



U.S. ARMY

# Western Review of Legislative & Regulatory Actions Region 9



The U.S. Army Regional Environmental & Energy Office

August 2013

The **WESTERN REGION 9 REVIEW** provides current information on natural resource, energy, and environmental issues relevant to Department of Defense interests in the 4 states and territories that comprise Federal Region 9. The Review is intended to be a tool useful to DoD and Army leaders, planners, and program managers in carrying out their responsibilities. The Western Region 9 Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. To receive a copy of this electronic publication, send an email request to [nancy.l.reese2.ctr@mail.mil](mailto:nancy.l.reese2.ctr@mail.mil).



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### Western Governors’ Association

The Western Governors’ Association (WGA) discussed public lands, endangered and invasive species, resource management, energy, and other topics at its 2013 annual meeting, June 28-30 in Park City Utah. The WGA also adopted several [resolutions](#) addressing federal and state policy affecting western states.

**Federal-State Land Exchanges & Purchases:** Urge Congress to simplify and streamline process for state and federal agencies to exchange public lands.

**Endangered Species Act:** Call on Congress and the Administration to reform the Endangered Species Act.

**Combating Invasive Species:** Better coordinate and prioritize the prevention and eradication of invasive plants and animals.

**Wildland Fire Management:** Request that Congress focus funding and federal policy on improving forest health and response to wildfires.

**Conserving Wildlife & Crucial Habitat:** Governors commit to provide the public with easy access to data on crucial habitat and species to guide responsible development.

Other resolutions address [abandoned mines](#), [mineral policy](#), and [agriculture](#).

The WGA also released an [energy resolution](#) that announced the adoption of the governors’ [10-Year Energy Vision](#), which articulates the overarching goals of a western energy policy and unveiled:

- [State of Energy in the West](#), providing detailed background on energy resources and consumption in the west; and
- [Energy Perspectives](#), essays by governors on energy-related topics.

For more information about the WGA and its policies and initiatives, visit the WGA [website](#). To comment on the initiatives, contact your [Regional Environmental Coordinator](#).

# Region 9

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



## ***NATURAL RESOURCES***

**AQUATIC INVASIVE SPECIES WATERS** The Arizona Game and Fish Department (AGFD) issued [Director's Order 2 R07/13](#) updating the list of waters or locations where listed aquatic invasive species are suspected or known to be present. The updated list was effective 1 JUL 13. For more information, contact Tom McMahon at (623) 236-7271.

**AQUATIC INVASIVE SPECIES: RESTRICTIONS ON MOVEMENT OF EQUIPMENT** AGFD issued [Director's Order 3 R07/13](#) updating mandatory conditions on the movement of watercraft, vehicles, conveyances, or other equipment within the updated list of waters impacted by invasive species (Director's Order 2 R07/13). This action is necessary to abate, eradicate, or prevent the spread of listed aquatic invasive species. The order on restrictions of movement was effective 1 JUL 13. For more information, contact Tom McMahon at (623) 236-7271.

## ***WATER***

**MULTI-SECTOR CONSTRUCTION STORMWATER GENERAL PERMIT** The Arizona Department of Environmental Quality (ADEQ) [re-issued](#) the Arizona Pollutant Discharge Elimination System (AZPDES) [Stormwater Construction General Permit](#) (2013 CGP). The 2013 CGP authorizes the discharge of stormwater and allowable non-stormwater associated with construction activities from large and small sites (refer to 40 Code of Federal Regulation [CFR] 122.26(b)(14)(x) and 122.26(b)(15), respectively). The re-issued permit was effective 3 JUN 13. Operators who received coverage on or before 3 JUN 13 under the 2008 CGP will have their coverage automatically transferred to the 2013 CGP (they do not have to submit a new NOI or notify ADEQ). Construction projects that are eligible to terminate permit coverage under the 2008 CGP must submit a Notice of Termination (NOT) before 3 JUN 13, otherwise coverage will automatically transition to 2013 CGP. Although their coverage will be automatically transferred, operators with ongoing construction projects that are covered by the 2008 CGP must update their stormwater pollution prevention plans (SWPPPs) within the first 120 days from the effective date of the 2013 CGP. Refer to Part 2.3(3)(e)(ii) of the permit for details. For more information, contact ADEQ at (602) 771-4508. The permit, a fact sheet, forms, SWPPP checklist, and discharge monitoring report are available on the Arizona Stormwater Construction General Permit [website](#).

## ***LEGISLATIVE DEVELOPMENTS***

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



## **AIR**

**ANTELOPE VALLEY: ARCHITECTURAL COATINGS** The [Antelope Valley Air Quality Management District](#) adopted [amendments to Rule 1113](#) (Architectural Coatings). The amendments align the local rule with state rules and with Clean Air Act (CAA) requirements for nonattainment areas to impose reasonably available control technology (RACT) for all existing major sources of air pollution. The [final rule](#) was effective 18 JUN 13. For more information, contact Barbara Lods at (661) 723-8070 extension 3.

**ANTELOPE VALLEY: MAJOR FACILITY LATE FEE** The Antelope Valley Air Quality Management District [adopted new Rule 300](#) (Major Facility Late Fee). The rule implements a late fee of 15% of the original major facility fee for charges not paid with 90 days of the due date. The [final rule](#) was effective 18 JUN 13. For more information, contact Jean Bracy at (760) 245-1661, extension 6214.

**SAN JOAQUIN VALLEY: EMISSION REDUCTIONS VIA INCENTIVE PROGRAMS** The San Joaquin Valley Air Pollution Control District adopted [new Rule 9610](#) (State Implementation Plan Credit for Emission Reductions Generated through Incentive Programs). This action will affect sources in the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. It provides an administrative mechanism for the district to receive credit toward State Implementation Plan (SIP) requirements for emissions reductions achieved in the San Joaquin Valley Basin through incentive programs. The final rule was effective 20 JUN 13. For more information, contact [Anna Myers](#) at (559) 230-6100.

**SOUTH COAST: ELECTRICAL GENERATING FACILITY ANNUAL FEE** The South Coast Air Quality Management District [is proposing new Rule 1304.1](#) (Electrical Generating Facility Annual Offset Fee for Use of Offset Exemption). The proposed rule will recover the fair market value of the offsets provided from district offset accounts and discourage account depletion. Electrical Generating Facilities (EGFs) continue to have the option of using emission reductions credits to offset repowering projects, consistent with new Greenfield EGF projects. Comments are due 27 AUG 13. A [public hearing](#) is scheduled for 6 SEP 13. For more information, contact [Henry Pourzand](#) at (909) 396-2414.

**SOUTH COAST: BEACH FIRES** The South Coast Air Quality Management District [adopted amendments to Rule 444](#) (Open Burning). The amendments restrict open fires on beaches by prohibiting beach burning after 1 JUN 14 unless specific criteria are met. The final rule was effective 12 JUL 13. For more information, contact [Michael Laybourn](#) at (909) 396-3066.

**SOUTH COAST: LEAD-ACID BATTERY RECYCLING FACILITIES** The South Coast Air Quality Management District held a [working group meeting to discuss a potential rule amendment to Rule 1420.1](#) (Emission Standards for Lead from Large Lead-acid Battery Recycling Facilities). For more information, contact [Susan Nakamura](#) at (909) 396-3105.

**VENTURA COUNTY: METALWORKING FLUIDS & DIRECT CONTACT LUBRICANTS** The Ventura County Air Pollution Control District [is proposing new Rule 74.31](#), which is based on South Coast Air Quality Management District [Rule 1144](#). The [proposed rule](#) is intended to reduce reactive organic compound (ROC) emissions from fluids used for metalworking (metal removal, metal forming, metal treating, and lubricating) operations where the fluid comes into contact with parts or products. Processes that may be subject to the proposed new rule include blanking, broaching, coining, and cutting. An [advisory committee meeting](#) is scheduled for 27 AUG 13. For more information, contact [Stan Cowen](#) at (805) 645-1408.

**VENTURA COUNTY: SO<sub>2</sub> LIMITS** The Ventura County Air Pollution Control District is proposing revisions to [district Rule 54](#) (Sulfur Compounds). The amendments would add the federal 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS) as a ground or sea level concentration limit to the current rule limits that are based on

state standards for SO<sub>2</sub>. In addition to adding the 2010 SO<sub>2</sub> NAAQS, the district is proposing to address deficiencies in Rule 54 identified by the Environmental Protection Agency (EPA) during the SIP revision process in February 2000. The SIP revisions consist primarily of clarifications and corrections. In addition, the district will make [conforming amendments to district Rule 42](#) (Permit Fees) to maintain consistency between the rules. A [public workshop](#) was held 17 JUL 13. For more information, contact [Tyler Harris](#) at (805) 645-1407.

## ***CLIMATE CHANGE***

**GHG CAP-AND-TRADE: COMPLIANCE INSTRUMENTS ISSUED BY LINKED JURISDICTIONS** The California Air Resources Board (CARB) [adopted revisions](#) to the California greenhouse gas (GHG) emissions cap-and-trade regulation. The amendments establish the details for common allowance auctions between California and Quebec and allow acceptance of Quebec compliance instruments for compliance with California's cap-and-trade regulation. The amendments include requirements for a linked compliance instrument registry and associated registration requirements. The [final rule](#) is effective 1 OCT 13. This action amends various sections of [Title 17](#) of the California Code of Regulation (CCR). For more information, contact Steve Cliff at (916) 322-7194. Information on the California Cap and Trade program is available [here](#).

## ***ENERGY***

**NONRESIDENTIAL BUILDING ENERGY USE DISCLOSURE** The California State Energy Resources and Development Commission [adopted regulations](#) related to nonresidential building energy use benchmarking and disclosure. Existing law requires the commission to adopt regulations that implement, interpret, and make specific the mandates of Assembly Bill ([AB](#)) [1103](#) (2007) and [AB 531](#) (2010). These bills require nonresidential building owners to benchmark and disclose energy consumption data and rating (if any) for their buildings in advance of major financial transactions (the sale, leasing, or financing of the entire building). The [final regulations](#) require utilities to release all of a building's energy use data, including tenant energy use data, into a building owner's [Energy Star Portfolio Manager](#) account. The final rule was effective 1 JUL 13. For more information, contact Justin Regnier at (916) 654-4196.

## ***NATURAL RESOURCES***

**OCEAN PLAN: STATE WATER QUALITY PROTECTION AREA** The California State Water Resources Control Board [amended](#) the [Ocean Plan](#) to add an intermediate level of state water quality protection area for general protection. This action also adds a model monitoring program for more consistent regional water board monitoring of point source, stormwater, and nonpoint source discharges to ocean water. Lastly, it aligns the Ocean Plan with state and federal laws and regulations applicable to ship discharges. The final rule was effective 31 JUL 13. For more information, contact Jeanine Townsend at (916) 341-5600. The board adopted [Resolution 2012-0056](#) 16 OCT 2012.

## ***OTHER***

**ENVIRONMENTAL JUSTICE WORKING GROUP** California Environmental Protection Agency (CalEPA) announced the formation of a new agency-wide working group to improve compliance with state environmental laws in California communities most burdened by pollution. The new [Environmental Justice Compliance and Enforcement Working Group](#) will build on agency-wide efforts to coordinate compliance and enforcement by involving the enforcement chiefs from each of CalEPA's five boards and departments. While enforcement is usually carried out by each board and department independently, the working group will focus enforcement efforts on multiple types of pollution simultaneously, whether it involves air, water, toxics, solid waste, or pesticides. The working group will use [CalEnviroScreen](#) to establish priority areas for coordinated compliance and enforcement efforts. For more information, contact Alex Barnum at (916) 324-9670.

## ***TOXICS***

**PROPOSITION 65: COAL COMBUSTION EMISSIONS** The California Office of Environmental Health Hazard Assessment (COEHHA) [listed](#) emissions from the combustion of coal as known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The listing was effective 7 AUG 13. For more information, contact [Cynthia Oshita](#) at (916) 445-6900. Additional information on the listing of emissions from the combustion of coal is available on the COEHHA [website](#).

**PROPOSITION 65: LIST OF CANCER CAUSING CHEMICALS** COEHHA published an [updated list](#) of chemicals known to the State to cause cancer or reproductive toxicity. Proposition 65 requires this list be revised and republished at least annually. Additional information about Proposition 65 is available on the COEHHA [website](#).

**PROPOSITION 65: NOTICE OF INTENT TO LIST FOUR CHEMICALS** COEHHA announced it intends to list chloral, choral hydrate, 1,1,1,2-tetrachloroethane, and trichloroacetic acid under Proposition 65. The industrial solvent 1,1,1,2-tetrachloroethane is no longer in widespread use in the U.S; it is also known as the refrigerant R-130. Comments are due 26 AUG 13. For more information, contact [Cynthia Oshita](#) at (916) 445-6900.

**PROPOSITION 65: POSSIBLE WARNINGS REGULATION** COEHHA [is considering a possible rulemaking](#) that would provide for more informative and meaningful warnings to individuals concerning exposures to carcinogens and reproductive toxicants. The regulation would offer a variety of options for businesses that are required to provide these warnings, and would provide businesses with greater certainty that their warnings comply with Proposition 65. A pre-regulatory workshop was held 30 JUL 13. For more information, contact [Monet Vela](#).

**CERTAIN RODENTICIDES DESIGNATED AS RESTRICTED** The California Department of Pesticide Regulation [is proposing](#) to amend its list of restricted pesticides. This action would designate the active ingredients brodifacoum, bromadiolone, difenacoum, and difethialone as California-restricted materials, making all second-generation anticoagulant rodenticide (SGAR) products restricted materials. In addition, this proposed action would add additional use restrictions for SGARs, and revise the definition of private applicator to refer to the federal definition of agricultural commodity found in 40 CFR Section 171.2(5). The rulemaking amends Sections 6000 and 6400, and adopts Section 6471 of 3 CCR. Comments are due 3 SEP 13. For more information, contact Linda Irokawa-Otani at (916) 445-3991.

**MERCURY THERMOSTAT COLLECTION PROGRAMS** The California Department of Toxic Substances Control adopted a rulemaking that implements the [Mercury Thermostat Collection Act of 2008](#). The act requires a manufacturer that sold mercury-added thermostats in California before 1 JAN 06 to establish and maintain a collection and recycling program for out-of-service mercury thermostats. This rulemaking establishes annual collection performance goals for the collection of mercury-containing thermostats that would otherwise become waste. It also adopts the methodology for calculating the number of out-of-service mercury-containing thermostats that become waste annually, establishes identification requirements for thermostats delivered to collection centers, and identifies annual reporting requirements for manufacturers. This action adopts [22 CCR, Division 4.5, Chapter 24, Article 1, sections 66274.1-66274.8](#). The final rule was effective 1 JUL 13. For more information, contact Neena Sahasrabudhe at (916) 324-8660.

## ***WASTE***

**HOUSEHOLD HAZARDOUS WASTE** CalRecycle [adopted revisions](#) to the regulations requiring each jurisdiction in California to annually report the amount of household hazardous waste (HHW) collected through locally administered programs. The revisions streamline the reporting process and provide clarity on the reporting of materials collected through a product stewardship program. California regulations ([CCR, Title 14, Division 7, Chapter 9, §18751.2](#)) mandate that each public agency responsible for HHW management shall ensure the amount of material (in pounds) collected through their program during the preceding reporting period (July 1 through June 30) is reported to CalRecycle by October 1 each year. The updated rules were effective 22 JUL 13. For more information, contact [Emily Wang](#).

## WATER

**DRAFT INDUSTRIAL GENERAL STORMWATER PERMIT** The California State Water Resources Control Board [is inviting public comment](#) on the draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Stormwater Associated with Industrial Activities that was released July 2013. This iteration of the permit is referred to as the July 2013 Draft Industrial General Permit. As compared to prior drafts, the July 2013 Draft Industrial General Permit provides a reduced cost of compliance, excludes numeric effluent limitations, and streamlines the regulatory process while protecting water quality. A workshop is scheduled for 14 AUG 13 and a public hearing is scheduled for 21 AUG 13. Comments are due 29 AUG 13. For more information, contact [Leo Cosentini](#) at (916) 341-5524. Additional information, including a [fact sheet](#), is available from the board's [website for industrial stormwater](#).

**GENERAL WASTE DISCHARGE REQUIREMENTS FOR COMPOSTING OPERATIONS** The California State Water Resources Control Board is developing general waste discharge requirements for composting operations, and [is requesting public comment](#) on the scope and content of an environmental impact report that will be developed in support of the rulemaking. The board is proposing to develop and adopt a General Waste Discharge Requirements for Composting Operations (Order) for possible use by the regional water boards. The Order would apply to all areas used for the receipt, processing, and storage for the conversion of certain eligible organic materials into a compost product. It will include conditions that would address appropriate water quality protection measures at existing and proposed composting operations that seek coverage under the Order. Comments are due 23 AUG 13. A public hearing is scheduled for the same day. For more information, contact [Shelly Amrhein](#) at (916) 341-5775. Documents, notices, and other information associated with this rulemaking are available from the [rulemaking website](#).

**TMDL: SAN PEDRO CREEK** The California State Water Resources Control Board adopted the [Basin Plan amendment](#) that establishes a total maximum daily load (TMDL) for bacteria and an implementation plan for San Pedro Creek and Pacifica State Beach. The Basin Plan amendment was [filed](#) with the Secretary of State 5 JUL 13. For more information, contact [Farhad Ghodrati](#) at (510) 622-2331.

## LEGISLATIVE DEVELOPMENTS

The [2013 California legislative session](#) began 3 JAN 13 and adjourns 13 SEP 13. An \* indicates the first time a bill appears in the 2013 Review.

<i>California Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1<sup>st</sup> House</i>	<i>Passed 2<sup>nd</sup> House</i>	<i>Status</i>
<b>AIR / CLIMATE CHANGE</b>				
<a href="#">AB 26</a> <i>Assemblywoman Susan Bonilla (D)</i> Proposes to prohibit the Controller from using moneys deposited in the Greenhouse Gas Reduction Fund for cash flow loans to the General Fund.	✓	✓		
<a href="#">AB 245</a> <i>Assemblyman Shannon Grove (R)</i> Proposes to repeal an exemption for the Western Climate Initiative, Inc. from requirements to hold open meetings (Bagley-Keene Open Meeting Act). Subjects the Western Climate Initiative, Inc. and its appointees to the Bagley-Keene Open Meeting Act when performing their duties.	✓			Failed crossover deadline
<a href="#">AB 147</a> <i>Assemblyman Manuel Perez (D)</i> Proposes to specify certain actions be completed concerning dust mitigation in the Salton Sea. Pertains to abatement of dust from the Salton Sea caused by other water transfers in the Quantification Settlement Agreement (QSA).	✓	✓		

<i>California Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1<sup>st</sup> House</i>	<i>Passed 2<sup>nd</sup> House</i>	<i>Status</i>
<a href="#">AB 278</a> <i>Assemblyman Mike Gatto (D)</i> Proposes to change how the Air Resources Board scores low carbon fuels. Requires the board to consider specific issues including deforestation, environmental law in place for the fuel's origin, and disruptions in food supply or costs.	✓	✓		
<a href="#">AB 691</a> <i>Assemblyman Al Muratsuchi (D)</i> Proposes to specify that assessing the effects of sea level rise on certain public trust lands be a management priority. Requires certain trustees of public tidelands and submerged lands prepare and submit to the legislature an assessment of how they propose to address sea level rise.	✓	✓		
<a href="#">SB 605</a> <i>Senator Ricardo Lara (D)</i> Proposes to require the CARB, when updating the GHG scoping plan, to include specified criteria. Requires all GHG emissions reductions be achieved within the state in areas that are most impacted by GHG and other pollutants.	✓	✓		
<a href="#">SB 726</a> <i>Senator Ricardo Lara (D)</i> Proposes to require the Western Climate Initiative to cease all work on behalf of the state.	✓	✓		
<a href="#">SB 793</a> <i>Senator Ricardo Lara (D)</i> Proposes to require an oceangoing vessel equipped to receive shore power to conduct the testing and inspection of such equipment each time the equipment is used.	✓			Failed crossover deadline
<a href="#">SB 798</a> <i>Senator Kevin De Leon (D)</i> Proposes to enact the California Green Infrastructure Bank Act. Establishes the California Green Infrastructure Bank as a public corporation responsible for administering the act.	✓			Failed crossover deadline
<b>ENERGY</b>				
<a href="#">AB 148</a> <i>Assemblyman Manuel Perez (D)</i> Proposes to establish a Salton Sea Renewable Energy and Biofuel Research and Development Program in the Salton Sea basin to provide grants to facilitate research and the commercial development of renewable energy and biofuel resources. Requires the Natural Resources Agency to issue rules for application, review, and issuance of grants.	✓			Failed crossover deadline
<a href="#">AB 177</a> <i>Assemblyman Manuel Perez (D)</i> Proposes to require all retail sellers of electricity to procure new demand-side and clean energy generation to achieve greenhouse gas emissions reduction, resource adequacy, and renewable goals simultaneously in the most cost-effective manner practicable. Promotes renewable energy development in the Salton Sea area.	✓			Failed crossover deadline
<a href="#">AB 190</a> <i>Assemblyman Joan Buchanan (D)</i> Proposes to make nonsubstantive changes to the meaning of kilowatt hour in the California Solar Initiative.	✓			Failed crossover deadline
<a href="#">AB 225</a> <i>Assemblyman Brian Nestande (R)</i> Proposes to address the speed of electric vehicles on roadways and operator licensing. Requires that the driver of a medium-speed electric vehicle possess a class A, class B, or class C driver's license.	✓	✓		

<i>California Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1<sup>st</sup> House</i>	<i>Passed 2<sup>nd</sup> House</i>	<i>Status</i>
<b>AB 248</b> <i>Assemblyman Jeff Gorell (R)</i> Proposes to require the Public Utilities Commission to submit a report on how it can achieve objectives related to once-through cooling power plants in Ventura County while preserving and enhancing electric system reliability in the counties of Santa Barbara and Ventura.	✓			Failed crossover deadline
<b>AB 284</b> <i>Assemblyman Bill Quirk (D)</i> Proposes to require the State Energy Resources Conservation and Development Commission to convene a "Road to 2050 Board." Specifies staffing and duties of the board. Requires the board to undertake studies and complete reports related to the goal of reducing greenhouse gas emissions by 80% of 1990 levels by 2050.	✓			Failed crossover deadline
<b>AB 293</b> <i>Assemblyman Travis Allen (R)</i> Proposes to make changes to existing requirements for the Public Utilities Commission to study and report on the impacts of distributed energy generation on the state's distribution and transmission grid.	✓			Failed crossover deadline
<b>AB 1014</b> <i>Assemblyman Das Williams (D)</i> Proposes to create the Green Tariff and Shared Renewable Generation program.	✓	✓		
<b>AB 1350</b> <i>Assemblyman Roger Hernandez (D)</i> Proposes to require the Public Utilities Commission to adopt and implement a schedule that implements a second phase-in period for expanding direct transactions.	✓			Failed crossover deadline
<b>AB 1409</b> <i>Committee On Utilities And Commerce</i> Proposes to move certain requirements for local publicly owned electric utilities from an area of the public utilities code pertaining to electrical restructuring, to the area of the code pertaining to the implementation of the California Solar Initiative.	✓	✓		
<b>SB 43</b> <i>Senator Lois Wolk (D)</i> Proposes to allow energy utility customers, including the military, who cannot generate their own renewable energy on site, to obtain renewable energy from off-site community renewable energy facilities.	✓	✓		
<b>SB 715</b> <i>Senator Ricardo Lara (D)</i> Proposes to exclude a facility that burns municipal solid waste from consideration as a renewable energy resource unless it is located in the County of Los Angeles and was operational prior to 26 SEP 96.	✓			Failed crossover deadline
<b>LAND USE</b>				
<b>SB 186</b> <i>Senator Stephen Knight (R)</i> Proposes to amend requirements related to the planning and zoning law that requires local government agencies to prepare and adopt a general plan that analyzes existing and projected housing needs.	✓			Failed crossover deadline
<b>SB 758</b> <i>Senator Martin Block (D)</i> Proposes to address Airport Land Use Compatibility Plan in the City of Coronado, where Naval Base Coronado is located.	✓	✓		

<i>California Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1<sup>st</sup> House</i>	<i>Passed 2<sup>nd</sup> House</i>	<i>Status</i>
<b>NATURAL RESOURCES</b>				
<a href="#">AB 37</a> <i>Assemblyman Henry T. Perea (D)</i> Proposes to amend the California Environmental Quality Act (CEQA) to require project applicants to prepare certain documentation.	✓	✓		
<a href="#">AB 875</a> <i>Assemblyman Wesley Chesbro (D)</i> Proposes to address restoration grant programs relating to salmon and anadromous trout species.	✓			Failed crossover deadline
<a href="#">AB 1060</a> <i>Assemblyman Steve Fox (D)</i> Proposes to exempt certain military projects from CEQA filing fees.	✓	✓		
<a href="#">AB 1134</a> <i>Assemblyman Ben Hueso (D)</i> Proposes to make changes to migratory bird hunting rules.	✓			Failed crossover deadline
<a href="#">AB 1302</a> <i>Assemblyman Curt Hagman (R)</i> Proposes to enact the Sustainable Environmental Protection Act. Limits the scope of CEQA-based judicial challenges to projects.	✓			Failed crossover deadline
<a href="#">SB 167</a> <i>Senator Ted Gaines (R)</i> Proposes to amend CEQA requirements.	✓			Failed crossover deadline
<b>OTHER</b>				
<a href="#">AB 12</a> <i>Assemblyman Ken Cooley (D)</i> Proposes to require the Department of Finance and the proponent office to annually review the standardized regulatory impact analyses for adherence to the adopted regulations. Potentially affects agency regulatory impact analysis conducted for each major regulatory action.	✓	✓		
<a href="#">AB 163</a> <i>Assemblyman Toni Atkins (D)</i> Proposes to extend for an additional ten years certain sales and use taxes, for operation of a thrift store on a military installation that assists members of the Armed Forces of the United States.	✓	✓	✓	To Governor
<a href="#">AB 526</a> <i>Assemblyman Melissa Melendez (R)</i> Proposes to extend deferrals for active members of the Military Reserve and Active Guard for payments on mortgages, credit cards, retail installment accounts and contracts, real property taxes and assessments, and vehicle leases. Addresses reinstatement of health care coverage.	✓	✓		
<a href="#">AB 1327</a> <i>Assemblyman Jeff Gorell (R)</i> Proposes to prohibit public agencies from using or contracting for the use of unmanned aircraft systems with certain exceptions.	✓			Failed crossover deadline
<a href="#">SB 720</a> <i>Senator Lou Correa (D)</i> Proposes to provide mortgage relief to current service members.	✓	✓		
<b>WASTE</b>				
<a href="#">AB 215</a> <i>Assemblyman Wesley Chesbro (D)</i> Proposes to revise the definitions of the various terms pertaining to requirements for rigid plastic packaging containers.	✓	✓		

<i>California Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1<sup>st</sup> House</i>	<i>Passed 2<sup>nd</sup> House</i>	<i>Status</i>
<b>AB 371</b> <i>Assemblyman Rudy Salas (D)</i> Proposes to authorize Kern County to prohibit the land application of sewage sludge.	✓			Failed crossover deadline
<b>AB 1398</b> <i>Committee On Natural Resources</i> Proposes to define commercial solid waste to include all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units.	✓	✓		
<b>SB 245</b> <i>Senator Lou Correa (D)</i> Proposes to establish the Used Mattress Recycling Act. Requires an industry group to establish a used mattress recycling program, similar to existing recycling programs for paint and used carpet.	✓			Failed crossover deadline
<b>SB 254</b> <i>Senator Loni Hancock (D)</i> Proposes to establish the Used Mattress Recovery and Recycling Act. Requires mattress manufacturers to develop a plan that ensures that the manufacturer is responsible for the collection and recycling of used mattresses generated by consumers in the state. Specifies requirements to be included in the plan, including meeting specified recycling goals. Requires annual reporting.	✓	✓		
<b>WATER</b>				
<b>AB 7</b> <i>Assemblyman Bob Wieckowski (D)</i> Proposes to require the California Division of Oil, Gas, and Geothermal Resources and the California State Water Resources Control Board to develop rules and regulations specific to hydraulic fracturing. Specifies requirements for production well owners.	✓			
<b>AB 240</b> <i>Assemblyman Anthony Rendon (D)</i> Proposes to add regulations for mutual water companies. Allows a mutual water company to file a lien against a shareholder for lack of payment. Adds requirements for mutual water company board members.	✓	✓		
<b>AB 282</b> <i>Assemblyman Bob Wieckowski (D)</i> Proposes to increase the fee to store petroleum in an underground storage tank by \$0.006 per gallon until 2016.	✓	✓		
<b>AB 467</b> <i>Assemblyman Mark Stone (D)</i> Proposes to require the state board, in expending moneys from the Freshwater Protection Fund, to prioritize programs that provide drinking water solutions for disadvantaged and severely disadvantaged communities.	✓	✓		
<b>AB 1223</b> <i>Assemblyman Mark Stone (D)</i> Proposes to make technical, nonsubstantive changes to the California Safe Drinking Water Act.	✓			Failed crossover deadline
<b>SB 246</b> <i>Senator Jean Fuller (R)</i> Proposes to reverse the consolidation of two water agencies (Desert View Water District and the Bighorn Mountains Water Agency).	✓	✓		
<b>SB 322</b> <i>Senator Ben Hueso (D)</i> Proposes to mandate the development of criteria for recycled water.	✓	✓		

California Bill Number, Sponsor, and Description	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Status
SB 449 <i>Senator Cathleen Galgiani (D)</i> Proposes to prohibit certain water project grants unless the project applicant is found to be sufficiently reducing their dependence on the Delta watershed.	✓			Failed crossover deadline



**GROUND WATER RULE** The Hawaii Department of Health (HDOH) [is proposing](#) to adopt the federal Ground Water Rule, published in the Federal Register [8 NOV 06](#) and codified at 40 CFR Parts 141 and 142 into Hawaii Administrative Rules, Title 11, Chapter 20 (HAR Chapter 11-20). The Ground Water Rule establishes a risk-targeted approach to target ground water systems that are susceptible to fecal contamination. Public water systems on Kauai, Oahu, Molokai, Lanai, Maui and the Big Island of Hawaii must comply with the rule. A [public hearing](#) is scheduled for 21 AUG 13. Comments are due the next day. For more information, contact Jennifer Nikaido at (808) 586-4258.

**WATER QUALITY STANDARDS** The HDOH is proposing to revise HAR [Chapter 11-54](#) (Water Quality Standards) and [Chapter 11-55](#) (Water Pollution Control). Proposed [amendments to the Water Quality Standards rule](#) would prevent water quality degradation from thermal discharges and adopt the test of significant toxicity (TST) for evaluating the combined impact of all pollutants on organisms under the whole effluent toxicity (WET) test. Other amendments would update citations, correct errors, and make stylistic changes. Proposed [amendments to the Water Pollution Control rule](#) would make substantive revisions to Appendix C; re-adopt NPDES General Permits with staggered expiration dates; update citations; and make housekeeping changes. The substantive changes to Appendix C (NPDES General Permit Authorizing Discharges of Storm Water Associated with Construction Activity) align state requirements with EPA’s Construction General Permit and the Effluent Limit Guidelines in 40 CFR 450, which is known as the Construction & Development Rule (C&D rule). A [public hearing](#) is scheduled for 21 AUG 13. Comments are due the same day. For more information, contact Darryl Lum at (808) 586-4309.

### ***LEGISLATIVE DEVELOPMENTS***

The [2013 Hawaii legislative session](#) began 16 JAN 13 and adjourned 1 MAY 13.

In addition, the [2013 Guam legislative session](#) began 2 JAN 13 and adjourns 28 DEC 13.

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



### ***AIR***

**AMBIENT AIR QUALITY STANDARDS** The Nevada State Environmental Commission (NSEC) [is proposing](#) to revise provisions governing NAAQS codified in NAC 445B. The draft amendments were published 25 JUL 13. For more information, contact the [State Environmental Commission](#).

**ADOPTION BY REFERENCE** NSEC is proposing to revise the date of federal regulations published in Federal Register that are adopted by reference to 1 JUL 13. This action would revise NAC 445B.221. For more information, contact the [State Environmental Commission](#).

## ***NATURAL RESOURCES***

**NOXIOUS WEEDS** The Nevada Department of Agriculture is [proposing](#) to add mayweed chamomile to the list of prohibited noxious weed seeds. The list is found at Nevada Administrative Code (NAC) [587.173](#). For more information, contact Jim Barbee at (775) 353-3600.

## ***WASTE***

**HAZARDOUS WASTE MANAGEMENT FEES** The NSEC is [proposing to increase fees](#) paid by facilities for the management of hazardous waste. This action would revise NAC 444.8448. The term "management of hazardous waste" is defined in NAC 444.8432 as "having the meaning ascribed to it in [NRS 459.435](#) and includes, but is not limited to, the open burning of hazardous waste, open detonation of hazardous waste, and incineration of hazardous waste, including burning for the recovery of energy or destruction in boilers or industrial furnaces." For more information, contact the [State Environmental Commission](#).

**SOLID WASTE MANAGEMENT FEES** The NSEC is [proposing to revise certain fees](#) paid by permitted solid waste management facilities. This action would revise NAC Chapter 444 by adding a new fee schedule for permitted disposal sites. For more information, contact the [State Environmental Commission](#).

## ***LEGISLATIVE DEVELOPMENTS***

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

# Department of Defense Activity

**FY 2013 BASE STRUCTURE REPORT** The DoD released its Base Structure Report for fiscal year (FY) 2013. The report, a summary of DoD's real property inventory, contains upgraded personnel data allowing readers to see official personnel data for every U.S. installation. In previous years the report included personnel information, but with the caveat that the data was only being used to show the magnitude of size of a location and should not be considered official data. The [FY 2013 Base Structure Report](#) features a new section with data provided by the Office of the Under Secretary for Personnel and Readiness.

**DoD 2013 ANNUAL REPORT TO CONGRESS ON SUSTAINABLE RANGES** The [Annual Report to Congress on Sustainable Ranges](#) described no significant changes in range capability or encroachment since 2012. It identified emerging challenges to training range sustainability, and reported on actions being taken to mitigate them. It used goals and milestones in its progress updates, and reported its projected funding requirements for implementing planned actions. Together these elements describe DoD's progress in implementing its comprehensive plan and addressing training constraints at its ranges.

## ***CLEANUP***

**DSMOA DISPUTE RESOLUTION GUIDANCE** DoD released guidance for managing dispute resolution within its Defense and State Memorandum of Agreement (DSMOA) program. [The guidance](#) provides the Military Services and the U.S. Army Corps of Engineers Grants Officer a better understanding of DoD's position on the nature of the dispute

resolution process and ensures the process' continued value in resolving restoration issues. This guidance will be incorporated into the next revision of [DoD Manual 4715.20](#), Defense Environmental Restoration Program (DERP) Management.

## **ENERGY**

**DoD ANNUAL ENERGY MANAGEMENT REPORT FOR FY 2012** DoD conducted a comprehensive assessment of energy initiatives across the agency and issued a [report](#) addressing shore-based energy consumption, conservation, and renewable energy efforts in FY 2012. In particular, the assessment identified a significant need for an energy policy to encompass all DoD Components and to guide the department's full range of energy activities. These include operational energy, facilities energy, and energy-related elements of mission assurance that are largely reliant on energy security.

**DoD ELECTRICITY PROGRAM** DoD issued [Directive 4140.25-M, Volume 3, Chapter 6](#) (DoD Electricity Program), effective 28 JUN 13. The document describes DoD policy and responsibilities for electricity procurement. Related documents pertaining to DoD management of bulk petroleum products, natural gas, and coal (DoDD 4140.25-M, Volumes 1, 2, and 3) are available on the [DoD Issuances website](#).

# Federal Activity

**GINA MCCARTHY CONFIRMED TO LEAD EPA** [Gina McCarthy](#) was sworn in on 19 JUL 13 as the Administrator of the EPA. Prior to her appointment, she served as Assistant Administrator for EPA's Office of Air and Radiation. In that position, she had been a leading advocate for common-sense strategies to protect public health and the environment. Prior to her confirmation as Assistant Administrator, McCarthy served as the Commissioner of the Connecticut Department of Environmental Protection. In her 25-year career, she has worked at both the state and local levels on critical environmental issues and helped coordinate policies on economic growth, energy, transportation and the environment.

**EPA RELEASES SPRING REGULATORY AGENDA** On 3 JUL 13 EPA released its [Regulatory Agenda](#) detailing what actions the agency intends to make in the coming year on the [regulations.gov](#) website. The website is sort-able by agency, organization, regulatory title, regulatory identifier number (RIN), or stage of rulemaking.

## **AIR**

**ARIZONA SIP: REGIONAL HAZE** EPA is taking final action to approve in part and disapprove in part proposed revisions to the Arizona SIP that implement the regional haze program ([78 FR 46141](#)). The revisions concern Arizona's best available retrofit technology (BART) control analyses and determinations, reasonable progress goals (RPGs) for class I areas, and other elements of the state's regional haze plan. The final rule is effective 29 AUG 13. For more information, contact [Gregory Nudd](#) at (415) 947-4107.

**CALIFORNIA SIP: ANTELOPE VALLEY** EPA is proposing to approve revisions to the Antelope Valley Air Quality Management District portion of the California SIP ([78 FR 45114](#)). The agency is proposing to approve local rules that regulate continuous emissions monitoring systems and standards for gaseous sulfur emission sources. Comments are due 26 AUG 13. For more information, contact [Stanley Tong](#) at (415) 947-4122.

**SACRAMENTO: PM2.5 ATTAINMENT** EPA is taking final action to determine that the Sacramento nonattainment area in California attained the 2006 24-hour fine particulate (PM2.5) NAAQS ([78 FR 42018](#)). Requirements for this area to submit an attainment demonstration, together with reasonably available control measures, a reasonable further

progress (RFP) plan, and contingency measures for failure to meet RFP and attainment deadlines are suspended for so long as the area continues to attain the 2006 24-hour PM<sub>2.5</sub> NAAQS. This final rule is effective 14 AUG 13. For more information, contact [John Ungvarsky](#) at (415) 972-3963.

**SACRAMENTO: PM<sub>10</sub> ATTAINMENT** EPA is proposing to approve California's request to redesignate the Sacramento nonattainment area to attainment for 24-hour coarse particulate (PM<sub>10</sub>) NAAQS ([78 FR 44494](#)). EPA is also proposing to approve the PM<sub>10</sub> maintenance plan and associated motor vehicle emission budgets for the Sacramento area. Lastly, the agency is proposing to approve the attainment year emissions inventory. Comments are due 23 AUG 13. For more information, contact [John Ungvarsky](#) at (415) 972-3963.

**WEST PINAL: PM<sub>2.5</sub> ATTAINMENT** EPA is proposing to determine that the West Central Pinal area in Arizona attained the 2006 24-hour PM<sub>2.5</sub> NAAQS ([78 FR 41901](#)). The agency is further proposing that if it finalizes this determination, requirements for the area to submit an attainment demonstration, reasonably available control measures, a RFP plan, and contingency measures to meet RFP and attainment deadlines would be suspended for as long as the area continues to attain the 2006 24-hour PM<sub>2.5</sub> NAAQS. Comments were due 12 AUG 13. For more information, contact [Ginger Vagenas](#) at (415) 972-3964.

## ***CULTURAL RESOURCES***

**WHITE HOUSE COUNCIL ON NATIVE AMERICAN AFFAIRS** On 1 JUL 13, President Obama issued Executive Order 13647 establishing the White House Council on Native American affairs ([78 FR 39539](#)). The council is tasked to improve coordination of Federal programs and the use of resources available to tribal communities. The Secretary of the Interior will chair the council, which includes heads of executive agencies, including DoD. The council will work across executive departments, agencies, and offices to coordinate development of policy recommendations to support tribal self-governance and coordinate the U.S. government's engagement with tribal governments and their communities.

## ***ENERGY***

**GRANT FUNDING FOR ENERGY CONSERVATION TECHNOLOGIES AT FEDERAL FACILITIES** The Department of Energy (DOE) [announced its intent to provide direct grant funding in FY 14](#) to federal agencies for the development of capital projects and other initiatives to increase the energy efficiency and renewable energy investments at agency facilities. Two topic areas are anticipated:

- Combined Heat and Power (CHP), and
- Renewable Energy (including solar, wind, biomass, landfill gas, ocean, geothermal, waste to energy, and new hydroelectric energy technologies).

Agencies are expected to propose projects that lend themselves to being replicated at additional federal sites, and leverage DOE funds using agency-appropriated funds or alternative project financing mechanisms such as Energy Savings Performance Contracts (ESPCs), Utility Energy Service Contracts (UESCs), or Power Purchase Agreements (PPAs). For more information, contact [David Boomsma](#).

**ENERGY STAR PORTFOLIO MANAGER UPGRADE** EPA released an upgraded version of Energy Star Portfolio Manager. The new [Energy Star Portfolio Manager](#) delivers a more user-friendly interface, enhanced data sharing capabilities, better reporting, and for the first time, the ability to manage buildings across their lifecycle from design through occupancy.

**SOLAR ENERGY ON PUBLIC LANDS** The Bureau of Land Management (BLM) announced a Public Land Order that withdraws 303,900 acres of land within 17 Solar Energy Zones in six western states from the location of mining claims that could impede development of solar energy sites ([78 FR 40499](#)). The lands had already been segregated from the mining laws under temporary measures. The Public Land Order extends the withdrawal for 20 years. The Department of Interior (DOI) established the [Solar Energy Zones](#) in October 2012 as part of a western solar plan that provides a road map for utility-scale solar energy development on lands managed by BLM in Arizona, California, Colorado, Nevada, New Mexico, and Utah.

## ***THREATENED AND ENDANGERED SPECIES***

**DRAFT HOUSE REPORT DIRECTS FEDERAL AGENCIES TO USE STATE FISH AND WILDLIFE DATA** The House Appropriations Committee, in a [draft report](#) accompanying the House's Appropriations Bill, directed federal agencies to use state fish and wildlife data as a principal source to inform decision-making. Page 13 of the report states "The Committee directs the Federal agencies to cooperatively engage with State wildlife agencies to ensure that they use State fish and wildlife data and analyses as a principal source to inform their land use, land planning and related natural resource decisions. The agencies should not duplicate analysis of raw data previously prepared by the States. Federal agencies should also provide their data to State wildlife managers to ensure that the most complete data is available to be incorporated into all decision support systems." Additional information is available on the [WGA website](#).

**CRITICAL HABITAT: BUENA VISTA LAKE SHREW** The Fish and Wildlife Service (FWS) issued a final rule designating 2,485 acres of critical habitat for the Buena Vista lake shrew (*Sorex ornatus relictus*) in Kings and Kern counties, California ([78 FR 39835](#)). This final rule was effective 1 AUG 13. For more information, contact Karen Leyse at (916) 414-6600.

**PROPOSED LISTING: YELLOW-LEGGED FROG, YOSEMITE TOAD** FWS reopened the public comment period on its [25 APR 13 proposed rule to list](#) the Sierra Nevada yellow-legged frog and the northern distinct population segment (DPS) (populations that occur north of the Tehachapi Mountains) of the mountain yellow-legged frog as endangered species, and the Yosemite toad as a threatened species ([78 FR 43122](#)). The agency also extended the public comment period on its [25 APR 13 proposal to designate critical habitat](#) for these species. The species are found in California; for further detail on species distribution, refer to the 25 APR 13 proposed rules. Comments are due 18 NOV 13. For more information, contact Jan Knight at (916) 414-6600.

**CRITICAL HABITAT: ACUÑA CACTUS AND FICKEISEN PLAINS CACTUS** FWS reopened the comment period of the proposed listing and designation of critical habitat for Acuña cactus and Fickeisen plains cactus ([78 FR 40673](#)). A single Acuña cactus was noted on the Barry M. Goldwater Gunnery Range (BMGR). FWS acknowledges the protections afforded the Acuña cactus by the Integrated Natural Resources Management Plan (INRMP) for BMGR; therefore, it will not include as critical habitat 935 acres on BMGR within the Coffeepot Mountain Subunit. Fickeisen Plains Cactus does not occur on DoD lands. Comments are due 23 JUL 13. For more information, contact Steve Spangle at (602) 242-0210.

**RECLASSIFICATION OF SAN CLEMENTE ISLAND LOTUS AND PAINTBRUSH** FWS reclassified both San Clemente Island lotus and San Clemente Island paintbrush from endangered to threatened due to substantial increases in their populations ([78 FR 45405](#)). FWS indicated that the ongoing threats are not of sufficient imminence, intensity, or magnitude to indicate that the species are presently in danger of extinction across their ranges. Both taxa will continue to be impacted by military training activities and land use, erosion, nonnative plants, and fire. However, the significant increase in number of occurrences of both taxa reduces the severity and magnitude of threats and the likelihood that any one event would affect all occurrences of either taxon. Additionally, the Navy is implementing conservation actions through their INRMP and has successfully reduced threats affecting both taxa and their habitat. This final rule is effective 26 AUG 13. For more information, contact Jim Bartel at (760) 431-9440.

**CRITICAL HABITAT: THREE PLANT SPECIES ON HAWAII** FWS reopened the public comment period on its 17 OCT 12 proposed designation of critical habitat for three plant species on Hawaii Island ([78 FR 39698](#)). Comments on the proposed critical habitat designations for kookoolau (*Bidens micrantha ssp. ctenophylla*), wahine noho kua (*Isodendron pyriformium*), and uhiuhi (*Mezoneuron kawaiense*) are due 3 SEP 13. For more information, contact Loyal Mehrhoff at (808) 792-9400.

**PETITION TO DELIST SOUTHERN OREGON/NORTHERN CALIFORNIA COHO SALMON** The National Marine Fisheries Service (NMFS) announced the results of a 90-day finding on a petition to delist the Southern Oregon/Northern California evolutionarily significant unit (ESU) of Coho salmon (*Oncorhynchus kisutch*) ([78 FR 46322](#)). The agency found that the petitioner did not present sufficient information to determine whether delisting is warranted. No further action will be

taken on the petition. This finding was made 31 JUL 13. For more information, contact Craig Wingert at (562) 980-4021.

## **WASTE**

**EPA REDUCES REGULATORY BURDEN FOR INDUSTRIAL FACILITIES USING SOLVENT WIPES** EPA issued a final rule modifying hazardous waste management regulations under the Resource Conservation and Recovery Act (RCRA) for solvent contaminated wipes. The final rule conditionally excludes certain solvent-contaminated wipes from hazardous waste regulations if businesses clean or dispose of them properly ([78 FR 46447](#)). The rule is based on EPA's final risk analysis, which was peer reviewed in 2008 and published for public comment in 2009. Additional information, including a summary chart, frequently asked questions (FAQ) page, and a press release are available on the [EPA Solvent Contaminated Wipes rulemaking website](#). The final rule is effective 31 JAN 14. For more information, contact [Amanda Kohler](#) at (703) 347-8975.

## **WATER**

**NPDES ELECTRONIC REPORTING RULE** EPA is proposing a new electronic reporting rule for the NPDES permit program ([78 FR 46005](#)). The proposed regulation would require permittees and regulators to use existing, available information technology to electronically report information and data related to the NPDES permit program in lieu of filing written reports. EPA anticipates that electronic reporting will save industry and regulators time and reduce costs. Comments are due 28 OCT 13. Due to the scope of the proposed rule, EPA anticipates there will be a supplemental comment period. For more information, contact [John Dombrowski](#) at (202) 566-0742.

**REMOVAL OF THE PESTICIDE DISCHARGE NPDES PERMITTING EXEMPTION** On 21 JUN 13 EPA finalized a rule to remove language exempting the application of pesticides from NPDES permit requirements in two circumstances: 1) when the application of the pesticide is made directly to waters of the U.S. to control pests that are present in the water; and 2) when the application of the pesticide is made to control pests that are over, including near, waters of the U.S. ([78 FR 38591](#)). This rulemaking is in response to the 2009 Sixth Circuit Court of Appeals ruling that vacated the EPA's 2006 NPDES Pesticides Rule. This final rule was effective 27 JUN 13. For more information, contact [Prasad Chumble](#) at (202) 564-0021.

**NATIONAL STORMWATER CALCULATOR** EPA released a [National Stormwater Calculator](#) tool. The tool is a desktop application that estimates the annual amount of stormwater runoff from a specific site, based on local soil conditions, slope, land cover, and historical rainfall records. Users can enter any U.S. location and select different scenarios to learn how implementation of specific green infrastructure can prevent pollution. The tool includes cost estimates for green infrastructure. The stormwater calculator website also includes a video tutorial, user guide, and instructions on how to download and install the tool.

**WATER EFFICIENCY IMPLEMENTING INSTRUCTIONS** The Council on Environmental Quality (CEQ) issued [Implementing Instructions: Federal Agency Implementation of Water Efficiency and Management Provisions of Executive Order 13514](#). The instructions establish guidelines for accounting for federal water uses as well as measurement and verification methods, and offer strategies for water conservation and reuse. They also provide guidelines for prioritizing projects and direct agencies to pursue the most beneficial and cost-effective opportunities first.

**GLOBAL WATER RISK MAPPING TOOL** The [World Resources Institute](#) (WRI) released an updated version of [Aqueduct](#), a global water risk mapping tool. The updated version uses more up-to-date data, new data sets, and improved resolution and user interface. It combines maps with 12 different water risk indicators, including physical water stress, water quality, and regulatory and reputational risk.

# Professional Development

## FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER - [FedCenter.gov](http://FedCenter.gov)

FedCenter.gov is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information in the following areas:

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

FedCenter also provides member assistance services such as:

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

\***CLIMATE READY WATER UTILITIES** EPA's Climate Ready Water Utilities initiative assists the water sector (drinking water, wastewater, and stormwater utilities) address impacts from climate change. This information helps utility owners and operators better prepare their systems for the impacts of climate change. The website has links to [tools and resources](#), new and recorded [training webinars](#), and more.

## **VARIOUS DATES AND TIMES ONLINE**

\***22 OCT 13, INTRODUCTION TO UTILITY ENERGY SERVICE CONTRACTS (UESC)** This [Federal Energy Management Program \(FEMP\) UESC Webinar](#) provides attendees with an overview of the contracting options and services available from their local utility companies to engineer, finance, and install cost-effective energy and water savings projects. Participants are walked through the typical project process from the audit phase to commissioning the equipment. This webinar introduces participants to UESCs and helps assess if this financing opportunity is appropriate for their project.

\***UTILITY ENERGY PROJECT INCENTIVE FUNDS** This FEMP course teaches federal agencies about financing the capital costs of energy improvement projects from savings generated through energy efficiency measures funded by utilities, public benefit funds, and other resources. This training opportunity targets federal energy, environmental, and fleet professionals and is offered at no cost by leading experts. [The training session is delivered live via satellite or through streaming media at your desktop.](#)

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

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

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

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

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

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

**EPA Sustainable Materials Management Academy** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs. Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management (SMM) is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

**INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL (ITRC) INTERNET BASED TRAINING** ITRC is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers training courses via the Internet to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents.

**EPA RCRA TRAINING** RCRA-related online courses, seminars, webinars, podcasts, and videos are posted throughout EPA's waste website. Introductory and advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations, and implementation.

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

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

**NAVY AND ISEERB ENVIRONMENTAL TRAINING FY13** The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY13 is available. Course topics include environmental overview and management; law planning and sustainability; pollution prevention; restoration; conservation; supplemental and Internet/computer-based training, and more.

**AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY13** The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineering School are available to all military and civilian employees of the U.S. government. Fees may vary.

An \* indicates the first time a training or professional development opportunity appears in the Review.

## *How the Regional Offices Work for You*

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

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

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

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

## *Staff Directory*

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# Acronyms

<b>AAQS</b>	ambient air quality standards
<b>ACHP</b>	Advisory Council on Historic Preservation
<b>ACUB</b>	Army Compatible Use Buffer
<b>ADEQ</b>	Arizona Department of Environmental Quality
<b>ADWM</b>	Arizona Department of Weights and Measures
<b>ADWR</b>	Arizona Department of Water Resources
<b>AFB</b>	Air Force Base
<b>AGRRC</b>	Arizona Governor's Regulatory Review Council
<b>AQIP</b>	Air Quality Improvement Program
<b>ARNG</b>	Army National Guard
<b>ASTM</b>	American Standard Test Method
<b>ATSDR</b>	Agency for Toxic Substances and Disease Registry
<b>BACM</b>	best available control measure
<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>CalEPA</b>	California Environmental Protection Agency
<b>CARB</b>	California Air Resources Board
<b>CaRFG3</b>	phase 3 California reformulated gasoline
<b>CBAR</b>	California Bureau of Automotive Repair
<b>CDC</b>	California Department of Conservation
<b>CDFG</b>	California Department of Fish and Game
<b>CDPH</b>	California Department of Public Health
<b>CDPR</b>	California Department of Pesticide Regulation
<b>CDTSC</b>	California Department of Toxic Substances Control
<b>CDWR</b>	California Department of Water Resources
<b>CEC</b>	California Energy Commission
<b>CEQ</b>	Council on Environmental Quality
<b>CEQA</b>	California Environmental Quality Act
<b>CERCLA</b>	Comprehensive Environmental Response, Compensation, and Liability Act
<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>COAL</b>	California Office of Administrative Law
<b>COE</b>	Army Corps of Engineers
<b>COEHHA</b>	California Office of Environmental Health Hazard Assessment
<b>CPUC</b>	California Public Utilities Commission
<b>CrVI</b>	hexavalent chromium
<b>CSWRCB</b>	California State Water Resources Control Board
<b>CVC</b>	California Vehicle Code
<b>CWA</b>	Clean Water Act
<b>CX</b>	categorical exclusion
<b>DA</b>	Department of Agriculture
<b>DO</b>	dissolved oxygen
<b>DoD</b>	Department of Defense
<b>DOE</b>	Department of Energy
<b>DOI</b>	Department of Interior

<b>DOT</b>	Department of Transportation
<b>DSM</b>	demand side management
<b>DPS</b>	distinct population segment
<b>EA</b>	environmental assessment
<b>ECA</b>	emission control area
<b>ECF</b>	emission comparable fuel
<b>EIO</b>	Energy Initiatives Office
<b>EIS</b>	environmental impact statement
<b>EPA</b>	Environmental Protection Agency
<b>EO</b>	Executive Order
<b>ESA</b>	Endangered Species Act of 1973
<b>ESTCP</b>	Environmental Security Technology Certification Program
<b>FERC</b>	Federal Energy Regulatory Commission
<b>FIFRA</b>	Federal Insecticide, Fungicide, and Rodenticide Act
<b>FONSI</b>	finding of no significant impact
<b>FS</b>	Forest Service
<b>FWS</b>	Fish and Wildlife Service
<b>FY</b>	fiscal year
<b>GAO</b>	Government Accountability Office
<b>GEPA</b>	Guam Environmental Protection Agency
<b>GHG</b>	greenhouse gas
<b>GSA</b>	General Service Administration
<b>HAP</b>	hazardous air pollutant
<b>HAR</b>	Hawaii Administrative Rule
<b>HB</b>	House Bill
<b>HCFC</b>	hydrochlorofluorocarbon
<b>HCWRM</b>	Hawaii Commission on Water Resource Management
<b>HDA</b>	Hawaii Department of Agriculture
<b>HDLNR</b>	Hawaii Department of Land and Natural Resources
<b>HDOH</b>	Hawaii Department of Health
<b>HFC</b>	hydrofluorocarbon
<b>HFE</b>	hydrofluorinated ethers
<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>MADL</b>	maximum allowable dose level
<b>MCL</b>	maximum contaminant level
<b>MCLG</b>	maximum contaminant level goal
<b>MERIT</b>	Materials of Evolving Regulatory Interest Team
<b>MOU</b>	memorandum of understanding
<b>MPA</b>	marine protected area
<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>NAC</b>	Nevada Administrative Code
<b>NDEP</b>	Nevada Division of Environmental Protection
<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 Traffic Safety Administration

<b>NIST</b>	National Institute of Standards and Technology
<b>NMFS</b>	National Marine Fisheries Service
<b>NOAA</b>	National Oceanic and Atmospheric Administration
<b>NO<sub>2</sub></b>	nitrogen dioxide
<b>NO<sub>x</sub></b>	nitrogen oxides
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NRC</b>	Nuclear Regulatory Commission
<b>NSEC</b>	Nevada State Environmental Commission
<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>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>SERDP</b>	Strategic Environmental Research and Development Program
<b>SI</b>	spark-ignition
<b>SIP</b>	state implementation plan
<b>SNAP</b>	significant new alternatives policy
<b>SNUR</b>	significant new use rule
<b>SO<sub>2</sub></b>	sulfur dioxide
<b>SO<sub>x</sub></b>	sulfur oxides
<b>SPCC</b>	spill prevention, control, and countermeasures
<b>TiO<sub>2</sub></b>	titanium dioxide
<b>TMDL</b>	total maximum daily load
<b>tpy</b>	tons per year
<b>TRI</b>	Toxics Release Inventory
<b>TSCA</b>	Toxic Substance Control Act
<b>UFC</b>	Unified Facilities Criteria
<b>ug/m<sup>3</sup></b>	micrograms per cubic meter
<b>U.S.</b>	United States
<b>USACE</b>	United States Army Corps of Engineers
<b>USAEC</b>	United States Army Environmental Command
<b>USGS</b>	United States Geological Survey
<b>UST</b>	underground storage tank
<b>USTCA</b>	Underground Storage Tank Compliance Act
<b>VOC</b>	volatile organic compound
<b>WCI</b>	Western Climate Initiative
<b>WGA</b>	Western Governors' Association
<b>WRAP</b>	Western Regional Air Partnership