



U.S. ARMY

# Western Review of Legislative & Regulatory Actions Region 8



The U.S. Army Regional Environmental & Energy Office

December 2012

The **WESTERN REGION 8 REVIEW** provides current information on natural resource, energy, and environmental issues relevant to Department of Defense interests in the six states that comprise Federal Region 8. The Review is intended to be a tool useful to DoD and Army leaders, planners, and program managers in carrying out their responsibilities. The Western Region 8 Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. To receive a copy of this electronic publication, send an email request to [nancy.reese2@us.army.mil](mailto:nancy.reese2@us.army.mil).



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## Master Planning Policy Guidance

The Army’s guidance for incorporation of sustainable design principles addresses how installation master planning documents should address energy efficiency and renewable resources, water conservation, and low impact development. The guidance is provided in the memorandum titled *Master Planning Policy Guidance for Sustainable Design and Development (Environmental and Energy Performance)*.

The memorandum, which applies to all Army installations, has specific instructions for installations identified as Net Zero. Additionally, it instructs that all installations should consider private funding solutions, such as Utility Energy Service Contracts (UESCs), Energy Savings Performance Contracts (ESPCs), Power Purchase Agreements (PPAs), and Enhanced Use Leasing (EUL).

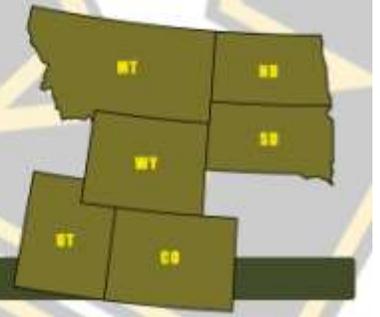
An enclosure to the memorandum contains instructions for updating installation real property master plans, including guidance for when updates should be complete.

Real property master planners must ensure integration of these policies into their installation’s real property master plans. They must coordinate with energy, drinking water, storm water, wastewater, solid waste, natural resource, cultural resource, and sustainability managers to integrate appropriate installation goals into their plans. All real property master plans, including Installation Design Guides, Capital Investment Strategy, Area Development Plans, and Long Range Component, must be updated to address all references in the memorandum.

The memorandum is available at [http://army-energy.hqda.pentagon.mil/docs/masterplanning\\_policyguidance\\_SDD.pdf](http://army-energy.hqda.pentagon.mil/docs/masterplanning_policyguidance_SDD.pdf). References in the memorandum are posted at <https://www.us.army.mil/suite/files/32712608>.

# Region 8

For more information on any state issues in Region 8, contact [Cathy Atkins](#),  
Region 8 Program Coordinator (303) 844-0958.



## *AIR*

**INCORPORATION BY REFERENCE: FEDERAL ACID RAIN PROGRAM** The Colorado Department of Public Health and the Environment (CDPHE) adopted amendments that incorporate by reference US Environmental Protection Agency (USEPA) amendments to the federal Acid Rain Program in Title 40 Code of Federal Regulation (CFR) Part 72 into Colorado Regulation Number 18. The amendments revise and add definitions and an American Society for Testing and Material (ASTM) standard related to the USEPA's Protocol Gas Verification Program and minimum competency requirements for air emission testing. Further, the revisions make typographical and grammatical corrections. This final rule is effective December 15, 2012. For more information, contact Leah Martland at (303) 692-6269 or at [leah.martland@state.co.us](mailto:leah.martland@state.co.us). The notice of proposed rulemaking is available at <http://www.sos.state.co.us/CCR/DisplayHearingDetails.do?trackingNumber=2012-00652>. The notice of final adopted rule is available at <http://www.sos.state.co.us/CCR/Upload/AGORequest/AdoptedRules02012-00652.DOC>.

**INCORPORATION BY REFERENCE: NSPS** The CDPHE adopted amendments that incorporate by reference changes to federal New Source Performance Standards (NSPS) and/or Emission Guidelines in 40 CFR Part 60. With one exception, the agency adopted these new and amended NSPS in full. This final rule is effective December 15, 2012. For more information, contact Leah Martland at (303) 692-6269 or at [leah.martland@state.co.us](mailto:leah.martland@state.co.us). The notice of rulemaking hearing is available at <http://www.sos.state.co.us/CCR/DisplayHearingDetails.do?trackingNumber=2012-00650>. The proposed rule text is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/ProposedRuleAttach2012-00650.DOC>. The notice of public comment period is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/AddInfoAttach2012-00650.DOC>. The notice of final adopted rule is available at <http://www.sos.state.co.us/CCR/Upload/AGORequest/AdoptedRules02012-00650.DOC>.

**INCORPORATION BY REFERENCE: NESHAP & MACT** The CDPHE adopted amendments that incorporate by reference changes to federal National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Achievable Control Technology (MACT) rules into Colorado Regulation Number 8, Parts A and E. This final rule is effective December 15, 2012. For more information, contact Leah Martland at (303) 692-6269 or at [leah.martland@state.co.us](mailto:leah.martland@state.co.us). The notice of rulemaking hearing is available at <http://www.sos.state.co.us/CCR/DisplayHearingDetails.do?trackingNumber=2012-00651>. The proposed rule text is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/ProposedRuleAttach2012-00651.DOC>. The notice of public comment period is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/AddInfoAttach2012-00651.DOC>. The notice of final rule adoption is available at <http://www.sos.state.co.us/CCR/Upload/AGORequest/AdoptedRules02012-00651.DOC>.

**REGULATORY AGENDA: NEW STATIONARY SOURCES** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in March 2013 to consider proposed changes to the requirements for relocating newer engines into Colorado from outside Colorado. This action would amend Regulation 6 (Standards of Performance for New Stationary Sources) codified at 5 Colorado Code of Regulation (CCR) 1001-8. The regulatory agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=5>.

**REGULATORY AGENDA: NEW STATIONARY SOURCES: INCORPORATION OF FEDERAL STANDARDS** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in July 2013 to incorporate by reference new and amended federal NSPS into its regulations. This action would amend Regulation 6 (Standards of Performance for New Stationary Sources) codified at 5 CCR 1001-8. The regulatory agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=12>.

**REGULATORY AGENDA: CONTROL OF HAZARDOUS AIR POLLUTANTS** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in July 2013 to incorporate by reference new and amended federal NESHAP into Regulation 8 (Control of Hazardous Air Pollutants) codified at 5 CCR 1001-10. The regulatory agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=12>.

## ***NATURAL RESOURCES***

**REGULATORY AGENDA: NOXIOUS WEEDS** The Colorado Department of Agriculture indicated in its regulatory agenda that it will propose changes to 8 CCR 1206-2 (Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act). This action would add species to the Noxious Weed A List, add management plans for List B species, and add species to the Watch List. The department anticipates the final rule would be effective July 30, 2013. The regulatory agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/Agriculture.pdf#page=4>.

## ***TOXICS***

**REGULATORY AGENDA: VARIOUS RULES RELATED TO RADIATION** The CDPHE indicated in its regulatory agenda that it will address various rules related to radiation:

- [Add/modify relations on general provisions on compatibility](#) with Nuclear Regulatory Commission (NRC) regulations at 6 CCR 1007-1, Part 1 (September 2013);
- [Add/modify language to regulations on licensing of uranium facilities for NRC compatibility](#) at 6 CCR 1007-1, Part 18 (October 2013);
- [Add/modify regulations on registration of radiation machines, facilities, and services](#) at 6 CCR 1007-1, Part 2 (October 2013);
- [Add language and modify regulations on licensing of radioactive material](#) at 6 CCR 1007-1, Part 3 U-related (July 2013);
- [Add/modify language to regulations on licensing of radioactive material](#) at 6 CCR 1007-1, Part 3 (February 2013); and
- [Add a new regulatory part for implementing existing security requirements for NRC compatibility](#) at 6 CCR 1007-1, Part to be determined (TBD) (June 2013).

**REGULATORY AGENDA: TRANSPORTATION OF NUCLEAR AND HAZARDOUS MATERIALS** The Colorado Department of Public Safety indicated in its regulatory agenda that it will be filing a notice of proposed rulemaking on January 31, 2013, titled *Rules and Regulations Concerning the Permitting, Routing and Transportation of Hazardous and Nuclear Materials and the Transportation of Agricultural Products in the State of Colorado*. The purpose of these rules is to provide guidance regarding the permitting, routing, and safe transportation of hazardous and nuclear materials by

motor vehicle within the State of Colorado. The anticipated effective date is April 30, 2013. The regulatory agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicSafety.pdf>.

**REGULATORY AGENDA: PESTICIDE APPLICATION** The Colorado Department of Agriculture indicated in its regulatory agenda that it will propose changes to 8 CCR 1203-2 (Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicators' Act). The proposed rule amendments will:

- require licensure to use devices that produce a pesticide product;
- clarify that during the solicitation process a company must disclose in writing that they will subcontract any pesticide applications associated with the contract to a licensed commercial applicator;
- clarify more definitive guidelines on what constitutes a business location;
- clarify requirements for copies of labels and labeling that must be in an applicators' possession, specifically Endangered Species Bulletin language; and
- remove language that creates a discrepancy for structural experience requirements under the Residential Commercial licensure category.

The regulatory agenda is available at

<http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/Agriculture.pdf#page=4>.

## **WASTE**

**WASTE TIRE FUND** The CDPHE is proposing amendments to its regulations pertaining to the waste tire processor and end user reimbursement program. This action would amend 6 CCR Part 4. This action being taken in response to House Bill (HB) 1034 (2012) which modified the Processor and End User Fund requirements in an effort to eliminate illegal tire dumping and to promote the recycling or reuse of waste tires in newer technologies. A public hearing was held November 20, 2012. For more information, contact Brandy Valdez Murphy at (303) 692-3467 or at [brandy.valdezmurphy@state.co.us](mailto:brandy.valdezmurphy@state.co.us). The notice of rulemaking hearing is available at <http://www.sos.state.co.us/CCR/DisplayHearingDetails.do?trackingNumber=2012-00936>. The proposed rule text is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/ProposedRuleAttach2012-00936.RTF>. Additional information is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/AddInfoAttach2012-00936.RTF>.

**REGULATORY AGENDA: CORRECTIVE ACTION MANAGEMENT UNIT RULE** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in February 2013 to make minor corrections to the Corrective Action Management Unit rule codified at 6 CCR 1007-3. The regulatory agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=2>.

**REGULATORY AGENDA: ELECTRONIC WASTE LANDFILL BAN** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in February 2013 to modify 6 CCR 1007-2, Section 16 to include a new e-waste landfill ban. The regulatory agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=2>.

**REGULATORY AGENDA: FEDERAL METHODS INNOVATION RULE** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in May 2013 to incorporate the new federal [Methods Innovation Rule](#) (i.e., SW-846) into its rules codified at 6 CCR 1007-3. The regulatory agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=8>.

**REGULATORY AGENDA: HAZARDOUS WASTE FINANCIAL ASSURANCES** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in November 2013 to modify and update the hazardous waste financial assurance

regulations codified at 6 CCR 1007-3. The regulatory agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=16>.

**REGULATORY AGENDA: SOLID AND HAZARDOUS WASTE COMMISSION FEE** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in May 2013 to amend the Solid and Hazardous Waste Commission fee, codified at 6 CCR 1007-3 to fund operations for Fiscal Year 2013-14. The regulatory agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=9>.

**REGULATORY AGENDA: ASBESTOS CONTAMINATED SOIL** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in January 2013 to update and revise Section 5.5 Asbestos Contaminated Soil Regulations codified at 6 CCR 1007-2. The agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf>.

## ***WATER***

**ON-SITE WASTEWATER TREATMENT SYSTEMS** The CDPHE is proposing to repeal the Guidelines on Individual Sewage Disposal Systems (5 CCR 1003-6) and to adopt a new On-site Wastewater Treatment Systems Regulation (Regulation 43) to be codified at 5 CCR 1002-43. Comments are due February 23, 2013. A public hearing is scheduled for March 12, 2013. For more information, contact Barbara Dallemand at (303) 692-2366 or at [barbara.dallemand@state.co.us](mailto:barbara.dallemand@state.co.us). The notice of rulemaking hearing is available at <http://www.sos.state.co.us/CCR/DisplayHearingDetails.do?trackingNumber=2012-00976>. The proposed rule is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/ProposedRuleAttach2012-00976.PDF>.

**STORMWATER PERMITTING: CHERRY CREEK RESERVOIR** The CDPHE adopted revisions to Cherry Creek Reservoir Control Regulation, Regulation 72 (5 CCR 1002-72). The revisions clarify post construction stormwater control requirements for new development/redevelopment and provide consistency between State and federal stormwater requirements. The final rule was effective November 30, 2012. For more information, contact Nancy Horan at (303) 692-3463 or at [nancy.horan@state.co.us](mailto:nancy.horan@state.co.us). The notice of proposed rulemaking is available at <http://www.sos.state.co.us/CCR/DisplayHearingDetails.do?trackingNumber=2012-00536>. The proposed rule is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/ProposedRuleAttach2012-00536.PDF>. The notice of final adopted rule is available at <http://www.sos.state.co.us/CCR/Upload/AGORequest/AdoptedRules02012-00536.RTF>.

**REGULATORY AGENDA: WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in November 2013 to clarify and update the Water and Wastewater Facility Operators Certification Requirements Regulations codified at 5 CCR 1003-2. The agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=17>.

**REGULATORY AGENDA: PRIMARY DRINKING WATER REGULATIONS** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in August 2013 to improve readability of the Primary Drinking Water Regulation codified at 5 CCR 1003-1. The agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=13>.

**REGULATORY AGENDA: TRIENNIAL REVIEW OF WATER QUALITY STANDARDS** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in June 2013 regarding the triennial review of water quality standards for the Arkansas and Rio Grande (Regulations 32 and 36). The agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=9>.

**REGULATORY AGENDA: PROCEDURAL RULES FOR TMDL APPEALS** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in May 2013 to address appeals of total maximum daily load (TMDL) determinations,

Regulation 21 (Procedural Rules), codified at 5 CCR 1002-21. The agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=7>.

**REGULATORY AGENDA: ARSENIC STANDARDS** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in April 2013 to consider revisions to arsenic standards in basins throughout Colorado. This rulemaking will affect Regulation:

- 31 (Basic Standards and Methodologies for Surface Water);
- 32 (Classifications and Numeric Standards for Arkansas River Basin);
- 33 (Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River);
- 34 (Classifications and Numeric Standards for San Juan River and Dolores River Basins);
- 35 (Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins);
- 36 (Classifications and Numeric Standards for Rio Grande River Basin);
- 37 (Classifications and Numeric Standards for Lower Colorado River Basin); and
- 38 (Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin).

The rulemaking agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=6>.

**REGULATORY AGENDA: RECLAIMED WATER CONTROL REGULATION** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in May 2013 regarding the triennial review of the Reclaimed Water Control Regulation (Regulation 84) codified at 5 CCR 1002-84. The agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=7>.

**REGULATORY AGENDA: 303(d)** The CDPHE indicated in its regulatory agenda that it will commence rulemaking in December 2013 to fulfill requirements of Section 303(d) of the federal Clean Water Act. This action would amend Regulation 93 (Colorado's Section 303(d) List of Impaired Waters and Monitoring Evaluation List) codified at 5 CCR 1002-93. The agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/PublicHealthAndEnvironment.pdf#page=18>.

**REGULATORY AGENDA: WELL METERING IN THE REPUBLICAN RIVER BASIN** The Colorado Department of Natural Resources indicated in its regulatory agenda that it anticipates amending the well metering rules in the Republican River Basin in the second quarter of 2013. This action would correct an inadvertent error that left the southern portion of the basin out of the rules. The agenda is available at <http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2013/NaturalResources.pdf#page=3>.

## ***LEGISLATIVE DEVELOPMENTS***

The Colorado 2013 legislative session begins January 9, 2013 and adjourns May 7, 2013. For additional information on the Colorado legislature, go to <http://www.leg.state.co.us>.



## ***WATER***

**TMDL AND WATER QUALITY IMPROVEMENT PLAN: BOULDER-ELKHORN** The Montana Department of Environmental Quality (MDEQ) is requesting public comment on the Boulder-Elkhorn metals TMDL and framework water quality improvement plan. This document describes waters in the Boulder-Elkhorn planning area not currently meeting water quality standards and includes a plan to reach and maintain the standards. Comments were due December 6, 2012. For more information, contact Tim Byron at (406) 444-5341 or at [tbyron@mt.gov](mailto:tbyron@mt.gov). The notice of public comment period is available at [http://www.statescape.com/RegsText/StaticDownloads/65125\\_97749.pdf](http://www.statescape.com/RegsText/StaticDownloads/65125_97749.pdf).

**NEW FEES FOR WATER SUPPLY/SEWAGE SYSTEMS** The MDEQ is proposing to add a new fee (New Rule 1) associated with departmental engineering reviews of public water supply and public sewage systems to remedy significant deficiencies. The new rule implements Senate Bill (SB) 102 (2009) and provides guidance for public water supply systems and public sewage systems. It clarifies that the requirement to correct significant deficiencies applies to both public water supply systems and public sewage systems. The rule requires the owner of the public system to correct identified significant deficiencies in accordance with a timeframe and plan approved by the department. A public hearing was held November 26, 2012. Comments are due December 10, 2012. For more information, contact Elois Johnson at (406) 444-2630 or at [ejohnson@mt.gov](mailto:ejohnson@mt.gov).

## ***LEGISLATIVE DEVELOPMENTS***

The Montana 2013 legislative session begins January 7, 2013 and adjourns April 27, 2013. For information on the Montana legislature, link to <http://leg.mt.gov/css/default.asp>.



## ***LEGISLATIVE DEVELOPMENTS***

The North Dakota 2013 legislative session begins January 8, 2013 and adjourns May 1, 2013. For information on the North Dakota legislature, link to <http://www.legis.nd.gov>.



## ***LEGISLATIVE DEVELOPMENTS***

The South Dakota 2013 legislative session begins January 8, 2013 and adjourns March 27, 2013. For additional information on the South Dakota legislature, go to <http://legis.state.sd.us/>.



## **AIR**

**IMPACT ASSESSMENT: FUGITIVE EMISSIONS IN NONATTAINMENT AND MAINTENANCE AREAS** The Utah Department of Environmental Quality (UDEQ) is requesting public comment on an Air Quality Impact Analysis of amendments made to Rule R307-309 (Nonattainment and Maintenance Areas for Coarse Particulate Matter (PM<sub>10</sub>): Fugitive Emissions and Fugitive Dust). The UDEQ prepared the document in response to a request from the USEPA that it assess how past amendments (that have not been reviewed or approved by the USEPA) and newly proposed amendments have/will impact air quality. Comments on the UDEQ document titled *Demonstration - Air Quality Impact of Amendments Made to Rule R307-309 Fugitive Emissions and Fugitive Dust* were due November 30, 2012. For more information, contact Joel Karmazyn at [Jkarmazyn@utah.gov](mailto:Jkarmazyn@utah.gov). The notice and request for public comment is available at [http://www.statescape.com/RegsText/StaticDownloads/64733\\_96895.pdf#page=7](http://www.statescape.com/RegsText/StaticDownloads/64733_96895.pdf#page=7). The analysis is available at <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/pdf-files/October-2012/110I%20demonstration.pdf>. Additional information is available at <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm>.

**IMPACT ASSESSMENT: EMISSION STANDARDS: GENERAL BURNING** The UDEQ is requesting public comment on its assessment titled Air Quality Impact of Rule R307-202 (Emissions Standards: General Burning Amendments). The impact assessment was completed in response to rule amendments that were adopted in June 2012. Comments on the impact assessment were due November 30, 2012. For more information, contact Mark Berger at (801) 536-4000 or at [mberger@utah.gov](mailto:mberger@utah.gov). The notice of public comment period is available at [http://www.statescape.com/RegsText/StaticDownloads/64734\\_96898.pdf#page=7](http://www.statescape.com/RegsText/StaticDownloads/64734_96898.pdf#page=7). Additional information is available at <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm>.

**SOLVENT DEGREASING** The UDEQ is proposing to amend Rule R307-335 to align with requirements in the USEPA guidance document control techniques guidelines (CTG) for degreasing operations. To assist states in the uniform development of control measures for volatile organic compounds (VOCs), the USEPA developed guidance documents referred to as control techniques guidelines, or more commonly, CTGs. As part of the Utah State Implementation Plan (SIP) for fine particulates (PM<sub>2.5</sub>), the UDEQ is proposing to amend Rule R307-335 to reflect control measures in the USEPA's CTG for degreasing operations. This action would add new sections, including a section for industrial solvent cleaning requirements; a section of regulatory requirements for emission control systems; and a section for solvent containing waste disposal requirements. The rule is also changed to apply to Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties. The proposed amendments could become effective as early as January 2013. For more information, contact Mark Berger at (801) 536-4000 or at [mberger@utah.gov](mailto:mberger@utah.gov). Proposed rule text is available at [http://www.statescape.com/RegsText/StaticDownloads/60209\\_97862.pdf](http://www.statescape.com/RegsText/StaticDownloads/60209_97862.pdf). Additional information is available at [http://www.statescape.com/RegsText/StaticDownloads/60209\\_97861.pdf](http://www.statescape.com/RegsText/StaticDownloads/60209_97861.pdf).

**OUTDOOR WOOD BOILERS** The UDEQ is proposing to prohibit future sales of outdoor wood boilers to assist the state in its efforts to attain national ambient air quality standards (NAAQS) for PM<sub>2.5</sub> and to minimize the emissions of PM<sub>2.5</sub> from existing outdoor wood boilers. This rule would prohibit any person from selling, offering for sale, supplying, installing, purchasing, or transferring an outdoor wood boiler beginning September 1, 2013. It would also require current operators and owners to register their outdoor wood boiler, to operate the boiler in accordance with manufacturer specifications, and to limit visible emissions to 20% opacity. Comments are due December 31, 2012. For more information, contact Mark Berger at (801) 536-4000 or at [mberger@utah.gov](mailto:mberger@utah.gov). Proposed rule text is available at [http://www.statescape.com/RegsText/StaticDownloads/60208\\_97864.pdf](http://www.statescape.com/RegsText/StaticDownloads/60208_97864.pdf). Additional information is available at [http://www.statescape.com/RegsText/StaticDownloads/60208\\_97863.pdf](http://www.statescape.com/RegsText/StaticDownloads/60208_97863.pdf).

**AIR STRIPPERS/SOIL VENTING PROJECTS** The UDEQ is proposing amendments to R307-401-15 (Air Strippers and Soil Venting Projects). The amendments would remove, at the request of the USEPA, 1999 amendments that had allowed the State to exercise discretion to approve alternate test and monitoring methods. The proposed amendments would update the rule to refer to the most recent test methods, and allow sources to use future updated federally-approved methods. Comments are due December 31, 2012. For more information, contact Mark Berger at (801) 536-4000 or at [mberger@utah.gov](mailto:mberger@utah.gov). Proposed rule text is available at [http://www.statescape.com/RegsText/StaticDownloads/65198\\_97867.pdf](http://www.statescape.com/RegsText/StaticDownloads/65198_97867.pdf). Additional information is available at [http://www.statescape.com/RegsText/StaticDownloads/65198\\_97866.pdf](http://www.statescape.com/RegsText/StaticDownloads/65198_97866.pdf).

## **ENERGY**

**ALTERNATIVE ENERGY DEVELOPMENT TAX INCENTIVES** The Utah Governor's Office of Economic Development is proposing a new rule that would establish the standards an alternative energy entity must meet to qualify for a tax credit. Comments were due November 14, 2012. For more information, contact Zachary Derr at (801) 538-8746 or at [zderr@utah.gov](mailto:zderr@utah.gov). The notice of proposed rule is available at [http://www.rules.utah.gov/publicat/bull\\_pdf/2012/b20121015.pdf#page=53](http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121015.pdf#page=53).

**QUALIFICATION FOR ALTERNATIVE ENERGY TAX CREDIT** The Utah Governor's Office adopted new rule R362-1 Qualification for the Alternative Energy Development Tax Credit. The new rule establishes criteria regarding when companies are eligible to apply for the tax credits. This rule was developed in response to SB 65 (2012). This final rule was effective September 24, 2012. For more information, contact Jeffrey Barrett at (801) 739-5191 or at [jhbarrett@utah.gov](mailto:jhbarrett@utah.gov). The notice of proposed rule is available at [http://www.rules.utah.gov/publicat/bull\\_pdf/2012/b20120815.pdf#page=80](http://www.rules.utah.gov/publicat/bull_pdf/2012/b20120815.pdf#page=80). The notice of final adopted rule is available at [http://www.rules.utah.gov/publicat/bull\\_pdf/2012/b20121015.pdf#page=162](http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121015.pdf#page=162).

## **WATER**

**STORMWATER DISCHARGE PERMIT** The UDEQ is proposing to re-issue its Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (Permit No UTR000000). This permit covers industrial sectors J, K, L, N, O, Q, S, V, X, Y, and Z. Stormwater drainage areas covered by this permit include, but are not limited to:

- material handling sites;
- refuse sites;
- sites used for the application or disposal of process waste waters;
- sites used for the storage and maintenance of material handling equipment;
- sites used for residual treatment, storage, or disposal; shipping and receiving areas;
- manufacturing buildings;
- storage areas (including tank farms) for raw materials, and intermediate and finished products; and
- areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

Areas on industrial sites that are not regulated need not be included in this permit (providing the stormwater from these areas do not mix with stormwater from regulated areas). Such unregulated areas may include undisturbed areas, office complexes not immediately connected with other industrial areas, and parking lots for office complexes (unless industrial materials or equipment travels over these parking lots). The reissued permit would be effective from January 1, 2013 through December 31, 2017. Comments were due December 5, 2012. For more information, contact Mike George at (801) 536-4393 or at [mmgeorge@utah.gov](mailto:mmgeorge@utah.gov). A fact sheet/basis of statement for the proposed permit reissue is available at

<http://www.waterquality.utah.gov/PublicNotices/Group5/SOBstormwater2012JKLNOQSVXYZ.pdf>. The notice of proposed permit reissue is available at [http://www.statescape.com/RegsText/StaticDownloads/65131\\_97757.pdf](http://www.statescape.com/RegsText/StaticDownloads/65131_97757.pdf).

## **LEGISLATIVE DEVELOPMENTS**

The Utah 2013 legislative session begins January 28, 2013 and adjourns March 14, 2013. For additional information on the Utah legislature, go to <http://www.le.state.ut.us>.



## **ENERGY**

**STATE ENERGY POLICY** The Wyoming Governor's Office is developing an energy policy for the state that will include four major themes: economic competitiveness; efficient regulation; natural resource conservation; and development of new technologies. The Governor's Office intends to release a number of draft initiatives to be followed by public meetings. One initiative under consideration is development of a geographic decision-making tool. Additional information is available at <http://governor.wy.gov/Pages/energystrategy.aspx>. The draft Wyoming Energy Strategy, dated November 9, 2012, is available at <http://governor.wy.gov/Energy%20Related%20Documents/Wyoming%20Energy%20Strategy.pdf>. Additional information is available at <http://governor.wy.gov/Energy%20Related%20Documents/Wyoming%20Energy%20Plan%20FAQ.pdf>.

## **OTHER**

**NEW DIRECTOR TO LEAD THE WYOMING DEQ** Wyoming Governor Matt Mead appointed Todd Parfitt as the new director of the Wyoming Department of Environmental Quality (WDEQ). Parfitt was Deputy Director at the WDEQ and the head of the department's Industrial Siting Division. He replaced John Corra who retired at the end of November 2012. Prior to his work with the WDEQ, Todd Parfitt was director of operations for a private environmental consulting company. A press release about the appointment is available at <http://governor.wy.gov/media/pressReleases/Pages/GovernorAppointsNewDirectorofWyomingDEQ.aspx>.

## **WATER**

**WATER RIGHTS** The Wyoming State Board of Control adopted amendments that alter its fee schedule for surface and ground water rights; provide guidance regarding certain water right permit actions; make clarifications, and make technical and grammatical corrections in [Chapters 1](#), [Chapter V](#), and to [Part IV \(Regulations and Instructions\)](#). The final amendments were effective October 29, 2012. For more information, contact Nancy McCann at (307) 777-5958 or at [nancy.mccann@wyo.gov](mailto:nancy.mccann@wyo.gov). Additional information is available at [http://seo.state.wy.us/PDF/Statement\\_of\\_Reasons\\_2012\\_-\\_Chapter\\_V,\\_forms\\_and\\_Fee\\_Schedule\\_%281%29\\_jh\\_ls\\_%282%29.pdf](http://seo.state.wy.us/PDF/Statement_of_Reasons_2012_-_Chapter_V,_forms_and_Fee_Schedule_%281%29_jh_ls_%282%29.pdf). Final Chapter 1 text is available at <http://soswy.state.wy.us/Rules/RULES/8803.pdf>. Final Chapter V text is available at <http://soswy.state.wy.us/Rules/RULES/8804.pdf>.

**WATER QUALITY STANDARDS** The WDEQ is revising Chapter 1 of its Water Quality Rules and Regulations. The revisions address resolution of prior USEPA disapprovals from the last revision; updates of numeric criteria for priority and non-priority pollutants; and make housekeeping corrections. A public meeting is scheduled for December 14,

2012. For more information, contact Lindsay Patterson at (307) 777-7079 or at [lindsay.patterson@wyo.gov](mailto:lindsay.patterson@wyo.gov). The notice of proposed revisions and public comment period is available at [http://www.statescape.com/RegsText/StaticDownloads/62040\\_91740.pdf](http://www.statescape.com/RegsText/StaticDownloads/62040_91740.pdf). The notice of public meeting is available at [http://www.statescape.com/RegsText/StaticDownloads/62040\\_98044.pdf](http://www.statescape.com/RegsText/StaticDownloads/62040_98044.pdf).

## **LEGISLATIVE DEVELOPMENTS**

The Wyoming 2013 legislative session begins January 8, 2013 and adjourns March 1, 2013. For additional information on the Wyoming legislature, go to <http://legisweb.state.wy.us/>.

# Department of Defense Activity

**ARMY LAUNCHES OPERATIONAL ENERGY USE CAMPAIGN** The US Army launched its "The Power is In Your Hands" campaign in October 2012 to encourage soldiers to use energy smarter on the battlefield. The campaign will focus on creating an energy-informed culture throughout the Army, so that energy is factored into mission decisions. At the 2012 Association of the US Army (AUSA) Meeting and Exposition, Lt. Gen. Raymond V. Mason who heads the Army's Operational Energy Office, released a list of 10 initiatives to use operational energy smarter. The key elements of the initiatives include batteries and "worn power," generators, training simulators, accounting systems and microgrids, performance incentives for fuel and water savings, analytical tools that support the more rapid introduction of new conservation equipment (including a demonstration project at Camp Buehring, Kuwait), improvements for certain aircraft and vehicles, and next-generation technologies aimed at increased agility and sustainability. Additional information is available at [http://www.army.mil/article/89693/Army\\_launches\\_smart\\_Operational\\_Energy\\_use\\_campaign\\_\\_identifies\\_10\\_initiatives/](http://www.army.mil/article/89693/Army_launches_smart_Operational_Energy_use_campaign__identifies_10_initiatives/) and <http://usarmy.vo.llnwd.net/e2/c/downloads/269569.pdf>.

# Federal Activity

## **AIR**

**REGULATORY REVIEW: HEAVY-DUTY ENGINE AND VEHICLE STANDARDS AND HIGHWAY DIESEL FUEL SULFUR CONTROL REQUIREMENTS** The USEPA announced that it will review its Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements (Heavy-Duty 610 Review) ([77 FR 65840](http://www.federalregister.gov)). As part of this review, the agency is soliciting comment on: the continued need for the rules; the nature of complaints or comments received concerning the rules; the complexity of the rules; the extent to which the rules overlap, duplicate, or conflict with other Federal, State, or local government rules; and the degree to which the technology, economic conditions, or other factors have changed in areas affected by the rules. Comments are due December 31, 2012. For more information, contact Tad Wysor at (734) 214-4332 or at [wysor.tad@epa.gov](mailto:wysor.tad@epa.gov).

**NSR FOR PM2.5** The USEPA issued a final rule revising the definition of "regulated air pollutant" contained in two sets of Prevention of Significant Deterioration (PSD) regulations and in the agency's Emission Offset Interpretive

Ruling ([77 FR 65107](#)). The revision corrects an inadvertent error made in the 2008 final rule that implements the New Source Review (NSR) program for PM2.5. This action also removes a general requirement in the definition of regulated NSR pollutant to include condensable particulate matter (PM) when measuring one of the emissions-related indicators for PM. This final rule amending Title 40 CFR Parts 51 and 52 is effective December 24, 2012. For more information, contact Dan deRoeck at (919) 541-5593 or at [deroeck.dan@epa.gov](mailto:deroeck.dan@epa.gov).

**PM2.5 WORKSHOP** The USEPA scheduled a workshop on January 7, 2013 to identify approaches to assess the effectiveness of policies that reduce ambient levels of PM2.5 ([77 FR 66837](#)). Significant reductions in ambient levels of PM2.5 have been attributed to power plant sulfur dioxide (SO<sub>2</sub>) emission reductions in the east and to truck and marine engine rules in the west (SO<sub>2</sub> is a precursor to the formation of PM2.5). The purpose of this workshop is to identify approaches to design research to assess the public health benefits from implementation of these large-scale changes in levels of air pollution. For more information, contact Neal Fann at (919) 541-0209 or at [Fann.Neal@epa.gov](mailto:Fann.Neal@epa.gov).

**NORTH DAKOTA SIP: GHG PERMITTING AND PM2.5** The USEPA approved a revision to the North Dakota SIP related to regulation of greenhouse gases (GHGs) and PM2.5 under North Dakota's PSD program ([77 FR 64734](#)). The revision is intended to align North Dakota's regulations with the federal PSD and final Title V Greenhouse Gas Tailoring Rule and the final rule for implementation of the NSR program for PM2.5. The final approval was effective November 23, 2012. For more information, contact Jody Ostendorf at (303) 312-7814 or at [ostendorf.jody@epa.gov](mailto:ostendorf.jody@epa.gov).

## ***ENDANGERED SPECIES***

**CRITICAL HABITAT DETERMINATION RULES** The US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) announced the reopening of the public comment period on their [August 24, 2012 proposed rule](#) to revise their regulations pertaining to impact analyses conducted for designations of critical habitat ([77 FR 66946](#)). Comments are now due February 6, 2013. For more information, contact Douglas Krofta, USFWS, at (703) 358-2171 or Marta Nammack, NMFS, at (301) 713-1401.

## ***ENERGY***

**WAPA JOINT OUTREACH TEAM DRAFT RECOMMENDATIONS** The Western Area Power Administration (WAPA) Joint Outreach Team released draft recommendations on facilitating the US Department of Energy's (USDOE's) transition to a more resilient and flexible electric transmission grid and to achieving greater coordination among system operators ([77 FR 69619](#)). Comments are due January 22, 2013. The draft recommendations are in response to a request from the Energy Secretary. The draft recommendations are available at <http://ww2.wapa.gov/sites/western/about/Documents/JOT%20Draft%20Recommendations%20-%20FINAL%20%28111512%29.pdf>. Additional information is available at <http://ww2.wapa.gov/sites/western/about/Pages/Definingfuture.aspx>.

**GUIDANCE: ENERGY & WATER EFFICIENCY MEASURES** The USDOE released the final *Guidance for the Implementation and Follow-up of Identified Energy and Water Efficiency Measures in Covered Facilities*. This guidance to Federal agencies pertains to the implementation and follow-up of energy and water efficiency measures identified and undertaken per Section 432 of the Energy Independence and Security Act of 2007 (EISA). This is the third of three guidance documents. The EISA statute requires the USDOE to establish a publically available web-based tracking system that provides compliance data at the facility level. The EISA Compliance Tracking System (CTS) data findings will be available to the public 120 days after the release of this guidance. The final page of this guidance includes a request form for exemption of facilities from disclosure based on national security concerns; such requests are due by December 24, 2102. The guidance documents are available at [http://www1.eere.energy.gov/femp/regulations/facility\\_cts.html](http://www1.eere.energy.gov/femp/regulations/facility_cts.html).

**UPDATED ELECTRIC VEHICLE CHARGING STANDARD** The Society of Automotive Engineers (SAE) announced the first official standard for charging North American electric and hybrid electric cars. SAE adopted the [standard J1772](#) combination plug, which uses paired couplers to allow both direct current (DC) and alternating current (AC) charging. Cars with the older J1772 couplings, such as the 2012 Nissan Leaf and 2013 Chevrolet Volt, can still use the new plug. The new plug design could potentially reduce charging times from as long as eight hours to as short as 20 minutes. Most automobile manufacturers participated in development of the revised standard. Charge plug appearance and ratings are summarized at <http://www.sae.org/misc/pdfs/chargingtable10-3-2012.pdf>. The revised standard J1772\_201210 is available (for purchase) from [http://standards.sae.org/j1772\\_201210/](http://standards.sae.org/j1772_201210/). Additional information is available at <http://www.gizmag.com/sae-j1772-combo-plug-standard/24607/>.

**NAVY BIOFUEL INITIATIVE** The Congressional Research Service (CRS) prepared a report for Congress titled *Navy Biofuel Initiative Under the Defense Production Act*. The report looks at the Navy's program to develop alternative fuels to reduce its dependence on petroleum-based fuels, under the Defense Production Act (DPA) of 1950, as amended to develop a domestic industrial capacity and supply of biofuel. This report informs Congress as it considers the policy question of whether a domestic biofuel industry is necessary for national defense, and whether proceeding under the authority of the DPA offers the necessary stimulus. The USDOE's Biomass Research and Development Technical Advisory Committee met November 14-15, 2012 in Washington, DC. Among the meeting topics was a discussion of the Navy Biofuel Initiative proposed under authority of the Defense Production Act. The report is available at <http://www.fas.org/sgp/crs/natsec/R42568.pdf>. Meeting minutes are available at <http://biomassboard.gov/committee/meetings.html>.

**RENEWABLE FUEL STANDARD WAIVER DENIED** The USEPA announced that it has not found evidence to support a finding of severe economic harm that would warrant granting a waiver of the Renewable Fuels Standard (RFS). This decision is based on economic analyses and modeling done in conjunction with the US Department of Agriculture (USDA) and USDOE. The USEPA found that the evidence and information failed to support a determination that implementation of the RFS mandate during the 2012-2013 time period would severely harm the economy of a State, a region, or the United States, the standard established by Congress in the Energy Policy Act of 2005 (EPAAct). Additional information is available at <http://www.epa.gov/otaq/fuels/renewablefuels/notices.htm>.

## **OTHER**

**JOINT BASING** The Government Accountability Office (GAO) issued a report finding that DoD has not developed or implemented a plan to guide joint bases in achieving cost savings and efficiencies ([GAO-13-134](#)). The report notes that DoD's original estimate for saving \$2.3 billion from joint basing over 20 years has been revised downward by almost 90%. Additionally, the Office of the Secretary of Defense (OSD) does not yet have a fully developed method of accurately collecting information on costs, savings, and efficiencies. For more information, contact Brian Lepore at (202) 512-4523 or at [leporeb@gao.gov](mailto:leporeb@gao.gov).

**GUIDANCE FOR PROTECTING FIRST RESPONDERS: ANTHRAX ATTACK** The Department of Homeland Security revised its guidance for first responders to an anthrax attack ([77 FR 64531](#)). The document is titled *Guidance for Protecting Responders' Health During the First Week Following a Wide-Area Aerosol Anthrax Attack*. The revised guidance reflects the current understanding of the unique environment that would be expected during the first week of a wide-area anthrax release due to exposure to aerosolized *Bacillus anthracis* spores. The guidance was developed by a federal interagency working group that included subject matter experts in biodefense, infectious diseases, and occupational health and safety. For more information, contact David Adams at (202) 254-5756 or at [david.adams@hq.dhs.gov](mailto:david.adams@hq.dhs.gov). The guidance is available at <http://www.dhs.gov/publication/protecting-responders-health-after-wide-area-aerosol-anthrax-attack>.

**NATIONAL FIRE CODE REVISIONS** The National Fire Protection Association (NFPA) is requesting comment on proposed revisions to many of its fire safety codes and standards ([77 FR 67268](#)). Among the standards being revised are those

for carbon dioxide extinguishing systems, Halon 1301 systems, sprinkler systems, foam/water sprinkler systems, and systems for aircraft engine test facilities. Refer to the Federal Register citation for complete list of standards under revision and the applicable comment date(s). For more information, contact David Alderman at (301) 975-4019 or at [david.alderman@nist.gov](mailto:david.alderman@nist.gov).

**BIOBASED PROCUREMENT** The USDA designated twelve additional product categories for federal procurement preferences (77 FR 69381). Among the designated product categories are specialty precision cleaners and solvents, wastewater systems coatings, and fuel conditioners. Combat related military equipment is excluded per 7 CFR 3201.3(e). Refer to the Federal Register citation for additional procurement categories and more detail. This final rule is effective December 19, 2012. For more information, contact Ron Buckhalt at (202) 205-4008 or at [biopreferred@usda.gov](mailto:biopreferred@usda.gov).

## ***TOXICS***

**OUTBOUND INTERNATIONAL MAILING OF LITHIUM BATTERIES** The US Postal Service is revising its mailing standards for primary (non-rechargeable) and secondary (rechargeable) lithium cell and batteries properly installed in the equipment they are intended to power (77 FR 68069). This action allows such lithium batteries to be sent internationally or to army post office (APO), fleet post office (FPO), or diplomatic post office (DPO) locations when not restricted or prohibited by the destination country or APO, FPO, or DPO location. This revised mailing standard prohibits mailing of lithium batteries or cells either packed with equipment or mailed separately. It also establishes restrictions on the mailing of small consumer-type primary lithium cells or batteries and for secondary (rechargeable) batteries. This final rule was effective November 15, 2012. For more information, contact Rick Klutts at (813) 877-0372.

## ***WASTE***

**FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE** The USEPA updated the Federal Agency Hazardous Waste Compliance Docket, which is a listing of sites identified by agencies as needing remedial action (77 FR 66609). The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 120 requires that the USEPA assure that a preliminary assessment (PA) be completed within a reasonable timeframe for those Federal facilities that are included on the Docket. Refer to the Federal Register citation for details on additions and deletions to the Docket. The list is current as of September 12, 2012. For more information, contact Tim Mott at (703) 603-8807 or at [mott.timothy@epa.gov](mailto:mott.timothy@epa.gov). Additional information is available at <https://www.federalregister.gov/articles/2012/11/06/2012-27041/twenty-fifth-update-of-the-federal-agency-hazardous-waste-compliance-docket>.

**FEDERAL FACILITIES SITE EVALUATION PROJECT SITES** The USEPA posted information from the Federal Facilities Site Evaluation Project (FFSEP), a two-year effort to determine the assessment and cleanup status of 514 federally-owned sites. The 514 sites evaluated under the FFSEP were identified from the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database. Most indicate status of "no further response action planned (NFRAP)," or "known progress." Four sites indicated stalled or undetermined documentation. The FFSEP website is available at <http://www.epa.gov/fedfac/ffsep/index.htm>. The CERCLIS database is available at <http://www.epa.gov/superfund/sites/cursites/>.

**FINAL AUTHORIZATION FOR HAZARDOUS WASTE PROGRAM AUTHORIZATION** The USEPA authorized revisions to Colorado's Hazardous Waste Management program under the Resource Conservation and Recovery Act (RCRA) (77 FR 69765). These final amendments will become effective January 22, 2013 unless the agency receives adverse comment by December 22, 2012. This authorization means that a facility in Colorado subject to RCRA will now have to comply with the authorized state requirements instead of the equivalent federal requirements. The state is authorized to implement Land Disposal Restrictions Phase III (Checklist 151); Chlorinated Aliphatics Listing and Land Disposal Restrictions for Newly Identified Wastes (Checklist 189); and Export Shipments of Spent Lead-Acid Batteries

(Checklist 22). Additional detail may be found in the Federal Register citation. For more information, contact Moye Lin at (303) 312-6667 or at [Lin.Moye@epa.gov](mailto:Lin.Moye@epa.gov).

## **WATER**

**GAO REPORT: WATER ENERGY NEXUS** The GAO released a report on key energy-water nexus issues that Congress and federal agencies need to consider when developing and implementing national policies for energy and water resources. The report, titled *Energy-Water Nexus, Coordinated Federal Approach Needed to Better Manage Energy and Water Tradeoffs* (GAO-12-880) recommends that the USDOE take the actions necessary to establish a program to address the energy-water nexus, with involvement from other federal agencies, as described in the EPAct. For more information, contact Anu Mittal at (202) 512-6100 or at [mittala@gao.gov](mailto:mittala@gao.gov). Additional information is available at <http://www.gao.gov/products/GAO-12-880>.

**WATER EFFICIENCY STANDARDS FOR BUILDINGS** The American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) released its draft *Standard for the Efficient Use of Water in Building, Site and Mechanical Systems*. The draft standard addresses water make up and use needs of all kinds, insulation and piping run volume standards for hot water piping, water metering and data collection, and other topics. Comments are due December 10, 2012. For more information, contact Jodi Scott at (678) 539-1140 or at [jscott@ashrae.org](mailto:jscott@ashrae.org). The draft standard is available at <https://osr.ashrae.org/default.aspx>.

**HYDRAULIC FRACTURING RESEARCH RELATED TO DRINKING WATER RESOURCES** The USEPA is undertaking a study to better understand any potential impacts of hydraulic fracturing on drinking water resources (77 FR 67361). The scope of the study includes the full hydraulic fracturing water lifecycle from water acquisition, through the mixing of chemicals and injection of fracturing fluids, to the post-fracturing stage, including the management of flowback and produced water and its ultimate treatment and disposal. The agency is soliciting public involvement in identifying relevant data and scientific literature (including unpublished information) on the potential impacts of hydraulic fracturing on drinking water resources. For more information, contact Lisa Matthews at (202) 564-6669 or at [matthews.lisa@epa.gov](mailto:matthews.lisa@epa.gov).

## **Professional Development**

**ONLINE: Energy Star Training.** Energy Star offers free online training to help improve energy performance. Training is available in the form of live web conferences, pre-recorded training available 24/7, and self-guided presentations in pdf format you can take with you. Depending on the conference, session, or presentation, the training is designed for facility managers, property managers, environmental managers, energy managers, financial officers, building engineers, and others interested in Energy Star.

**\*ONLINE: FEMP Sponsored Training.** The USDOE's Federal Energy Management Program (FEMP) and the National Institute of Building Sciences are partnering to offer online three- to five-hour long eTraining Courses through the Whole Building Design Guide website. Courses recently made available include: Sustainable Institutional Change for Federal Facility Managers; Managing Water Assessment in Federal Facilities; Planning an Energy Assessment for Federal Facilities; Advanced Electric Metering in Federal Facilities; Commissioning for Existing Federal Buildings; Federal On-Site Renewable Power Purchase Agreements; Launching a Utility Energy Services Contract (UESC): Getting to Yes; Selecting, Implementing, and Funding Photovoltaic Systems in Federal Facilities. Additional information is available at <http://apps1.eere.energy.gov/femp/training/>.

**ONLINE:** [Air Force Civil Engineering School Seminars](#). The Air Force Civil Engineering School offers a variety of free online seminars on hazardous waste management, hazardous materials management, stormwater management, and more.

**ONLINE:** [USEPA Stormwater Webcast Series](#). The USEPA's National Pollutant Discharge Elimination System (NPDES) Permitting program offers training courses, workshops, and webcasts to explain the regulatory framework and technical considerations of the NPDES Permit program. These courses are designed for permit writers, dischargers, USEPA officials, and other interested parties. Follow the provided link to view upcoming webcasts.

**ONLINE:** [USEPA Reduce Runoff Video](#). The USEPA and the U.S. Botanic Garden produced a 9-minute on-line video, "Reduce Runoff: Slow It Down, Spread It Out, Soak It In," that highlights green techniques such as rain gardens, green roofs and rain barrels to help manage stormwater runoff.

**ONLINE:** [USEPA Watershed Academy Web Self Paced Training Modules](#). This USEPA online training website offers a variety of self-paced training modules that represent a basic and broad introduction to the watershed management field. Modules vary in the time to complete, from ½ hour to 2 hours.

**ONLINE:** [USEPA Watershed Academy Webcast Series](#). USEPA's Watershed Academy is sponsoring **free** webcast seminars for local watershed organizations, municipal leaders, and others. To access a webcast, simultaneously log on to the web and/or participate by phone conference lines in live training conducted by expert instructors. Archived training sessions are also available by streaming audio.

**ONLINE:** [NPDES Training](#). The web-based NPDES permit writers training is a series of web-based recordings of presentations. This training is appropriate for those who have attended the live course and wish to review the material in a self-paced environment, and for those who wish to become familiar with the NPDES process. A certificate of completion is available for each module in the series.

**ONLINE:** [ITRC Archived Internet-Based Training](#). The Interstate Technology and Regulatory Council (ITRC) offers **free** internet-based training events on a wide variety of topics. Archived training courses are available for online viewing or download for later viewing. Limited sessions/topics are available via podcast.

**ONLINE:** [CLU-IN Environmental Remediation Webcast Series](#). USEPA's Clean-up Information (CLU-IN) website provides information about innovative treatment and site characterization technologies while acting as a forum for waste remediation stakeholders. The CLU-IN website offers free podcasts, live web events, course and seminar information and more, with most lasting approximately two hours.

**ONLINE:** [Sustainable Materials Management Web Academy](#). The Sustainable Materials Management (SMM) Web Academy (*formerly the Resource Conservation Challenge, RCC*) series provides information through another year of webinars related to the USEPA's Sustainable Materials Management Program. Learn about key issues, successful projects, and a variety of best management practices for creating stellar waste management programs. Hear from experts around the country on what works and what doesn't, and how to make your program more successful. The format for the calls is a formal presentation followed by a question and answer session and discussion time.

**ONLINE:** [FedCenter-Sponsored Courses](#). In conjunction with the USEPA, FedCenter is now offering FREE, web-based, on-demand training courses for Federal employees. Initially, the FedCenter will be offering training for federal laboratories, environmental management systems, and underground storage tanks, but their library will expand over time to include other topic areas deemed important to the federal community. (FedCenter membership is required to view these courses).

**ONLINE:** [USEPA Climate & Energy Webcast Series](#). The USEPA hosts the Local Climate and Energy Webcast Series to assist local governments as they explore and plan climate change and clean energy efforts. These regular webcasts

highlight EPA resources available to local governments and present examples of successful climate and energy programs and policies implemented locally.

**ONLINE:** [FEMP E-Learning Course – Water Management Training](#). This on-line course was developed to provide the Federal sector facility/energy manager with information to assist in meeting Executive Order and legislative requirements (EO 13514 and 13423 and EISA 2007 and predecessors) and introduce key elements of water resource management, planning, and implementation. The course provides a comprehensive overview of water management and is made up of 11 modules, with each module expected to take up to 15-30 minutes to complete. At least two hours is required to take the entire course.

**ONLINE:** [Global Challenges/ Chemistry Solutions Podcast Series](#). Global Challenges/Chemistry Solutions is a series of podcasts describing some of the 21st Century's most daunting problems, and how cutting-edge research in chemistry matters in the quest for solutions. These global challenges includes dilemmas such as providing a hungry, thirsty world with ample supplies of safe food and clean water; developing alternatives to petroleum to fuel society; preserving the environment and assuring a sustainable future for our children; and improving human health.

**ONLINE:** [2012 First Thursday Series Seminars](#). First Thursday Seminars are FEMP training opportunities targeting Federal energy, environmental, and fleet professionals offered at no cost by leading experts. Seven seminars will be held February through August on the first Thursday of each month. Archived seminars from 2010 and 2011 are also available at this site.

**ONLINE:** [FEMP Energy Management Program Online Training](#). FEMP trains federal energy managers on the latest energy requirements, best practices, and technologies. Training categories include design, operations, and maintenance; energy efficient products; energy management; financing; fleet; GHGs; laws, regulation and guidance; renewable energy; and water efficiency. Search the FEMP website for all topics, specific topics, or type of training (live or on-demand) to find training opportunities. All courses are free unless otherwise noted.

**ONLINE:** [Solar Energy International](#). Solar Energy International offers several online courses addressing design and installation of a variety of solar energy systems. These fee-based courses generally require 10 hours per week of online instruction, accessible at any time. Courses must be completed within a 6-week window. Follow the provided link to view class schedules.

**VARIES:** [USACE 2013 Training Program \(Purple Book\)](#). US Army Corps of Engineers (USACE) FY 2013 training program is open for registration. For further information, contact USACE at (402) 697-2559. More information on USACE training programs is available at <http://pdsc.usace.army.mil/>.

**VARIES:** [Navy and ISEERB Environmental Training FY 13](#). The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY13 is available. Course topics include environmental overview and management; law planning & sustainability; pollution prevention; restoration; conservation; supplemental & internet/computer-based training, and more.

**VARIES:** [Air Force Civil Engineering School Training FY 2013](#). 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 US government. Fees vary according to personnel status (i.e. active duty Air Force/civilian, other US government employee, contractor).

**JANUARY 10-11, 2013 SALT LAKE CITY, UT:** [Utah Governor's Energy Development Summit](#). Join Governor Gary R. Herbert and other national energy leaders as they highlight energy priorities, hot topics, and emerging energy issues. Tracks cover conventional, unconventional, energy efficiency, and renewable energy issues. This event includes a trade show.

**JANUARY 14, 2013 LA JOLLA, CA:** [AWEA Regional Wind Energy Summit – West](#). The summit provides a comprehensive and timely analysis of current and near-term market conditions, import-export energy opportunities, and the latest on siting and transmission policy issues in the West.

**January 29-February 1, 2013 USMCB Kanoeha Bay, HI:** [Natural Resource Compliance](#). Repeats May 21-24, 2013, USMCB Quantico, VA. This course instructs DoD personnel on laws, regulations, and directives that govern stewardship of fish, game, and wildlife, protection of wetlands, waterways, and other special ecological areas, and management of forest and other land use within the context of the military mission. Covers mandatory interagency cooperation. Tuition-free for DoD military, civilian, and government-sponsored contractor personnel, however, travel and per diem costs are borne by the student's organization. For assistance, contact Beverly Copeland at (805) 982-3336 or at [beverly.copeland@navy.mil](mailto:beverly.copeland@navy.mil).

**February 4-8, 2013 Anchorage, AK:** [Alaska Forum on the Environment, 2013](#). The Forum continues to offer training and information that includes plenary sessions with nationally recognized keynote speakers, and a broad range of topics included in over 80 breakout sessions on: climate change, emergency response, environmental regulations, fish and wildlife populations, rural issues, energy, military issues, business issues, solid waste, contaminants, contaminated site cleanup, mining and others. [Online environmental training](#) is now available for a fee.

**FEBRUARY 5-7, 2013 JOINT BASE PEARL HARBOR-HICKHAM, HI:** [Advanced Historic Preservation Law & Section 106 Compliance](#). Repeats May 7-9, 2013, Fort Belvoir, VA and June 4-6, 2013, NTC Great Lakes, IL. Provides DoD and United States Coast Guard (USCG) military and civilian personnel with an awareness of the legal and policy requirements for cultural resources management. This course provides personnel with the knowledge necessary to manage and administer cultural resources on DoD installations. Tuition-free for DoD military, civilian, and government-sponsored contractor personnel, however, travel and per diem costs are borne by the student's organization. For assistance, contact Beverly Copeland at (805) 982-3336 or at [beverly.copeland@navy.mil](mailto:beverly.copeland@navy.mil).

**FEBRUARY 12-14, 2013 SCHOFIELD BARRACKS, HI:** [Introduction to Cultural Resource Management Laws & Regulations](#). The course introduces students to requirements and responsibilities under laws, regulations, and directives that govern Federal stewardship of cultural resources; DoD service and Coast Guard policies for consultation regarding cultural resources. Intended for installation cultural resource managers. Tuition-free for DoD military, civilian, and government-sponsored contractor personnel, however, travel and per diem costs are borne by the student's organization. For assistance, contact Beverly Copeland at (805) 982-3336 or at [beverly.copeland@navy.mil](mailto:beverly.copeland@navy.mil).

**FEBRUARY 13-15, 2013 SAN DIEGO, CA:** [SOLAR Power-Gen Conference & Exhibit](#). Understand the challenges associated with the advancement of large-scale solar energy. This conference provides opportunities to learn from leading industry specialists, plus manufacturers and suppliers on the forefront of the ever-changing market.

**FEBRUARY 20, 2013 PORTLAND OR:** [AWEA Regional Wind Energy Summit – Northwest](#). This summit provides a comprehensive and timely analysis of current and near-term market conditions, opportunities and the latest on siting, transmission expansion, and grid operations issues. Feature sessions include a spotlight on recently built wind projects and business development activity, as well as a state policy roundtable with legislators and regulators on what's hot in Washington, Idaho, Oregon and Montana.

**APRIL 11-13 2013, WASHINGTON, DC:** [Reclaim + Remake Symposium](#). This conference brings together the most innovative practices in education and research for current and future reuse and recycling of material resources in the built environment.

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

\*Indicates the first time a conference or event is reported in the Review.

## *How the Regional Offices Work for You*

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

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

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

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

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# Acronyms

<b>ACHP</b>	Advisory Council on Historic Preservation
<b>ACUB</b>	Army Compatible Use Buffer
<b>AFFF</b>	aqueous film forming foam
<b>ARM</b>	Administrative Rules of Montana
<b>ATSDR</b>	Agency for Toxic Substances and Disease Registry
<b>BACT</b>	best available control technology
<b>BART</b>	best available retro-fit technology
<b>BLM</b>	Bureau of Land Management
<b>BTU</b>	British thermal unit
<b>CAA</b>	Clean Air Act
<b>CAFE</b>	corporate average fuel economy
<b>CAIR</b>	Clean Air Interstate Rule
<b>CAMR</b>	Clean Air Mercury Rule
<b>CCR</b>	Code of Colorado Regulations
<b>CDNR</b>	Colorado Department of Natural Resources
<b>CDPHE</b>	Colorado Department of Public Health and Environment
<b>CERCLA</b>	Comprehensive Environmental Response, Compensation, and Liability Act
<b>CEQ</b>	Council on Environmental Quality
<b>CFR</b>	Code of Federal Regulation
<b>CH<sub>4</sub></b>	methane
<b>CNOR</b>	candidate notice of review
<b>CO<sub>2</sub></b>	carbon dioxide
<b>CO<sub>2</sub>e</b>	carbon dioxide equivalent
<b>CrVI</b>	hexavalent chromium
<b>CSB</b>	Chemical Safety Board
<b>CWA</b>	Clean Water Act
<b>CWQCC</b>	Colorado Water Quality Control Commission
<b>CX</b>	categorical exclusion
<b>DO</b>	dissolved oxygen
<b>DoD</b>	Department of Defense
<b>ECA</b>	emission control area
<b>DPS</b>	distinct population segment
<b>ECF</b>	emission comparable fuel
<b>EIO</b>	Energy Initiatives Office
<b>EIS</b>	environmental impact statement
<b>EO</b>	Executive Order
<b>EQC</b>	Environmental Quality Council
<b>ESA</b>	Endangered Species Act of 1973
<b>ESTCP</b>	Environmental Security Technology Certification Program
<b>FERC</b>	Federal Energy Regulatory Commission
<b>FIFRA</b>	Federal Insecticide, Fungicide, and Rodenticide Act
<b>FONSI</b>	finding of no significant impact
<b>FY</b>	fiscal year
<b>GAO</b>	Government Accountability Office
<b>GHG</b>	greenhouse gas
<b>GSA</b>	General Service Administration
<b>HCFC</b>	hydrochlorofluorocarbon
<b>HFC</b>	hydrofluorocarbon
<b>HFE</b>	hydrofluorinated ethers
<b>HID</b>	high intensity discharge
<b>INRMP</b>	integrated natural resource management plan
<b>ISEERB</b>	Interservice Environmental Education Review Board

<b>ITRC</b>	Interstate Technology and Regulatory Council
<b>JLUS</b>	Joint Land Use Study
<b>LBP</b>	lead-based paint
<b>LEED</b>	Leadership in Energy and Environmental Design
<b>LID</b>	Low-Impact Development
<b>MACT</b>	maximum achievable control technology
<b>MBER</b>	Montana Board of Environmental Review
<b>MCL</b>	maximum contaminant level
<b>MCLG</b>	maximum contaminant level goal
<b>MDEQ</b>	Montana Department of Environmental Quality
<b>MDNRC</b>	Montana Department of Natural Resources and Conservation
<b>MERIT</b>	Materials of Evolving Regulatory Interest Team
<b>MGA</b>	Midwestern Governors Association
<b>MOU</b>	memorandum of understanding
<b>MMS</b>	Minerals Management Service
<b>MS4</b>	municipal separate storm sewer system
<b>MSGP</b>	multi-sector general permit
<b>N<sub>2</sub>O</b>	nitrous oxide
<b>NAAQS</b>	National Ambient Air Quality Standards
<b>NCSL</b>	National Conference of State Legislatures
<b>NDDOH</b>	North Dakota Department of Health
<b>NEPA</b>	National Environmental Policy Act
<b>NESHAP</b>	National Emission Standards for Hazardous Air Pollutants
<b>NF<sub>3</sub></b>	nitrogen trifluoride
<b>NHTSA</b>	National Highway Transportation Safety Administration
<b>NIST</b>	National Institute of Standards and Technology
<b>NMFS</b>	National Marine Fisheries Service
<b>NOAA</b>	National Oceanic and Atmospheric Administration
<b>NO<sub>2</sub></b>	nitrogen dioxide
<b>NOx</b>	nitrogen oxides
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NRC</b>	National Research Council
<b>NSPS</b>	New Source Performance Standard
<b>NSR</b>	New Source Review
<b>OMB</b>	Office of Management and Budget
<b>ORCR</b>	Office of Resource Conservation and Recovery
<b>ORW</b>	outstanding resource water
<b>P2</b>	pollution prevention
<b>PBDE</b>	polybrominated diphenyl ethers
<b>PFC</b>	perfluorocarbons
<b>PFOA</b>	perfluorooctanoic acid
<b>PFOS</b>	perfluorooctane sulfonic acid
<b>PM</b>	particulate matter
<b>PM<sub>2.5</sub></b>	particulate matter 2.5 microns in diameter or less
<b>PM<sub>10</sub></b>	particulate matter 10 microns in diameter or less
<b>POPs</b>	persistent organic pollutants
<b>ppb</b>	parts per billion
<b>PSD</b>	Prevention of Significant Deterioration
<b>PWS</b>	public water system
<b>RCRA</b>	Resource Conservation and Recovery Act
<b>RGGI</b>	Regional Greenhouse Gas Initiative
<b>RICE</b>	Reciprocating Internal Combustion Engine
<b>RoC</b>	Report on Carcinogens
<b>RoHS</b>	European Union's Restriction of Hazardous Substances
<b>RRP</b>	Renovation, Repair, and Painting

<b>SDDENR</b>	South Dakota Department of Environment and Natural Resources
<b>SERDP</b>	Strategic Environmental Research and Development Program
<b>SI</b>	spark-ignition
<b>SIP</b>	State Implementation Plan
<b>SNAP</b>	significant new alternatives policy
<b>SNUR</b>	significant new use rule
<b>SO<sub>2</sub></b>	sulfur dioxide
<b>SOx</b>	sulfur oxides
<b>SPCC</b>	spill prevention, control, and countermeasures
<b>TiO<sub>2</sub></b>	titanium dioxide
<b>TMDL</b>	total maximum daily load
<b>tpy</b>	tons per year
<b>TRI</b>	Toxics Release Inventory
<b>TSCA</b>	Toxic Substance Control Act
<b>UDEQ</b>	Utah Department of Environmental Quality
<b>UDNR</b>	Utah Department of Natural Resources
<b>UFC</b>	Unified Facilities Criteria
<b>ug/m<sup>3</sup></b>	micrograms per cubic meter
<b>UPDES</b>	Utah Pollutant Discharge Elimination System
<b>US</b>	United States
<b>USACE</b>	United States Army Corps of Engineers
<b>USAEC</b>	United States Army Environmental Command
<b>USDA</b>	United States Department of Agriculture
<b>USDOE</b>	United States Department of Energy
<b>USDOJ</b>	United States Department of Interior
<b>USDOT</b>	United States Department of Transportation
<b>USEPA</b>	United States Environmental Protection Agency
<b>USFS</b>	United States Forest Service
<b>USFWS</b>	United States Fish and Wildlife Service
<b>USGS</b>	United States Geological Survey
<b>UST</b>	underground storage tank
<b>USTCA</b>	Underground Storage Tank Compliance Act
<b>VOC</b>	volatile organic compound
<b>WCI</b>	Western Climate Initiative
<b>WDEQ</b>	Wyoming Department of Environmental Quality
<b>WOSL</b>	Wyoming Office of State Lands
<b>WRAP</b>	Western Regional Air Partnership