTATION: FEDERAL MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS REGULATIONS (761 IAC 520.1(1)). Commercial vehicles [transporting hazardous materials](#) in interstate commerce or transporting certain hazardous materials intrastate are subject to Hazardous Materials Regulations. Adoption of federal regulations by DOT extends enforcement of regulations to commercial vehicles operated intrastate unless exempted by statute. POC: Tracy George at (515) 239-1358.

PROPOSED RULE

(NEW) DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR RECIPROCATING INTERNAL COMBUSTION ENGINES (RICE) (567 IAC 23.1(4)) proposes amendments to Chapter 23, "Emissions Standards for Contaminants," Iowa Administrative Code. Rule changes are made to adopt federal air toxics standards for stationary engines commonly known as the [RICE NESHAP](#). Upon adoption of RICE NESHAP amendments, DNR, not EPA, will implement and enforce regulations in Iowa. Proposed rule allows DNR to provide compliance assistance and outreach to affected facilities as soon as possible. Hearing is scheduled for and comments due 4 Jun 13. POC: Christine Paulson at (515)242-5154.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

DEPARTMENT OF NATURAL RESOURCES [REQUESTS FOR PUBLIC COMMENT: 2010 SIP FOR NO₂](#). The NAAQS NO₂ has both a primary and secondary standard. EPA promulgated a 1-hour, primary standard of 100 parts per billion (ppb) on 22 Jan 10, while simultaneously retaining the annual average standard of 53 ppb. This revision to the primary standard was published in the Federal Register on 9 Feb 10 (75 FR 6474-6537). In a separate action EPA retained the 53 ppb annual average secondary NO₂ NAAQS on 20 Mar 12 (77 FR 20218-20272) and did not include the 1-hour standard as a secondary standard. Iowa was designated unclassifiable/attainment for the 1-hour NO₂ NAAQS on 20 Jan 12 (77 FR 9532-9588). Public meeting is 8 May 13 with comments due that day. POC: Wendy Walker at (515) 281-6061



NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 14 Jan 13 and adjourns TBD May 13.

LEGISLATION SIGNED BY GOVERNOR

(Signed 3 Apr 13) [HB 2305](#) UNDERGROUND STORAGE TANK CONTAINMENT. Each underground storage tank, or piping connected to any such tank, installed or replaced on or after 1 Jul 13 shall be secondarily contained and monitored for leaks. All secondary containment systems shall:

- Be designed, constructed and installed to contain regulated substances released from the tank system until they are detected and removed;
- Prevent release of regulated substances to the environment at any time during the operational life of the underground storage tank system; and
- Be checked for evidence of a release using interstitial monitoring.

Sponsor: Committee on Energy and Environment

LEGISLATION PASSED BY LEGISLATURE

(UPDATE) [HB 2051](#) **LIMITED TRANSFER PERMITS**. The chief engineer may grant, upon application, limited transfer permits to authorize use of up to 4 million gallons from an existing water right. The term of such limited transfer permit will be limited to a single calendar year. Each application submitted for a limited transfer permit shall be on a form prescribed by the chief engineer and accompanied by an application fee of \$200. Introduced and referred to House Committee on Agriculture and Natural Resources. Committee report recommends "Do Pass" as substituted. House Committee of the Whole recommends "Do pass" as substituted. House passed substituted bill and sent to Senate, referred to Senate Committee on Natural Resources. Reported from committee as "Do Pass" as substituted. Senate Committee of the Whole recommends pass as substituted, passed Senate. House did not accept substitution, conference committee requested. Senate motion to accede adopted. Sponsor: Committee on Agriculture and Natural Resources

PROPOSED LEGISLATION

(UPDATE) [HB 2074](#) **SOLID WASTE DISPOSAL AREA RESTRICTIONS**. No city or county shall adopt restrictions for any solid waste disposal area within its boundaries if such restrictions supersede or impair local legislation of another city or county being serviced by the same solid waste disposal area. A city or county may adopt restrictions for a solid waste disposal area if:

- City or county owns the solid waste disposal area; and
- City or county receives consent by each governing body of a city or county outside its corporate boundaries that may be affected by such restrictions; or such restrictions apply to residents of such city or county but not to residents of another city or county being serviced by same solid waste disposal area.

Introduced and referred to House Committee on Local Government. Reported from committee as "Do Pass" as amended, passed House, engrossed to Senate and referred to Senate Committee on Ethics, Elections and Local Government. Sponsor: House Committee on Local Government

FINAL RULE

(EFFECTIVE 5 MAY 13) DEPARTMENT OF HEALTH AND ENVIRONMENT PROPOSED RULE: HAZARDOUS WASTE MANAGEMENT (K.A.R. 28-31-260B, 28-31-268). [Summary of Regulations](#):

- K.A.R. 28-31-260b. General provisions and definitions, adoption of technical documents: Regulation adopts technical documents cited in federal hazardous waste regulations adopted state by reference. Adoption of documents is needed to maintain and update state's authorization to administer the hazardous waste management program in lieu of EPA.
- K.A.R. 28-31-268. Land disposal restrictions, adoption, and modification of federal regulations: Proposed amendment corrects an error in K.A.R. 28-31-268, which adopts 40 CFR Part 268, Land Disposal Restrictions, by reference. 40 CFR Part 268 sets standards for treatment of hazardous waste destined for disposal in a municipal solid waste landfill or a hazardous waste landfill. Under federal regulations, land disposal restrictions (LDRs) apply to generators of more than 100 kg of hazardous waste each month; i.e., small quantity generators and large quantity generators.

For more information, please call Christine Mennicke at 785-296-0724.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

EPA PROPOSED APPROVAL AND PROMULGATION: INFRASTRUCTURE SIP REQUIREMENTS FOR THE 1997 AND 2006 FINE PARTICULATE MATTER (PM_{2.5}) NAAQS. EPA proposes to approve portions of [two SIP submissions](#) addressing applicable requirements of Clean Air Act (CAA) for the 1997 and 2006 NAAQS for PM_{2.5}. Infrastructure requirements are designed to ensure structural components of each state's air quality management program are adequate to meet state responsibilities under the CAA. EPA is also proposing to approve two additional SIP submissions, one addressing PSD program in KS, and another addressing the requirements applicable to any board or body that approves permits or enforcement orders of the CAA, both of which support requirements associated with infrastructure SIPs.



NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 9 Jan 13 and adjourns 31 May 13.

PROPOSED LEGISLATION

(NEW) **HB 944 PROHIBITS MORE STRINGENT STANDARDS OF NEW WATER CLASSIFICATIONS.** Bill provides no existing permittee shall be required to meet more stringent water quality standards or classifications prescribed by the Missouri Clean Water Commission than existed at the time permit was granted. It requires permittee to make upgrades or changes to their facilities or properties unless sufficient federal or state funds are available to permittee to cover costs of such upgrades or changes. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission. Referred to House Committee on Tourism and Natural Resources, voted "Do Pass." Sponsor: Representative Dave Schatz (R)

(UPDATE) **HB 28 OPEN BURNING BAN** authorizes any municipality or fire protection district to adopt orders, ordinances or resolutions, including burn ban orders, as specifically related to actual or impending occurrence of a natural or man-made disaster of major proportions within a county of municipality or fire protection district when safety and welfare of inhabitants are jeopardized. Orders, ordinances, or resolutions may include a penalty for a violation as an infraction or a misdemeanor. Introduced and referred to House Committee on Local Government, reported "Do Pass" from committee. Passed House, sent to Senate and referred to Senate Committee on Jobs, Economic Development, and Local Government. Sponsor: Representative Donna Lichtenegger (R)

(UPDATE) **HB 44 HYDROPOWER.** Bill allows hydropower produced in any quantity to be used to satisfy renewable energy standard of Section 393.1030, RSMo. Hydropower generated from pumped storage remains ineligible to be counted as renewable energy for purposes of standard. Referred to House Committee on Utilities, reported from committee as "Do Pass." Measure perfected as amended, passed House and sent to Senate. Referred to Senate Committee on Commerce, Consumer Protection, Energy, and the Environment. Sponsor: Representative Bart Korman (R)

(UPDATE) **HB 74 REPAIR OR REPLACEMENT FEE, RESIDENTIAL LATERAL SEWER SERVICE LINES** authorizes any city, town, village, sewer district, or water supply district, upon voter approval, to impose a fee of up to \$4 per month or \$48 annually for each lateral sewer service line providing sewer service to a residential property having four or fewer dwelling units for purpose of repair or replacement due to failure of lateral sewer service lines extending from residential dwelling to its connection with public sewer system. Fee may be added to general tax levy bill of property owner and collected in same manner as delinquent real estate taxes and tax bills. Referred to House Committee on Local Government and recommended "Do Pass" and referred to House Rules Committee. Sponsor: Representative Chuck Gatschenberger (R)

(UPDATE) **HB 880 BOARDS AND COMMISSIONS IN THE DEPARTMENT OF NATURAL RESOURCES.** DNR in conjunction with the State Parks Commission is authorized to accept or acquire by purchase, lease, donation, agreement or eminent domain, any lands, or rights in lands, sites, objects or facilities that in its opinion should be held, preserved, improved and maintained for park or parkway purposes. The Missouri Advisory Council on Historic Preservation is hereby transferred to DNR and shall report to State Parks Commission. Referred to House Agri-Business Committee, reported from committee with "Do Pass" recommendation, referred to House Rules Committee. Sponsor: Representative Casey Guernsey (R)

(UPDATE) **SB 41 PRIVATE NUISANCE ACTIONS** based on an air emission or water or solid waste discharge, other than placement of nuclear waste, are specifically prohibited if emission or discharge was expressly authorized by and not in violation of a statute or regulation; a license issued by a public body specified in the act; or a court order. However, a person may file suit based on these types of actions if permit or order creates a condition not reasonably foreseeable at the time of issuance or if permit holder fails to disclose certain facts. Referred to Senate Commerce, Consumer Protection, Energy and Environment Committee, voted "Do Pass" by committee, Senate Amendment 1 defeated on Senate floor. Placed on informal calendar for perfection, bill reported "truly perfected," passed Senate. Sent to House and referred to

Judiciary Committee, voted "Do Pass." Bill perfected and passed Senate, sent to House and referred to House Rules Committee. Sponsor: Senator Scott Sifton (D)

(UPDATE) **SB 417 PROVISIONS RELATING TO DEPARTMENT OF NATURAL RESOURCES.** *Solid Waste* - Act modifies disclosure requirement statement and expands definition of person to include a limited liability company, trust, or any other legal entity. It also requires, upon request of the director of DNR, a criminal background check for any person involved in the management activities of the solid waste facility. *Hazardous Waste* - Act repeals DNR's discretion in issuing permits for operation of any hazardous waste facility having multiple violations within a limited period of time and removes ability of the department to not issue permits to persons who have been found to habitually violate solid or hazardous waste laws. *Clean Water Fee Structure* - This section requires DNR to conduct a comprehensive review of the clean water fee structure. Upon completion of the review, DNR must submit recommendations for changes to fee structure to the Clean Water Commission. *Air Conservation Commission* - Act gives the Air Conservation Commission authority to adjust the fee structure relating to air and requires DNR to conduct a comprehensive review of the fee structure. Upon completion, DNR must submit recommendations for changes to fee structure to the Air Conservation Commission. Referred to Senate Commerce, Consumer Protection, Energy and the Environment Committee. Sponsor: Senator Brad Lager (R)

FINAL RULES

(EFFECTIVE 30 MAY 13) DEPARTMENT OF NATURAL RESOURCES FINAL RULE: CONTROL OF MERCURY EMISSIONS FROM ELECTRIC GENERATING UNITS (10 CSR 10-6.368). DNR has rescinded rule [restricting mercury emissions](#) from electric generating units at power plants through a regional mercury trading program because the federal Clean Air Mercury Rule (CAMR) regulations are being replaced with new non-trading Mercury and Air Toxics Standards (MATS) regulations. POC: Chief, Air Quality Planning Section at (573) 751-4817.

(EFFECTIVE 30 MAY 13) DEPARTMENT OF NATURAL RESOURCES FINAL RULE: SEWAGE SLUDGE INCINERATORS (10 CSR 10-6.191). Rule incorporates by reference federal regulatory requirements for existing [sewage sludge incineration](#) units. POC: Chief, Air Quality Planning Section at (573) 751-4817.

PROPOSED RULES

(NEW) DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: CONSTRUCTION PERMITS REQUIRED (10 CSR 10-6.060). RULE proposes amendments to define sources required to obtain [permits to construct](#) and establishes permit fees and public notice requirements for certain sources and incorporates a means for unifying the processing of construction and operating permit issuance. Amendment incorporates by reference three EPA rules revising plantwide applicability limitations for GHGs, repeal of a grandfather provision for particulate matter less than 2.5 micrometers (PM_{2.5}) under the PSD program, and correcting the definition of regulated NSR pollutants in the NSR program. Hearing scheduled for 30 May 13, comments due 6 Jun 13. POC: Chief, Air Quality Planning Section at (573) 751-4817.

(NEW) DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: CONTROL OF NO_x EMISSIONS FROM LARGE STATIONARY INTERNAL COMBUSTION ENGINES (10 CSR 10-6.390) reduces [NO_x emissions](#) to ensure compliance with the federal NO_x control plan regarding transport of air pollutants and establishes emission levels for large stationary internal combustion engines. Hearing scheduled for 30 May 13, comments due 6 Jun 13. POC: Chief, Air Quality Planning Section at (573) 751-4817.

(NEW) DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: CONTROL OF NO_x EMISSIONS FROM UPWIND SOURCES – RESCISSION (10 CSR 10-6.345). [Proposed rescission](#) of rule protecting air quality in the St. Louis area addresses NO_x sources proposed for construction outside and upwind of the St. Louis non-attainment area because it has expired. Subsection (1)(C) states this rule expires five years from the effective date (30 Dec 06). The five year period ended on 30 Dec 11. Hearing scheduled for 30 May 13, comments due 6 Jun 13. POC: Chief, Air Quality Planning Section at (573) 751-4817.

(NEW) DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: CONTROL OF SULFUR EMISSIONS FROM STATIONARY BOILERS (10 CSR 10-5.570). Proposed amendments to rule [limiting sulfur dioxide](#) (SO₂) emissions from industrial boilers in the St. Louis Nonattainment Area will clarify limit for emissions from breweries is for applicable units only and not a limit for the entire installation's emissions. Amendment removes definitions found in 10 CSR 10-6.020 Definitions and Common Reference Tables. Hearing scheduled for 30 May 13, comments due 6 Jun 13. POC: Chief, Air Quality Planning Section at (573) 751-4817.

(NEW) **DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: REPORTING EMISSION DATA, EMISSION FEES, AND PROCESS INFORMATION (10 CSR 10-6.110)** proposes amendments to procedures for [reporting emission related information](#) and establishing emission fees for the purpose of state air resource planning. Amendment adds a reference to applicable year(s) for set emission fees, clarifies information required in emission reports, clarifies types and frequency of reports to be submitted for Emissions Inventory Questionnaire purposes, and removes definitions of terms now located in 10 CSR 10-6.020. Hearing scheduled for 30 May 13, comments due 6 Jun 13. POC: Chief, Air Quality Planning Section at (573) 751-4817.

(NEW) **DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: RESTRICTION OF EMISSION OF PARTICULATE MATTER FROM INDUSTRIAL PROCESSES (10 CSR 10-6.400)** restricts emission of [filterable particulate matter](#) in source gas of an operation or activity except where 10 CSR 10-6.405 and/or 10 CSR 10-6.070 would be applied. Amendment provides a hierarchy of various compliance methods to use for demonstrating compliance, clarifies this rule limits filterable particulate matter only, and removes definitions found in 10 CSR 10-6.020 Definitions and Common Reference Tables. Hearing scheduled for 30 May 13, comments due 6 Jun 13. POC: Chief, Air Quality Planning Section at (573) 751-4817.

(NEW) **DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: REFERENCE METHODS (10 CSR 10-6.040)** provides [reference methods](#) (scroll to page 689) for determining data and information necessary for enforcement of air pollution control regulations. Amendment updates incorporated by reference in Section 4 to include latest Federal Register promulgation dates, recent Federal Register Notices add Federal Equivalency Methods (FEMs) for ambient monitoring of NO₂ and fine particulate matter, and two FEMs for laboratory analysis of lead. American Society for Testing and Materials (ASTM) methods for determining parameters such as fuel sulfur and heat content are also being updated to latest versions available. Any source emitting nitrogen dioxide, lead, or fine particulate matter or that relies on any of the ASTM methods being updated with this rulemaking, could be affected. Hearing scheduled for 27 Jun 13, comments due 5 Jul 13. POC: Chief, Air Quality Planning Section at (573) 751-4817.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **DEPARTMENT OF NATURAL RESOURCES INVITATION FOR COMMENTS: SIP REVISION - SECTION 110 INFRASTRUCTURE REQUIREMENTS FOR THE 2008 OZONE NAAQS.** [Plan developed](#) to fulfill requirements of Section 110(a) of the Clean Air Act for the revised 2008 NAAQS for ozone. Section 110(a)(1) requires states to submit a SIP revision such as this after promulgation of a new or revised NAAQS to address implementation, maintenance, and enforcement infrastructure elements of Section 110(a)(2) for that NAAQS. Hearing scheduled for 30 May 13, comments due 6 Jun 13. POC: Air Pollution Control Program (573) 751-4817.

(NEW) **DEPARTMENT OF NATURAL RESOURCES INVITATION FOR COMMENTS: SIP REVISION - SECTION 110 INFRASTRUCTURE SECTION 110 INFRASTRUCTURE REQUIREMENTS FOR THE 2010 SO₂ NAAQS.** [Plan developed](#) to fulfill requirements of Section 110(a) of the Clean Air Act for the newly revised 2010 NAAQS for SO₂. Hearing scheduled for 30 May 13, comments due 6 Jun 13. POC: Air Pollution Control Program (573) 751-4817.

(EFFECTIVE 3 JUN 13) EPA APPROVAL AND PROMULGATION: SIPs AND OPERATING PERMITS PROGRAM. EPA has taken direct final action to approve a revision to [SIP and Operating Permits Program](#) to amend definitions and provisions of rules. SIP revision and revision to Operating Permits program add propylene carbonate and dimethyl carbonate to list of compounds excluded from definition of VOCs for consistency with the federal definition of VOC. SIP revision corrects two asbestos method subpart references and approves a request to amend the SIP to meet the 2008 PM_{2.5} NAAQS implementation requirements of the 16 May 08, NSR PM_{2.5} Rule. In this SIP revision, the state adopted rule revisions to establish a requirement for NSR permits to address directly emitted PM_{2.5} and precursor pollutants and significant emission rates for direct PM_{2.5} and precursor pollutants (SO₂ and NO_x).

EPA PROPOSED APPROVAL AND PROMULGATION: INFRASTRUCTURE SIP REQUIREMENTS FOR PM_{2.5} NAAQS. EPA is proposing action on [four SIP submissions](#). First, EPA proposes to approve portions of two SIP submissions addressing applicable requirements of Clean Air Act (CAA) for the 1997 and 2006 NAAQS for PM_{2.5}. CAA requires each state to adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as "infrastructure" SIPs. EPA is also proposing to approve two additional submissions: one addressing PSD program and other addressing requirements applicable to any board or body approving permits or enforcement orders of the CAA, and support requirements associated with infrastructure SIPs.



NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 9 Jan 13 and adjourns early Jun 13.

LEGISLATION SIGNED BY GOVERNOR

(SIGNED 24 APR 13) [LB 203](#) SOLID WASTE changes provisions relating to solid waste under Environmental Protection Act to define and redefine terms relating to solid waste and to repeal original section. Sponsor: Senator Jim Scheer (I)

(SIGNED 24 APR 13) [LB 388](#) CONSTRUCTION OF CERTAIN TRANSMISSION LINES. Any city of first class may apply by ordinance any existing or future zoning regulations, property use regulations, building ordinances, electrical ordinances, plumbing ordinances, and ordinances authorized by section 16-240 to unincorporated areas two miles beyond and adjacent to its corporate boundaries with same force and effect as if such outlying area were within corporate limits of such city, except that no such ordinance shall be extended or applied so as to prohibit, prevent, or interfere with conduct of existing farming, livestock operations, businesses, or industry. Sponsor: Natural Resources Committee

PROPOSED LEGISLATION

(UPDATE) [LB 140](#) LAND USE PLANNING, AIRPORT ZONING provides airport hazard area dimensions, changes provisions relating to airport hazard area zoning regulations, board of adjustment, and judicial review among others. Referred to Government, Military and Veterans Affairs Committee. Placed on General File AM210 and advanced to enrollment. Sponsor: Senator Bob Krist (I)

(UPDATE) [LB 242](#) ADMINISTRATIVE RULES AND REGULATIONS. An agency shall adopt and promulgate rules and regulations within one year after the public hearing required under subsection (2) of section 84-907. Any agency that does not adopt and promulgate such rules and regulations as required by this section shall submit electronically an explanation to the Executive Board of the Legislative Council. Referred to Executive Board, placed on general File. Advanced to Enrollment and Review for Engrossment. Sponsor: Senator Sara Howard (I)

PROPOSED RULE

(NEW) Department of Environmental Quality Proposed Rule: SO₂ Infrastructure SIP. NDEQ drafted a 110(a)(2) "Infrastructure SIP" plan for the 2010 1-hour SO₂ NAAQS. Hearing scheduled for 28 May 13, comments due that day. POC: ndeq.airquality@nebraska.gov

Department of Defense Activity

DoD ANNOUNCES 2013 SECRETARY OF DEFENSE ENVIRONMENTAL AWARD WINNERS. Each year DoD honors individuals, teams, and installations for their outstanding achievements and innovative environmental practices and partnerships that promote quality of life and increase efficiencies without compromising mission success. The Under Secretary of Defense for Acquisition, Technology and Logistics, Mr. Frank Kendall, has named winners of the [2013 Secretary of Defense Environmental Awards](#).

AIR FORCE RELEASES UPDATED AIR FORCE ENERGY STRATEGIC PLAN. Updated [Air Force Energy Strategic Plan](#) replaces the 2010 Energy Plan and shifts how the Air Force looks at energy. The plan incorporates energy security and operational energy into Air Force strategic energy priorities and goals. By developing a robust, resilient, and ready energy posture, the Air Force will expand operational effectiveness in air, space, and cyberspace, and enhance national security.

Federal Activity

AIR

EPA PROPOSES TIER 3 MOTOR VEHICLE EMISSION AND FUEL STANDARDS. In advance of formal publication in the Federal Register, EPA released [draft proposed rules](#) addressing auto emissions and reducing allowable sulfur content of gasoline by more than 60%– down to 10 parts per million in 2017. EPA POC: [Enesta Jones](#), (202) 564-7873.

REMOVAL OF VENTING PROHIBITION FOR CERTAIN REFRIGERANT SUBSTITUTES. EPA proposes to exempt certain refrigerant substitutes from the [Clean Air Act Section 608](#) prohibition on venting, release and disposal ([78 FR 21871](#)) listed as acceptable or acceptable subject to use conditions in regulations promulgated as part of EPA's Significant New Alternative Policy Program under section 612 of the Act on the basis of current evidence that venting, release and disposal does not pose a threat to the environment. Comments due 11 Jun 13. EPA POC: [Sally Hamlin](#), (202) 343-9711.

MERCURY AND AIR TOXICS STANDARDS. EPA takes final action on revised new source numerical standards in the [Mercury and Air Toxics Standards National Emission Standards for Hazardous Air Pollutants](#) and definition and monitoring provisions addressed in the proposed reconsideration rule ([78 FR 24073](#)). EPA POC: [William Maxwell](#), (919) 541-5430.

CLIMATE CHANGE

NATIONAL FISH, WILDLIFE, AND PLANTS CLIMATE ADAPTATION STRATEGY, U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) announced availability of the final [National Fish, Wildlife, and Plants Climate Adaptation Strategy](#). Purpose of the strategy is to support natural resource professionals and other decision makers in taking action to conserve the nation's fish, wildlife, plants, and ecosystems. Adaptation principles included are:

- Improve consideration of impacts of climate change to fish, wildlife, and plants;
- Enhance coordination between sectors and natural resource managers, land use planners, and decision makers regarding climate change adaptation;
- Use integrated planning to engage all levels of government and multiple stakeholders in multi-sector planning; and
- Asses the need for, and utility of, expanding compensatory mitigation requirements for projects that reduce ecosystem resilience.

FWS POC: [Mark Shaffer](#), (703) 358-2603.

REVISIONS TO GREENHOUSE GAS REPORTING RULE. EPA proposed amending the [Greenhouse Gas Reporting Rule](#) to reflect revised global warming potentials of some greenhouse gases published by the Intergovernmental Panel on Climate Change and to add global warming potentials for certain fluorinated greenhouse gases ([78 FR 19801](#)). Proposed revisions include:

- Amending [Subpart A--Global Warming Potentials \(GWPs\)](#): Revise Table A-1 of subpart A of Part 98 (hereafter referred to as "Table A-1") by updating the GWP values of certain compounds and adding certain fluorinated greenhouse gasses (F-GHGs).
- Considering options for revising and republishing emissions estimates for the reporting years 2010, 2011, and 2012 using the revised GWPs.
- GHGs with proposed revised GWPs for Table A-1 include methane, nitrous oxide, and sulfur hexafluoride.
- Adopting only GWP values based on a 100-year time horizon.

EPA POC: [Carole Cook](#), (202) 343-9263.

ENERGY

INTERNATIONAL CODE COUNCIL TO UPDATE ENERGY CONSERVATION CODE. On behalf of the International Code Council (ICC), the National Institute of Standards and Technology (NIST) published an announcement seeking to increase public participation in developing and maintaining ICC codes and standards ([78 FR 18321](#)). [ICC updates](#) international codes

every three years based on receipt of proposals from interested individuals and organizations. NIST POC: [David Alderman](#), (301) 975-4019.

ENERGY SAVINGS PERFORMANCE CONTRACTS IMPROVEMENT. Department of Energy (DOE) seeks comments and information regarding improvements to Energy Savings Performance Contracts (ESPCs) ([78 FR 20097](#)). Procedures for federal agencies to implement use of energy savings performance contracting are codified at [10 CFR part 436, Subpart B](#). DOE awarded various "umbrella" indefinite delivery, indefinite quantity (IDIQ) contracts to energy services companies. These DOE IDIQ contracts can be used by federal agencies by awarding task orders for ESPC projects at their facilities. The DOE Federal Energy Management Program's efforts to promote and improve ESPC projects have been primarily through the DOE IDIQ contract vehicle. In addition to requesting comments about improving the contracting process, DOE seeks comment on areas such as:

- Improvements to measurement and verification methodologies, to achieve and maintain greatest assurance of energy savings at the least cost;
- Approaches to encourage innovative or underutilized energy efficiency and renewable energy technologies;
- Approaches to increase confidence in investing in technologies with good potential but little implementation experience; and
- Approaches to incentivize ESCOs to propose innovative or underutilized technologies.

Comments due 3 May 13. DOE POC: [Randy Jones](#), (720) 356-1667.

THREATENED & ENDANGERED SPECIES

National Marine Fisheries Service (NMFS) LISTING OF SPERM WHALES AS ENDANGERED OR THREATENED IN THE GULF OF MEXICO. In response to a petition, NMFS will initiate a status review of sperm whales in the Gulf of Mexico to determine whether listing the Gulf of Mexico distinct population segment of sperm whales is warranted ([78 FR 19176](#)). Comments due 28 May 13. NMFS POC: Heather Coll, (301) 427-8455.

USFWS LISTING AS ENDANGERED AND THREATENED AND DESIGNATION OF CRITICAL HABITAT FOR TEXAS GOLDEN GLADECRESS AND NECHES RIVER ROSE-MALLOW. USFWS reopens public comment period on the proposed endangered status (11 SEP 12) for the TX golden gladecress and threatened status for the Neches River rose-mallow ([78 FR 22506](#)). USFWS also announced reopening of the comment period on the 11 SEP 12 proposed designation of critical habitat for these species, the availability of a draft economic analysis of the proposed designation of critical habitat for both species and an amended required determinations section in the proposed rule. Comments previously submitted need not be resubmitted as they will be fully considered in preparation of the final rule. Comments due 16 May 13. FWS POC: Field Supervisor, Corpus Christi Ecological Services Field Office (361) 994-9005.

OCEAN POLICY IMPLEMENTATION PLAN RELEASED. The National Ocean Council released the final [Ocean Policy Implementation Plan](#). Developed in response to [Executive Order 13547](#), the plan describes more than 50 federal actions to improve health of the ocean, coasts, and Great Lakes.

WATER

CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY. Pursuant to a settlement agreement, EPA proposed clarifying changes to effluent limitations guidelines and standards for Construction and Development (C&D) point source category ([78 FR 19434](#)). Proposed rule withdraws numeric discharge standards (currently stayed) and makes clarifying changes to language of several of the non-numeric provisions of the existing rule. Proposed include:

- Revision to 40 CFR 450.21(a)(1): Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges.
- Revision to 40 CFR 450.11: Several provisions of the C&D rule require permittees to implement controls unless infeasible. EPA will add the definition of infeasibility to 40 CFR 450.11.
- Revision of 40 CFR 450.21(a)(2): Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion in the immediate vicinity of discharge points.
- Revision of 40 CFR 450.21(d)(2): Minimization of exposure is not required in cases where exposure to precipitation and stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination.
- Removal of numeric standard and monitoring provisions at 40 CFR 450.22(a) and 450.22(b).

Comments due 31 May 13. EPA POC: [Jesse Pritts](#), (202) 566-1038.

FINAL NPDES GENERAL PERMIT FOR DISCHARGES INCIDENTAL TO VESSEL NORMAL OPERATION. EPA finalized the [NPDES Vessel General Permit](#) (VGP) to authorize discharges incidental to normal operation of non-military and non-recreational vessels greater than or equal to 79 feet in length ([78 FR 21938](#)). Permit is applicable to discharges incidental to normal operation of a vessel into "waters of the U.S." as defined in [40 CFR 122.2](#), except as otherwise excluded by Part 6 of the permit. This includes territorial seas, defined in [section 502\(8\) of the CWA](#), extending to three miles from the baseline. VGP has an effective date of 19 Dec 13. EPA POC: [Ryan Albert](#), (202) 564-0763.

STEAM ELECTRIC POWER GENERATING EFFLUENT GUIDELINES. EPA issued a proposed rule to amend the [Steam Electric effluent guidelines and standards](#), as well as its intention to align this Clean Water Act rule with a related rule for coal combustion residuals (CCRs, also known as "coal ash") proposed in 2010 under the Resource Conservation and Recovery Act ([78 FR 24701](#)). The two rules would apply to many of the same facilities and would work together to reduce pollution associated with coal ash and related wastes. EPA POC: [Jezebele Alicea-Virella](#), (202) 566-1755.

OTHER

BIODEBASED PRODUCT CATEGORIES FOR FEDERAL PROCUREMENT. The U.S. Department of Agriculture (USDA) published a final rule designating additional biobased product categories for federal procurement ([78 FR 19393](#)). Categories (and minimum percent biobased content) that would be designated are:

- Aircraft cleaners (48%) and boat cleaners (38%);
- Automotive care products (75%);
- Engine crankcase oils (27%);
- Gasoline fuel additives (92%);
- Stainless steel cleaners (75%) other metal cleaners (56%) and corrosion removers (71%);
- Microbial cleaning products: drain maintenance products (45%), wastewater maintenance products for sewer lines and septic tanks (44%), and general cleaners (50%);
- Paint removers (41%);
- Water turbine bearing oils (for electric power generating water turbines) (46%); and
- Addition of the countertops (89%) subcategory to previously designated composite panels category.

USDA POC: [Ron Buckhalt](#), (202) 205-4008.

National Conferences and Symposia

NONE

Regional Meetings

15 MAY 13 KANSAS SMALL BUSINESS ENVIRONMENTAL ASSISTANCE PROGRAM (SBEAP) PERMIT AWARENESS WEBINARS for Class I or Class II air operating permits explains air operating permit requirements in plain language. The webinar will break down individual components of the permit, provide linkages to regulatory citations and required KDHE forms. SBEAP will conduct one webinar at 10:00 a.m. for Class I air operating permits and at 1:00 p.m. for Class II air operating permits.

Class I webinar (10:00 am): <https://www3.gotomeeting.com/register/503452334>.

Class II webinar (1:00 pm): <https://www3.gotomeeting.com/register/432326766>.

27-29 AUG 13, TOPEKA, KS [2013 KANSAS ENVIRONMENTAL CONFERENCE](#) provides updates on environmental issues, new technologies, regulatory information, and pollution prevention. Anyone interested in the status of the environment in Kansas is invited to attend.

Professional Development

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

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

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

VARIOUS DATES AND TIMES ONLINE

READINESS AND ENVIRONMENTAL PROTECTION INITIATIVE – [WEBINAR SERIES](#) 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. U.S. Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules are available on [US ARMY ENVIRONMENTAL COMMAND \(AEC\) WEBSITE](#).

[EPA NPDES TRAINING COURSES AND WORKSHOPS](#). Training courses, workshops, and webcasts explain 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. 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 [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 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, and contractor).



Internet Resources

Region 6 Regulatory & Legislative Internet Sites

USEPA Region 6

Arkansas Dept of Environmental Quality (ADEQ)

Arkansas General Assembly

Louisiana Department of Environmental Quality (LDEQ)

Louisiana Legislature

New Mexico Environment Department (NMED)

New Mexico Legislature

Oklahoma Department of Environmental Quality (ODEQ)

Oklahoma Legislature

Texas Commission on Environmental Quality (TCEQ)

Texas Legislature

<http://epa.gov/region6/index.htm>

<http://www.adeq.state.ar.us>

<http://www.arkleg.state.ar.us/>

<http://www.deq.state.la.us/>

<http://www.legis.state.la.us/>

<http://www.nmenv.state.nm.us/>

<http://www.nmlegis.gov/lcs/>

<http://www.deq.state.ok.us>

<http://www.lsb.state.ok.us/>

<http://www.tceq.state.tx.us/>

<http://www.capitol.state.tx.us/>

Region 7 Regulatory & Legislative Internet Sites

USEPA Region 7

Iowa Department of Natural Resources (IDNR)

Iowa General Assembly

Kansas Department of Health and Environment (KDHE)

Kansas Legislature

Missouri Department of Natural Resources (MDNR)

Missouri General Assembly

Nebraska Department of Environmental Quality (NDEQ)

Nebraska Legislature

<http://www.epa.gov/region7/index.htm>

<http://www.iowadnr.com/>

<http://www.legis.iowa.gov/index.aspx>

<http://www.kdhe.state.ks.us>

<http://kslegislature.org/li/>

<http://www.dnr.mo.gov/index.html>

<http://www.moga.mo.gov/>

<http://www.deq.state.ne.us>

<http://nebraskalegislature.gov/>

Other Federal Agencies Internet Sites

Department of the Interior, Bureau of Land Management State Offices

Eastern States AR, LA, MO, IA

NM, KS, OK, TX

WY, NE

U.S. Geological Survey Central Region

All Region 6 and 7 states

DOE Office of Environmental Management

All states

U.S. Fish and Wildlife Service

Southwest Region NM, TX, OK

Mountain – Prairie Region KS, NE

Midwest Region IA, MO

Southeast Region AR, LA

<http://www.blm.gov/es/st/en.html>

<http://www.blm.gov/nm/st/en.html>

<http://www.blm.gov/wy/st/en.html>

<http://geology.cr.usgs.gov/crg/text/cro.html>

<http://www.em.doe.gov/pages/emhome.aspx>

<http://www.fws.gov/southwest/>

<http://www.fws.gov/mountain-prairie/>

<http://www.fws.gov/midwest/>

<http://www.fws.gov/southeast/>

Staff Directory

REC Directory

**Director/DoD Region 7
Regional Environmental Coordinator**

Stephen C. Scanlon
(816) 389-3548

Deputy Director

David Snodgrass
(816) 389-3449

**Army Regional Environmental
Coordinator - Region 6**

Michael R. Weaver
(816) 389-3450

**Army Regional Environmental
Coordinator - Region 7**

Vacant

Regional Counsel

Stanley L. Rasmussen
(816) 389-3448

Air Force REC AR/LA/OK

(214) 767-4650, ext 4652

Air Force REC NM/TX

(214) 767-4650, ext 4677

Navy REC Region 6

(361) 961-3776

Office Staff

Project Manager

(410) 278-6165

Regulatory Affairs Specialist

(816) 389-3327

REEO-C General Office

(816) 389-3548

How the Regional Offices Work for You

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

The U.S. Army Regional Environmental and Energy Office, Central (REEO-C) monitors the following 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.

For further information please visit the [Army's Regional Environmental and Energy Offices'](#) website.

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

Please contact your Regional Environmental Coordinator listed above.

Acronyms used in this document can be found at:

<http://www.asaie.army.mil/Public/InfraAnalysis/REEO/Central/docs/acronyms.doc>