



U.S. ARMY

Western Review of Legislative & Regulatory Actions Region 8



The U.S. Army Regional Environmental & Energy Office

March 2013

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.l.reese2.ctr@mail.mil.



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Partnerships with Power

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

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

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

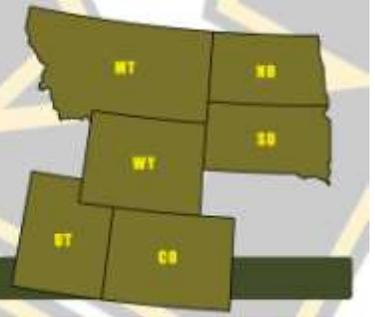
The Texas Environmental Partnership of the state regulatory community, DoD/Army, National Aeronautics and Space Administration, Texas National Guard, and Coast Guard has been successful in reducing enforcement actions against DoD facilities and avoiding significant compliance costs. REEO-Central has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

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

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

Region 8

For more information on any state issues in Region 8, contact [Julia Miller](#), Region 8 Program Coordinator (303) 844-0952.



AIR

REGULATION 7: OZONE PRECURSORS The Colorado Department of Public Health and Environment (CDPHE) adopted revisions to Regulation Number 7 (Volatile Organic Compounds Control) in response to the Environmental Protection Agency's (EPA's) partial disapproval ([76 FR 47443](#)) of Colorado's Ozone State Implementation Plan (SIP). The revisions clarify state-specific requirements. The final regulation was effective 15 FEB 13. For more information, contact [Stefanie Rucker](#) at (303) 692-3188. The notice of public hearing is available at <http://www.sos.state.co.us/CCR/DisplayHearingDetails.do?trackingNumber=2012-00861>. Proposed rule text is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/ProposedRuleAttach2012-00861.DOC>. The final rule is available at <http://www.sos.state.co.us/CCR/Upload/AGORequest/AdoptedRules02012-00861.DOC>.

WATER

REGULATION 32: ARKANSAS RIVER BASIN The CDPHE adopted revisions to current temporary modifications of water quality standards expiring on or before 31 DEC 14, for multiple segments in the Classifications and Numeric Standards for Arkansas River Basin, Regulation 32 (5 Colorado Code of Regulation [CCR] 1002-32). A public hearing was held to determine whether the temporary modification should be modified, eliminated or extended. The temporary modifications were deleted for some segments and the Water Quality Control Commission will revisit the issue during the basin-wide assessment in JUN 13. The final rule is effective 30 JUN 13. For more information, contact [Sarah Johnson](#) at (303) 692-3609. A copy of the proposed rule (modifications in ~~strikeout~~) is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/ProposedRuleAttach2012-00732.PDF>. The final rule is available at <http://www.sos.state.co.us/CCR/Upload/AGORequest/AdoptedRules02012-00732.RTF>.

REGULATION 33: UPPER COLORADO RIVER BASIN & NORTH PLATTE The CDPHE adopted revisions to current temporary modifications of water quality standards expiring on or before 31 DEC 14, in the Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation 33 (5 CCR 1002-33). A public hearing was held to determine whether the temporary modification should be modified, eliminated or extended. The Water Quality Commission allowed the temporary modifications to expire as scheduled. The final rule is effective 30 JUN 13. For more information, contact [Sarah Johnson](#) at (303) 692-3609. A copy of the proposed rule is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/ProposedRuleAttach2012-00733.PDF>. The final rule is available at <http://www.sos.state.co.us/CCR/Upload/AGORequest/AdoptedRules02012-00733.RTF>.

REGULATION 38: SOUTH PLATTE, LARAMIE, REPUBLICAN &, SMOKY HILL RIVER BASINS The CDPHE adopted revisions current temporary modifications of water quality standards expiring on or before 31 DEC 14, in the Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican, Smoky Hill River Basin, Regulation 38 (5 CCR 1002-38). A public hearing was held to determine whether the temporary modification should be modified, eliminated or extended. The Water Quality Control Commission allowed the temporary modifications to expire as

scheduled and will revisit the issue at the annual temporary modification hearing in DEC 13. The final rule is effective 30 JUN 13. For more information, contact [Sarah Johnson](#) at (303) 692-3609. A copy of the proposed rule is available at <http://www.sos.state.co.us/CCR/Upload/NoticeOfRulemaking/ProposedRuleAttach2012-00733.PDF>. The final rule is available at <http://www.sos.state.co.us/CCR/Upload/AGORequest/AdoptedRules02012-00737.RTF>.

CHRONIC ARSENIC STANDARD: BOULDER CREEK The CDPHE adopted a temporary modification to the chronic arsenic standard for Boulder Creek segment 9 in the Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation 38 (5 CCR 1002-38). The final rule was effective 1 MAR 13. For more information, contact [Nancy Horan](#) at (303) 692-3463.

TRIENNIAL REVIEW The CDPHE released proposed amendments to Regulation 32 (Classifications and Numeric Standards Arkansas River Basin) and the triennial review of water quality standards. A public hearing is scheduled for 10 JUN 13. This action is the third and final step in a three-step process for triennial review of water quality classifications and standards in Colorado. For more information, contact [Sarah Johnson](#) at (303) 692-3609. The notice of public hearing and proposed rule is available at <http://www.sos.state.co.us/CCR/DisplayHearingDetails.do?trackingNumber=2013-00167>.

LEGISLATIVE DEVELOPMENTS

The [Colorado 2013 legislative session](#) began 9 JAN 13 and adjourns 7 MAY 13. An * indicates the first time a bill appears in the 2013 Review.

<i>Colorado Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
HB 1091 <i>Representative Dave Young (D)</i> Proposes to authorize the Air Quality Control Commission allow fleet owners use an alternate method for demonstrating compliance with opacity standards.	✓	✓		
HB 1128 <i>Representative Lori Saine (R)</i> Proposes to allow a board of county commissioners to exclude any or all parts of the county from the enhanced motor vehicle emissions program area if the excluded part of the county does not violate air quality standards for carbon monoxide or ozone.	✓			
ENERGY				
* HB 1110 <i>Representative Randy Fischer (D)</i> Proposes to lower the special fuel tax rates for compressed natural gas, liquefied natural gas, and liquefied petroleum gas and to repeal the annual fee that is charged in lieu of the special fuel tax and the related decal system. Requires registration of plug-in electric vehicles.	✓			
SB 63 <i>Senator Kevin Grantham (R)</i> Proposes to address recycled energy (gas derived from waste) with regard to renewable energy standards and synthetic gas.	✓			
LAND USE				
SB 37 <i>Senator Larry Crowder (R)</i> Proposes to create the Pinon Canyon Maneuver Site Land Purchase Authority. Establishes its composition, management processes, responsibilities, and authorities and its reporting, and recordkeeping requirements.	✓			

<i>Colorado Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
NATURAL RESOURCES				
SB 83 <i>Senator Ellen Roberts (R)</i> Proposes to create the Colorado Prescribed Burning Act. The Act directs the Division of Natural Resources to promulgate rules for prescribed burning.	✓	✓		
*SB 169 <i>Senator Larry Crowder (R)</i> Proposes to authorize the reintroduction of black-footed ferrets in Colorado pursuant to programmatic safe harbor agreements and enhancement-of-survival permits without further legislative approval.	✓	✓		
OTHER				
WASTE				
*SB 50 <i>Senator Nancy J. Todd (D)</i> Proposes to establish the Recycling Resources Economic Opportunity Fund. Specifies that fund monies be generated from fees on commercial disposal vehicles.	✓	✓		
SB 57 <i>Senator Steve King (R)</i> Proposes to divest the CDPHE of the authority to review plans associated with solid waste facility design.	✓			
WATER				
HB 1044 <i>Representative Randy Fischer (D)</i> Proposes to permit graywater to be used in accordance with terms and conditions of decrees or permits. Authorizes local authority discretion to authorize graywater use.	✓			
HB 1130 <i>Representative Jerry Sonnenberg (R)</i> Proposes to allow the state engineer to extend an original agreement for operation of an interruptible water supply.	✓	✓		
SB 19 <i>Senator Gail S. Schwartz (D)</i> Proposes to direct the water judge to disregard the decrease in use of water from government-sponsored conservation programs in its determinations of historical consumptive use in change of water right cases. Adds to the list a decrease in water use to provide for compact compliance.	✓			
SB 41 <i>Senator Mary Hodge (D)</i> Proposes to reverse certain Colorado Supreme Court holdings concerning flood control, fire or drought protection, beneficial use, and water rights.	✓	✓		
SB 72 <i>Senator Mary Hodge (D)</i> Proposes to delete a requirement for a final permit for all wells withdrawing designated ground water from the Denver basin aquifers.	✓	✓		
*SB 74 <i>Senator Mary Hodge (D)</i> Proposes to create a mechanism to determine the acreage for an irrigation water right for which the original decree predates 1937 and is unclear about the amount of acreage that may be irrigated under the water right.	✓	✓		

<i>Colorado Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 75 <i>Senator Greg Brophy (R)</i> Proposes to specify that once the state engineer issues a final permit for the withdrawal of designated ground water, the engineer cannot reduce the withdraw amount to promote conservation of water.	✓	✓		
SB 78 <i>Senator Angela Giron (D)</i> Proposes to provide a process for a water right holder to address erroneous recordkeeping associated with points of water diversion.	✓	✓		



WATER

FEES & NEW RULE FOR SIGNIFICANT DEFICIENCY The Montana Department of Environmental Quality adopted amendments to the Administrative Rules of Montana (ARM) 17.38.106 pertaining to fees and the adoption of New Rule I pertaining to significant deficiency. This action adds a new fee for engineering reviews of certain water distribution or collection system categories. The new rule implements requirements in [Senate Bill 102 \(2009\)](#) by adopting rules requiring public water supply systems and public sewage systems to remedy certain deficiencies. The rule clarifies the conditions that constitute a deficiency that requires corrective action. The final rule was effective 15 FEB 13. For more information, contact [Elois Johnson](#) at (406) 444-2630. The notice of proposed rulemaking is available at <http://www.mtrules.org/gateway/ShowNoticeFile.asp?TID=4403>. The notice of final rule is available at <http://www.mtrules.org/gateway/ShowNoticeFile.asp?TID=4656>.

LEGISLATIVE DEVELOPMENTS

The [Montana 2013 legislative session](#) began 7 JAN 13 and adjourns 27 APR 13. An * indicates the first time a bill appears in the 2013 Review.

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
SB 44 <i>Environmental Quality Council</i> Proposes to eliminate the air pollution control advisory council and its functions.	✓	✓		
ENERGY				
*HB 394 <i>Representative Mike Phillips (D)</i> Proposes to allow for aggregate net metering.	✓			Failed cross-over deadline
SB 26 <i>Senator Greg Jergeson (D)</i> Proposes to revise the graduated renewable energy standard by changing deadlines and clarifying compliance requirements.	✓	✓		

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 31 <i>Senator Debby Barrett (R)</i> Proposes to exclude existing hydroelectric resources within the definition of renewable energy resource under the Montana Renewable Power Production and Rural Economic Development Act.	✓	✓		
SB 45 <i>Senator Jim Keane (D)</i> Proposes to revise the definition of eligible renewable resource to include hydroelectric project expansions.	✓	✓		
SB 52 <i>Senator Jim Keane (D)</i> Proposes to clarify what entities are responsible for reporting renewable energy credits; establishes penalties for those entities' failure to report.	✓	✓	✓	Signed by Governor
SB 74 <i>Senator Jason Priest (R)</i> Proposes to require that renewable energy projects and universal systems benefits (public purpose) projects be green certified.	✓			Failed cross-over deadline
SB 106 <i>Senator Greg Jergeson (D)</i> Proposes to add certain definitions related to the renewable portfolio standard.	✓	✓		
SB 116 <i>Senator Ron Arthun (R)</i> Proposes to revise special fuel user permit laws by repealing the special fuel user's permit and by removing certain requirements.	✓	✓		
LAND USE				
HB 169 <i>Representative Kerry White (R)</i> Proposes to allow a local governing body to use or modify a growth policy for the purposes of coordinating and cooperating with federal land management agencies.	✓	✓	✓	To Governor
*SB 288 <i>Senator Chas V. Vincent (R)</i> Proposes to amend state eminent domain laws. Clarifies that property may be taken by the state or its agents in charge of the public use in accordance with eminent domain laws. Establishes criteria for an appraisal conducted pursuant to eminent domain laws.	✓	✓		
*SB 290 <i>Senator Elsie Arntzen (R)</i> Proposes to provide process for notification of nearby municipal property owners when a change in use in certain county zoning districts occurs; and requiring the county to hold a public hearing under certain circumstances.	✓	✓		
*SJR 15 <i>Senator Jennifer Fielder (R)</i> Proposes to request an interim study evaluating the management of certain federal lands, assessing risks, and identifying solutions.	✓			
NATURAL RESOURCES				
HB 246 <i>Representative Kerry White (R)</i> Proposes to ban conservation easements in perpetuity and requires local governments to approve conservation easements. Removes property tax exemptions for interest held by qualifying private organizations.	✓			Failed cross-over deadline

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 18 <i>Water Policy Committee</i> Proposes to clarify ownership of a channel or former channel of a navigable river or stream following erosion or deposition of sediments that remove lands, create new lands, or add to existing lands.	✓	✓		
SB 200 <i>Senator Chas V. Vincent (R)</i> Proposes to revise laws related to wolf management.	✓			
SB 201 <i>Senator Bradley Hamlett (D)</i> Proposes to revise laws related to wildland fire. Requires the Department of Natural Resources and Conservation to advocate for authority to engage in forest management activities to reduce fire risk on federally managed land located within the wildland-urban interface.	✓	✓		
*SB 273 <i>Senator Sharon Stewart-Peregoy (D)</i> Proposes to revise Montana antiquities laws. Requires state agencies to consult with Indian tribes about actions potentially affecting tribal traditional cultural property.	✓			
OTHER				
WASTE				
HB 146 <i>Representative Kristin Hansen (R)</i> Proposes to limit how and when the Department of Environmental Quality can impose fees on solid waste facilities. Requires justification for fee increases.	✓	✓		
HB 173 <i>Representative David Moore (R)</i> Proposes to revise the Department of Environmental Quality's process for certain remedial actions. Limits certain remedial actions near schools.	✓			Failed cross-over deadline
WATER				
HB 37 <i>Representative Bill McChesney (D)</i> Proposes to allow a temporary change of a water right through a lease. Establishes requirements for a temporary lease.	✓	✓		
HB 106 <i>Representative Pat Connell (R)</i> Proposes to clarify the process for a permit or a change in appropriation right and to streamline the permit requirements in closed basins.	✓	✓		
HB 128 <i>Representative Galen Hollenbaugh (D)</i> Proposes to authorize the expenditure of fines collected for unlawful use of water in order to enforce water use laws.	✓	✓		
*HB 516 <i>Representative Bill Harris (R)</i> Proposes to revise water rights laws. Specifies who can hold a water right in Montana. Prohibits certain nonstate entities from receiving a water appropriation right in the state. Prohibits the US or any US agency from obtaining a water reservation.	✓			Failed cross-over deadline

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
*HB 561 <i>Representative Roger Hagan (R)</i> Proposes to define the term "combined appropriation" for water wells and developed springs that are exempt from permitting.	✓			Failed cross-over deadline
HJR 7 <i>Representative Patrick Connell (R)</i> Proposes to initiate legal action against the federal government for damages to state waters.	✓	✓		
SB 19 <i>Water Policy Committee</i> Proposes to define appropriation terms for wells and developed springs that are exempt from permitting.	✓	✓		
SB 38 <i>Water Policy Committee</i> Proposes to define terms associated with ground water appropriations within stream depletion zones. Limits the creation of stream depletion zones.	✓			Failed cross-over deadline
SB 76 <i>Senator Chas V. Vincent (R)</i> Proposes to require permits for cooling water intake structures.	✓	✓		
*SB 233 <i>Senator Jim Peterson (R)</i> Proposes to clarify enforcement provisions for interference with a prior water right.	✓	✓		
*SB 263 <i>Senator Bradley Hamlett (D)</i> Proposes to limit the amount of groundwater that can be appropriated without a permit according to the type of use and acreage of the parcel associated with that use.	✓			Failed cross-over deadline
*SB 271 <i>Senator Fred Thomas (R)</i> Proposes to revise laws governing dissolution of water and sewer districts.	✓	✓		
*SB 335 <i>Senator Bradley Hamlett (D)</i> Proposes to provide for removal of a natural obstruction that impairs a prior water right.	✓	✓		
*SB 346 <i>Senator Chas V. Vincent (R)</i> Proposes to revise water laws related to ground water appropriations exempt from permitting. Revises definitions and clarifies senior water right enforcement against certain ground water appropriations.	✓	✓		
*SB 347 <i>Senator Chas V. Vincent (R)</i> Proposes to specify that a diversion or withdrawal of water or a modification of stream flow is not degradation under the water quality act.	✓	✓		
*SB 355 <i>Senator Bradley Hamlett (D)</i> Proposes to create a petition process to judicially determine claims for existing water rights that were exempt from filing for the adjudication of water rights	✓			

LEGISLATIVE DEVELOPMENTS

The [North Dakota 2013 legislative session](#) began 8 JAN 13 and adjourns 1 MAY 13. An * indicates the first time a bill appears in the 2013 Review.

<i>North Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
ENERGY				
SB 2209 <i>Senator Jerry Klein (R)</i> Propose to address eminent domain siting of an energy conversion facility or a transmission facility.	✓	✓		
SB 2291 <i>Senator Jerry Klein (R)</i> Proposes to provide for net metering.	✓			
LAND USE				
NATURAL RESOURCES				
OTHER				
WASTE				
HB 1149 <i>Representative Dick Anderson (R)</i> Proposes to create and enact a new subsection to section 37-17.1-07.1 of the North Dakota Century Code, relating to emergency response to hazardous materials incidents.	✓			
WATER				
HB 1398 <i>Representative George J. Keiser (R)</i> Proposes to create a new water extraction tax.	✓			
HB 1440 <i>Representative Curt Kreun (R)</i> Proposes to create and enact three new sections to chapter 61-35 of the North Dakota Century Code, relating to exclusion of cities from water districts and state water commission policies on funds for water districts.	✓	✓		
HB 2154 <i>Senator Jerry Klein (R)</i> Proposes to change registration fees for above and underground tanks.	✓	✓		

LEGISLATIVE DEVELOPMENTS

The [South Dakota 2013 legislative session](#) began 8 JAN 13 and adjourns 27 MAR 13. An * indicates the first time a bill appears in the 2013 Review.

<i>South Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
ENERGY				
* HB 1207 <i>Representative Paula Hawks (D)</i> Proposes to provide for net metering for certain renewable energy systems.	✓			
* SB 195 <i>Senator Larry Rhoden (R)</i> Proposes to establish certain incentives for wind energy facilities. Revises the amount that may be rebated for the gross receipts tax on electricity produced on wind farms.	✓	✓		
LAND USE				
HB 1007 <i>Representative James Schaefer (R)</i> Proposes to restrict the term of conservation easements.	✓			
NATURAL RESOURCES				
SB 12 <i>Commerce Committee</i> Proposes to update citations and revise certain provisions regarding permits for energy facilities.	✓	✓	✓	To Governor
SB 149 <i>Senator James Bradford (D)</i> Proposes to revise certain provisions relating to violations found through environmental audits.	✓			
OTHER				
WASTE				
SB 42 <i>Transportation Committee</i> Proposes to update references to federal regulations regarding safe transport of hazardous materials.	✓	✓		
WATER				



AIR

NEW RULE: NEW SOURCE REVIEW The UDEQ is proposing to adopt new rule R307-403-11 (Actuals PALS). This action would implement a portion of EPA's New Source Review (NSR) Reform provisions that were adopted in the federal regulations in 2002 and have not yet been incorporated into the Utah Air Quality Rules. The new rule would incorporate by reference 40 Code of Federal Regulation (CFR) 51.165(f)(1) through (14). Comments are due 1 APR 13. For more information, contact [Mark Berger](mailto:Mark.Berger@utah.gov) at (801) 536-4000. The notice of proposed rulemaking is available at http://www.statescape.com/RegsText/StaticDownloads/68455_104514.pdf. Text of the proposed new rule is available at http://www.statescape.com/RegsText/StaticDownloads/68455_104515.pdf.

REPEALED: SURFACE COATINGS RULE The UDEQ repealed Rule 307-340 (Ozone Nonattainment and Maintenance Areas: Surface Coating Processes). The rule has been repealed and replaced with several coatings rules that take its place. This final action was effective 1 FEB 13. For more information, contact [Mark Berger](mailto:Mark.Berger@utah.gov) at (801) 536-4000. The notice of proposed rulemaking is available at <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/pdf-files/September2012/9-11/DAR340.pdf>. The notice of final repeal is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=69.

NEW RULE: ADHESIVES & SEALANTS The UDEQ is proposing to adopt a new rule R307-342 applicable to any person who manufactures, sells, supplies, or applies any adhesive, sealant, adhesive primer or sealant primer in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah or Weber counties. The rule establishes volatile organic compound (VOC) limits for the manufacture, sale, or use of adhesives and sealants. Application of adhesives and sealants with a VOC content higher than those established in the rule requires the use of an add-on control device that has overall capture and control efficiency of at least 85%. The rule also contains recordkeeping requirements, product application requirements, and container labeling requirements. A public hearing is scheduled for 13 MAR 13. Comments are due 1 APR 13. For more information, contact [Mark Berger](mailto:Mark.Berger@utah.gov) at (801) 536-4000. The notice of proposed rulemaking is available at http://www.statescape.com/RegsText/StaticDownloads/68440_104488.pdf. Proposed text is available at http://www.statescape.com/RegsText/StaticDownloads/68440_104489.pdf.

AIR PERMIT RULES IN NONATTAINMENT AREAS: EMISSION LIMITATIONS The UDEQ is proposing amendments to its permit rules for new and modified sources in nonattainment areas (R307-403-2). This action is being taken because the EPA identified issues with Utah's permitting rule for new or modified sources in nonattainment areas (R307-403) that affected their ability to approve Utah's coarse particulate matter (PM₁₀) Maintenance Plan. These same issues will potentially affect EPA approval of the Utah fine particulate matter (PM_{2.5}) SIP. In addition, there have been changes to the federal regulations, most notably New Source Review (NSR) Reform and the PM_{2.5} implementation rule for new source review, that have not yet been incorporated into Utah's rule. Comments are due 1 APR 13. For more information, contact [Mark Berger](mailto:Mark.Berger@utah.gov) at (801) 536-4000. The notice of proposed rulemaking is available at http://www.statescape.com/RegsText/StaticDownloads/68443_104494.pdf. Proposed text is available at http://www.statescape.com/RegsText/StaticDownloads/68443_104495.pdf.

AIR PERMIT RULES IN NONATTAINMENT AREAS: DEFINITIONS The UDEQ is proposing amendments to its permit rules for new and modified sources in nonattainment areas (R307-403-1). This action is being taken because the EPA identified issues with Utah's permitting rule for new or modified sources in nonattainment areas (R307-403) that affected their ability to approve Utah's PM₁₀ Maintenance Plan. These same issues will potentially affect EPA's approval of the PM_{2.5} SIP. In addition, there have been changes to the federal regulations, most notably NSR Reform and the PM_{2.5} implementation rule for new source review, that have not yet been incorporated into Utah's rule. Comments are due 1 APR 13. For more information, contact [Mark Berger](mailto:Mark.Berger@utah.gov) at (801) 536-4000. The notice of proposed rulemaking is

available at http://www.statescape.com/RegsText/StaticDownloads/68442_104492.pdf. Proposed text is available at http://www.statescape.com/RegsText/StaticDownloads/68442_104493.pdf.

AGGREGATE PROCESSING OPERATIONS The UDEQ adopted opacity limits for aggregate processing equipment in PM2.5 nonattainment areas. New Rule R307-312 establishes emission standards for sources in the aggregate processing industry, including aggregate processing equipment, hot mix asphalt plants, and concrete batch plants. The rule applies to all crushers, screens, conveyors, hot mix asphalt plants, and concrete batch plants located within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, or Weber counties. The final rule was effective 25 FEB 13. For more information, contact Mark Berger at (801) 536-4000 or at mberger@utah.gov. The notice of proposed rulemaking is available at <http://www.rules.utah.gov/publicat/bulletin/2012/20121001/36740.htm>.

AUTOMOTIVE REFINISHING COATINGS The UDEQ adopted new rule (R307-354) applicable to automotive refinishing coatings operations (including related cleaning activities) that have the potential to emit 2.7 tons of VOCs per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties. This new rule establishes reasonably available control technology (RACT) requirements to reduce VOCs (i.e., precursors to formation of PM2.5) emitted from automotive refinishing coatings operations as well as clarify regulatory requirements. The final rule was effective 1 Feb 13. For more information, contact Mark Berger at (801) 536-4000. The notice of new proposed rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121001.pdf#page=94. Proposed rule text is available at http://www.statescape.com/RegsText/StaticDownloads/62758_93086.pdf. The notice of revised text is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130101.pdf#page=83. The notice of final rule effective date is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=70.

AEROSPACE MANUFACTURE AND REWORK FACILITIES The UDEQ adopted new rule (R307-355) applicable to aerospace manufacture and rework facilities that have the potential to emit five tons of VOCs per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties. This new rule establishes RACT requirements to reduce VOC emissions. Hand-wipe, flush, and spray gun cleaning requirements are included in the rule. The final rule was effective 1 FEB 13. For more information, contact Mark Berger at (801) 536-4000. The notice of new proposed rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121001.pdf#page=97. Proposed rule text is available at http://www.statescape.com/RegsText/StaticDownloads/62757_93084.pdf. The notice of revised text is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130101.pdf#page=86. The notice of final rule effective date is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=70.

FABRIC AND VINYL COATINGS OPERATIONS The UDEQ adopted new rule (R307-345) applicable to fabric and vinyl coating operations (including related cleaning activities) that have the potential to emit 2.7 tons of VOCs per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties. The rule establishes RACT requirements to reduce VOC emissions from fabric and vinyl coating operations as well as clarify regulatory requirements. The final rule was effective 1 Feb 13. For more information, contact Mark Berger at (801) 536-4000. The notice of new proposed rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121001.pdf#page=73. Proposed rule text is available at http://www.statescape.com/RegsText/StaticDownloads/62767_93106.pdf. The notice of revised text is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130101.pdf#page=58. The notice of final rule effective date is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=70.

FLAT WOOD PANEL COATINGS The UDEQ adopted new rule (R307-349) applicable to flat wood panel coating operations (including related cleaning activities) that have the potential to emit 2.7 tons of VOCs per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties. The rule establishes RACT requirements to reduce VOC emissions from flat wood panel coating operations as well as clarify regulatory requirements. The final rule was effective 1 FEB 13. For more information, contact Mark Berger at (801) 536-4000 or at mberger@utah.gov. The notice of new proposed rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121001.pdf#page=80. Proposed rule text is available at http://www.statescape.com/RegsText/StaticDownloads/62763_93098.pdf. The notice of revised text is available at

http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130101.pdf#page=58. The notice of final rule effective date is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=70.

UTAH SIP: PM2.5 GENERAL REQUIREMENTS The UDEQ adopted conforming definition changes to state air quality rules as part of its development of the Utah SIP for PM2.5. The rule adds definitions for "condensable PM2.5," "filterable PM2.5," and "PM2.5 precursor" and "significant." Other revisions to [R307-101-2](#) address the 24-hour PM2.5 National Ambient Air Quality Standards (NAAQS) in the state. Currently, seven Utah counties are not in attainment for PM2.5. The final rule was effective 1 FEB 13. For more information, contact [Mark Berger](#) at (801) 536-4000. The notice of new proposed rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121001.pdf#page=35. Proposed rule text is available at http://www.statescape.com/RegsText/StaticDownloads/62770_93111.pdf. The notice of revision is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130101.pdf#page=42. The notice of final rule effective date is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=69.

VOC EMISSIONS FROM GRAPHIC ARTS PRINTING The UDEQ adopted a new rule limiting VOC emissions from graphic arts printing operations. Compliance requirements vary depending upon the nature of the printing process. This final rule is now part of the PM2.5 SIP. The final rule was effective 1 FEB 13. For more information, contact [Mark Berger](#) at (801) 536-4000. The notice of new proposed rule is available at http://www.statescape.com/RegsText/StaticDownloads/62761_93092.pdf. The notice of final rule effective date is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=70.

LARGE APPLIANCE SURFACE COATINGS The UDEQ adopted new rule (R307-347) applicable to large appliance surface coating operations, including related cleaning activities, that have the potential to emit 2.7 tons VOCs per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties. The rule establishes RACT requirements to reduce VOC emissions from large appliance surface coating operations as well as clarify regulatory requirements. The final rule was effective 1 FEB 13. For more information, contact [Mark Berger](#) at (801) 536-4000. The notice of new proposed rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121001.pdf#page=77. Proposed rule text is available at http://www.statescape.com/RegsText/StaticDownloads/62765_93102.pdf. The notice of revised text is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130101.pdf#page=63. The notice of final rule effective date is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=70.

MAGNET WIRE COATINGS The UDEQ adopted new rule (R307-348) applicable to magnet wire coating operations, including related cleaning activities, that have the potential to emit 2.7 tons of VOCs per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties. The rule establishes RACT requirements to reduce VOC emissions from magnet wire coating operations as well as clarify regulatory requirements. The final rule was effective 1 FEB 13. For more information, contact [Mark Berger](#) at (801) 536-4000. The notice of new proposed rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121001.pdf#page=79. Proposed rule text is available at http://www.statescape.com/RegsText/StaticDownloads/62764_93100.pdf. The notice of revised text is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130101.pdf#page=65. The notice of final rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=70.

METAL CONTAINER, CLOSURE, AND COIL COATINGS The UDEQ adopted new rule (R307-352) applicable to coating operations in the manufacturing or reconditioning of metal cans, drums, pails, and lids that have the potential to emit 2.7 tons of VOCs per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties. The rule establishes RACT requirements to reduce VOC emissions from coating operations associated with the manufacture or reconditioning of metal cans, drums, pails, and lids. The final rule was effective 1 FEB 13. For more information, contact [Mark Berger](#) at (801) 536-4000. The notice of new proposed rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121001.pdf#page=90. Proposed rule text is available at <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/pdf-files/September2012/9-11/R307-352%20Proposed.pdf>. The notice of revised text is available at

http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130101.pdf#page=77. The notice of final rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=70.

MISCELLANEOUS METAL PARTS AND PRODUCTS COATINGS The UDEQ adopted new rule (R307-350) applicable to miscellaneous metal parts coating operations, including related cleaning activities, that have the potential to emit 2.7 tons of VOCs per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties. The rule establishes RACT requirements to reduce VOC emissions from miscellaneous metal parts coating operations as well as clarify regulatory requirements. The final rule was effective 1 FEB 13. For more information, contact [Mark Berger](#) at (801) 536-4000. The notice of new proposed rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121001.pdf#page=82. Proposed rule text is available at http://www.statescape.com/RegsText/StaticDownloads/62762_93095.pdf. The notice of revised text is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130101.pdf#page=69. http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130101.pdf#page=49. The notice of final rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=70.

ROAD SALTING AND SANDING The UDEQ adopted amendments to its road salting and sanding Rule R307-307. The amendments expand the applicability of this rule to all persons who apply salt, crushed slag, or sand to roads in Davis, Salt Lake, and Utah counties, all portions of the Cache Valley, and portions of Weber, Box Elder, and Tooele counties. Any salt applied to roads in all these areas must be at least 92% sodium chloride. This final rule was effective 1 FEB 13. For more information, contact [Mark Berger](#) at (801) 536-4000. The notice of new proposed rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2012/b20121001.pdf#page=48. The notice of final rule is available at http://www.rules.utah.gov/publicat/bull_pdf/2013/b20130215.pdf#page=69.

OZONE OFFSETS: DAVIS & SALT LAKE The UDEQ is proposing amendments to R307-420 (Permits: Ozone Offset Requirements in Davis and Salt Lake Counties). This rule change incorporates EPA's NSR Reform provisions that provide additional flexibility for major sources in Salt Lake and Davis Counties. The additional flexibility will provide cost savings for major sources. In addition, the applicability provisions will more closely match related provisions in R307-405 that apply to attainment areas, simplifying the permitting process for major sources. Comments are due 1 APR 13. For more information, contact [Mark Berger](#) at (801) 536-4000. The notice of proposed rulemaking is available at http://www.statescape.com/RegsText/StaticDownloads/68445_104501.pdf. Proposed text is available at http://www.statescape.com/RegsText/StaticDownloads/68445_104502.pdf.

WATER

CALL FOR WATER QUALITY DATA The UDEQ will be assessing the waters of the state (streams and lakes) to determine their support of designated beneficial uses for the 2014 Integrated Report. The Integrated Report includes the 305(b) assessment report and the 303(d) list of impaired waters. To assist its assessment, the agency is soliciting additional water quality data from individuals or organizations. Data requirements and assessment methods are described in Part 1 of the 2010 Integrated Report. Comments are due 22 MAR 13. For more information, contact [Emilie Flemer](#) at (801) 536-4105. The notice of data request is available at http://www.statescape.com/RegsText/StaticDownloads/68081_103765.pdf.

LEGISLATIVE DEVELOPMENTS

The [Utah 2013 legislative session](#) began 28 JAN 13 and adjourns 14 MAR 13. An * indicates the first time a bill appears in the 2013 Review.

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
HB 77 <i>Representative Kraig Powell (R)</i> Proposes to allow the Division of Forestry, Fire, and State Lands to develop and implement a long-range fire pre-suppression strategy responsive to specific observed changes in climate that pose a risk to fire management.	✓	✓	✓	
*HB 210 <i>Representative Edward Redd (R)</i> Proposes to modify the Motor Vehicle Code by amending provisions relating to motor vehicle emissions inspections. Addresses local vehicle emissions requirements and fees.	✓	✓		
*HB 346 <i>Representative Rebecca Chavez-Houck (D)</i> Proposes to prohibit the Division of Air Quality from adopting rules relating to the federal Clean Air Act that are more stringent than corresponding federal regulations	✓			
ENERGY				
LAND USE				
*SB 153 <i>Senator J. Stuart Adams (R)</i> Proposes to amend provisions related to municipal and county regulation of land use and development. Requires a local district to comply with municipal or county land use and development requirements in certain circumstances	✓	✓	✓	
*HB 142 <i>Representative Roger Edward Barrus (R)</i> Proposes to require the Public Lands Policy Coordinating Office to conduct a study and economic analysis of the transfer of certain federal lands to state ownership.	✓	✓		
NATURAL RESOURCES				
OTHER				
*HB 125 <i>Representative Curtis Oda (R)</i> Proposes to enact the Local Emergency Response Act. Addresses authority, liability, and other considerations relating to a person who responds to an emergency.	✓	✓		
*HB 325 <i>Representative Brad L. Dee (R)</i> Proposes to modify the Military Installation Development Authority Act. Defines terms and addresses taxes.	✓			

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
WASTE				
<p>*HB 231 <i>Representative Merrill Nelson (R)</i> Proposes to modify provisions related to fees charged for hazardous waste and mixed waste. Requires the Department of Environmental Quality to evaluate program costs and develop a fee schedule based on costs. Allows a disposal facility to collect fees.</p>	✓	✓		
<p>*SCR 1 <i>Senator David Hinkins (R)</i> Proposes to allow a landfill to receive specified nonhazardous solid waste. Allows the proposed Five Mile Recycle Landfill to operate as a Class VI landfill and receive nonhazardous construction and demolition waste, inert waste, and yard waste; and reiterates that the facility is required to apply for and receive approval from the Department of Environmental Quality if it wishes to change a specified element of its waste stream.</p>	✓	✓	✓	
WATER				
<p>HB 29 <i>Representative Joel Briscoe (D)</i> Proposes to establish procedures for a general adjudication of water rights.</p>	✓	✓	✓	
<p>HB 36 <i>Representative Jim Nielson (R)</i> Proposes to prohibit the state engineer from commencing an enforcement action under certain circumstances and provides for the collection and use of precipitation without obtaining a water right in certain circumstances.</p>	✓	✓		
<p>HB 73 <i>Representative John G. Mathis (R)</i> Proposes to establish a procedure for the holder of a prescriptive easement for a water conveyance to abandon all or part of the prescriptive easement.</p>	✓	✓	✓	
<p>*HB 123 <i>Representative Kay L. McIff (R)</i> Proposes to revise the process to apply for a change in water rights. Establishes requirements and responsibilities associated with an application for a change in water rights.</p>	✓			
<p>*HB 326 <i>Representative R. Curt Webb (R)</i> Proposes to modify water rights provisions related to conveyance of water rights, use of water evidenced by shares of stock, and water rights appurtenant to land.</p>	✓			
<p>SB 30 <i>Senator Margaret Dayton (R)</i> Proposes to modify provisions regarding forfeiture of a water right.</p>	✓	✓	✓	
<p>SB 109 <i>Senator Ralph Okerlund (R)</i> Proposes to require that a person who applies for a permanent or temporary change to a water right meet certain qualifications. Allows the state engineer to approve the modifications.</p>	✓	✓		
<p>*SB 154 <i>Senator Scott K. Jenkins (R)</i> Proposes to make changes to the sales and use taxation of water. Creates and amends definitions; modifies a sales and use tax exemption for water; adds potable delivered water to the state and local sales and use tax base; and allocates state revenues</p>	✓			



CLIMATE CHANGE

GHG PERMITTING The Wyoming Department of Environmental Quality (WDEQ) adopted modifications to its air quality rules that will allow the state permit greenhouse gas (GHG) emissions. This action revises Wyoming Air Quality Standards and Regulations Chapter 1 (Common Provisions), Chapter 6 (Permitting Requirements), and Chapter 7 (Monitoring Requirements). The changes align state rules established in the current Federal Implementation Plan (FIP). Corresponding changes to the SIP are anticipated. The intent is to replace the current GHG FIP with a SIP. The final rules were effective 14 FEB 13. For more information, contact [Christine Anderson](#) at (307) 675-5624. The notice of intent to adopt rules is available at http://www.statescape.com/RegsText/StaticDownloads/58230_90329.pdf. The notice of final rule is available at http://www.statescape.com/RegsText/StaticDownloads/58230_100956.pdf.

WATER

METHODS FOR DETERMINING WATER QUALITY STANDARDS & TMDL The WDEQ is inviting public comment on updates to the Wyoming Method for Determining Water Quality Condition of Surface Waters and Total Maximum Daily Load Prioritization Criteria for 303(d) Listed Waters. For more information, contact [Richard Thorp](#) at (307) 777-5973. The public notice is available at http://www.statescape.com/RegsText/StaticDownloads/68872_105400.pdf.

LEGISLATIVE DEVELOPMENTS

The [Wyoming 2013 legislative session](#) began 8 JAN 13 and adjourned 27 FEB 13.

<i>Wyoming Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
HB 63 <i>Joint Minerals, Business And Economic Development Committee</i> Proposes to authorize the Department of Environmental Quality to submit an amended GHG regulation SIP to the EPA that is no more stringent than federal GHG new source performance standards.	✓	✓	✓	Signed by Governor
ENERGY				
HB 40 <i>Joint Judiciary Interim Committee</i> Proposes to extend the moratorium on the exercise of the power of condemnation for wind energy collector systems.	✓	✓	✓	Signed by Governor
LAND USE				
HB 42 <i>Representative Keith Gingery (R)</i> Proposes to repeal provisions related to the Land Use Planning Act and repeal specified provisions for local zoning and land use planning.	✓	✓	✓	Signed by House & Senate Speakers
NATURAL RESOURCES				
SB 49 <i>Senator Cale Case (R)</i> Proposes to provide for expiration of industrial siting permits.	✓			Failed upon adjournment
OTHER				

<i>Wyoming Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
WASTE				
HB 65 <i>Joint Minerals, Business And Economic Development Committee</i> Proposes to create the municipal solid waste landfill remediation program and to establish criteria for the program. Additionally, creates the municipal solid waste landfill remediation account and provides for expenditures from the account.	✓	✓	✓	Signed by House & Senate Speakers
HB 66 <i>Joint Minerals, Business And Economic Development Interim Committee</i> Proposes to create the municipal solid waste facility Cease and Transfer program and to establish criteria for the program. Creates a municipal solid waste facility cease and transfer accounts, providing qualifications for applicants to receive funds under the program.	✓	✓	✓	Signed by House & Senate Speakers
WATER				
HB 56 <i>Representative Mike Greear (R)</i> Proposes to implements a surface water point source discharge fee system for each pollution discharge elimination system permit. This bill requires that the fee be paid before the processing and issuance of the permit.	✓	✓	✓	Signed by House & Senate Speakers
SB 150 <i>Senator John J. Hines (R)</i> Proposes to provide for a policy on salvage water as specified.	✓			Failed upon adjournment

Department of Defense Activity

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

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

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

Federal Activity

AIR

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

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

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

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

CLIMATE CHANGE

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

ENERGY

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

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

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

GREEN BUILDING CERTIFICATION SYSTEMS FOR FEDERAL GOVERNMENT General Services Administration (GSA) is requesting comment on possible approaches to the certification of green federal buildings including new construction, major renovations, and existing buildings (78 FR 8145). In a study released in May 2012, GSA and others reviewed three certification systems: Green Building Initiative's Green Globes (2010), U.S. Green Building Council's Leadership in Energy and Environmental Design (2009), and the International Living Building Institute's Living Building Challenge (2011). The study concluded that none of the existing green building certification systems as designed meets all of the federal government's needs for high performance building metrics and conformity assessment. Comments are due by 5 APR 13. GSA POC: [Bryan Steverson](#), (202) 501-6115.

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

OTHER

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

THREATENED & ENDANGERED SPECIES

LISTING OF WOLVERINES AS THREATENED FWS is proposing to list the distinct population segment of the North American wolverine occurring in the contiguous U.S. as a threatened species (78 FR 7863). Additionally, the proposed ruling includes:

- Establishment of a Nonessential Experimental Population of the North American Wolverine in Colorado, Wyoming, and New Mexico

- Special rule to apply the specific prohibitions necessary to protect the wolverine, such as prohibiting take of any wolverine in the contiguous U.S. when associated with or related to trapping, hunting, shooting, collection, capturing, pursuing, wounding, killing, and trade
- Finding that critical habitat is not determinable at this time.

Comments are due 6 MAY 13. FWS POC: Brent Esmoil, (406) 449-5225.

FIVE-YEAR STATUS REVIEWS OF OCELOT & MEXICAN SPOTTED OWL IN THE SOUTHWEST REGION FWS has initiated five-year status reviews of the endangered ocelot and the threatened Mexican spotted owl (78 FR 8576). FWS requested the latest scientific and commercial data for the success of the review. The ocelot is found in Arizona and New Mexico. The Mexican spotted owl occurs in Arizona, Colorado, New Mexico, Texas, and Utah. Comments are due 8 APR 13. FWS POC: [Steve Spangle](#) (602) 242-0210.

WATER

ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT PROGRAM The U.S. Army Corps of Engineers (COE) is amending its nationwide permit regulations so that district engineers can issue nationwide permit verification letters that expire on the same date a nationwide permit expires. Nationwide Permits (NWP) authorize activities that have minimal individual and cumulative adverse environmental effects (78 FR 5726). If, after reviewing the preconstruction notification, the district engineer determines that the proposed activity qualifies for NWP authorization, the district engineer issues an NWP verification letter to the project proponent. The NWP verification may contain special conditions to ensure that the NWP activity results in minimal individual and cumulative effects on the aquatic environment. COE POC: [DAVID OLSON](#), (202) 761-4922.

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

Professional Development

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

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

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

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

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

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

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

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

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

VARIOUS DATES AND TIMES ONLINE

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

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

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

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

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

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

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

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

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

How the Regional Offices Work for You

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

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

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

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Acronyms

ACHP	Advisory Council on Historic Preservation
ACUB	Army Compatible Use Buffer
AFFF	aqueous film forming foam
ARM	Administrative Rules of Montana
ATSDR	Agency for Toxic Substances and Disease Registry
BACT	best available control technology
BART	best available retro-fit technology
BLM	Bureau of Land Management
BTU	British thermal unit
CAA	Clean Air Act
CAFE	corporate average fuel economy
CAIR	Clean Air Interstate Rule
CAMR	Clean Air Mercury Rule
CCR	Code of Colorado Regulations
CDNR	Colorado Department of Natural Resources
CDPHE	Colorado Department of Public Health and Environment
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulation
CH4	methane
CNOR	candidate notice of review
CO₂	carbon dioxide
CO₂e	carbon dioxide equivalent
COE	Corps of Engineers
CrVI	hexavalent chromium
CSB	Chemical Safety Board
CWA	Clean Water Act
CWQCC	Colorado Water Quality Control Commission
CX	categorical exclusion
DA	Department of Agriculture
DO	dissolved oxygen
DoD	Department of Defense
DOE	Department of Energy
DOI	Department of Interior
DOT	Department of Transportation
ECA	emission control area
DPS	distinct population segment
ECF	emission comparable fuel
EIO	Energy Initiatives Office
EIS	environmental impact statement
EO	Executive Order
EPA	Environmental Protection Agency
EQC	Environmental Quality Council
ESA	Endangered Species Act of 1973
ESTCP	Environmental Security Technology Certification Program
FERC	Federal Energy Regulatory Commission
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FONSI	finding of no significant impact
FS	Forest Service
FWS	Fish and Wildlife Service
FY	fiscal year
GAO	Government Accountability Office
GHG	greenhouse gas
GSA	General Service Administration

HCFC	hydrochlorofluorocarbon
HFC	hydrofluorocarbon
HFE	hydrofluorinated ethers
HID	high intensity discharge
INRMP	integrated natural resource management plan
ISEERB	Interservice Environmental Education Review Board
ITRC	Interstate Technology and Regulatory Council
JLUS	Joint Land Use Study
LBP	lead-based paint
LEED	Leadership in Energy and Environmental Design
LID	Low-Impact Development
MACT	maximum achievable control technology
MBER	Montana Board of Environmental Review
MCL	maximum contaminant level
MCLG	maximum contaminant level goal
MDEQ	Montana Department of Environmental Quality
MDNRC	Montana Department of Natural Resources and Conservation
MERIT	Materials of Evolving Regulatory Interest Team
MGA	Midwestern Governors Association
MOU	memorandum of understanding
MMS	Minerals Management Service
MS4	municipal separate storm sewer system
MSGP	multi-sector general permit
N₂O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NCSL	National Conference of State Legislatures
NDDOH	North Dakota Department of Health
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NF₃	nitrogen trifluoride
NHTSA	National Highway Transportation Safety Administration
NIST	National Institute of Standards and Technology
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NO₂	nitrogen dioxide
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRC	National Research Council
NSPS	New Source Performance Standard
NSR	New Source Review
OMB	Office of Management and Budget
ORCR	Office of Resource Conservation and Recovery
ORW	outstanding resource water
P2	pollution prevention
PBDE	polybrominated diphenyl ethers
PFC	perfluorocarbons
PFOA	perfluorooctanoic acid
PFOS	perfluorooctane sulfonic acid
PM	particulate matter
PM_{2.5}	particulate matter 2.5 microns in diameter or less
PM₁₀	particulate matter 10 microns in diameter or less
POPs	persistent organic pollutants
ppb	parts per billion
PSD	Prevention of Significant Deterioration
PWS	public water system
RCRA	Resource Conservation and Recovery Act
RGGI	Regional Greenhouse Gas Initiative

RICE	Reciprocating Internal Combustion Engine
RoC	Report on Carcinogens
RoHS	European Union's Restriction of Hazardous Substances
RRP	Renovation, Repair, and Painting
SDDENR	South Dakota Department of Environment and Natural Resources
SERDP	Strategic Environmental Research and Development Program
SI	spark-ignition
SIP	State Implementation Plan
SNAP	significant new alternatives policy
SNUR	significant new use rule
SO₂	sulfur dioxide
SO_x	sulfur oxides
SPCC	spill prevention, control, and countermeasures
TiO₂	titanium dioxide
TMDL	total maximum daily load
tpy	tons per year
TRI	Toxics Release Inventory
TSCA	Toxic Substance Control Act
UDEQ	Utah Department of Environmental Quality
UDNR	Utah Department of Natural Resources
UFC	Unified Facilities Criteria
ug/m³	micrograms per cubic meter
UPDES	Utah Pollutant Discharge Elimination System
U.S.	United States
USAEC	United States Army Environmental Command
USGS	United States Geological Survey
UST	underground storage tank
USTCA	Underground Storage Tank Compliance Act
VOC	volatile organic compound
WCI	Western Climate Initiative
WDEQ	Wyoming Department of Environmental Quality
WOSL	Wyoming Office of State Lands
WRAP	Western Regional Air Partnership