



U.S. ARMY

Western Review of Legislative & Regulatory Actions Region 8



The U.S. Army Regional Environmental & Energy Office

September 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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Streamlined INRMP Review Process

In July 2013, the DoD [signed a memorandum of understanding](#) (MOU) with the U. S. Fish and Wildlife Service (FWS) and the Association of Fish and Wildlife Agencies (AFWA) to further a cooperative relationship to manage natural resources on military lands. The MOU identifies responsibilities for military installations to prepare, review, revise, update, and implement Integrated Natural Resource Management Plans (INRMPs) to manage base natural resources. It replaces [a previous MOU](#) that established the INRMP program.

The [Sikes Act](#) requires the DoD, in cooperation with state and federal agencies, to carry out a program for the conservation and rehabilitation of natural resources on military installations. It allows for the sustainable, multipurpose use of natural resources subject to military security and safety requirements. The [1997 amendments](#) to the Sikes Act broadened the scope of military natural resource programs by requiring that INRMPs be developed for relevant installations. Currently, INRMPs are required at nearly 380 military installations across the country. Plans must be updated every five years.

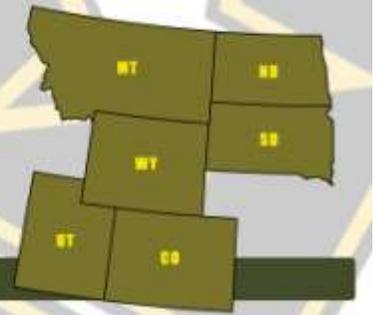
The updated MOU seeks to streamline and expedite the review of INRMP updates and revisions and address review of critical habitat exemptions. Under the terms of the MOU, the DoD, FWS, and AFWA agree to develop and implement a streamlined review process by early 2014. As part of the five-year review, DoD components will conduct an annual progress review for each of their INRMPs. MOU signatories also agree to continue to seek opportunities to make the INRMP review process more efficient, while sustaining INRMP conservation effectiveness.

In addition, state agencies are encouraged to designate state liaisons to assist in the development of partnerships, help DoD installation staff implement natural resource conservation and management plans, participate in joint management of ecosystem-based natural resource projects, and provide technical assistance to DoD installation staff.

For more information, contact your regional environmental coordinator.

Region 8

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



WASTE

ASBESTOS IN SOILS The Colorado Department of Public Health and Environment (CDPHE) [is proposing](#) to delete and replace Section 5.5 (Management of Asbestos-Contaminated Soil) in Title 6 of the Colorado Code of Regulation (CCR), Section 1007-2 and its associated definitions. The purpose of the Section 5.5 revision is to update the asbestos-contaminated soils (ACS) regulations based on the Hazardous Material and Waste Management Division and stakeholders' experience gained from implementing the regulation since its promulgation in 2006. The division is proposing a suite of best management practices (BMPs) that would become codified in the rule as minimum requirements. The proposed revisions would:

- Eliminate the requirement for a work plan to be submitted by providing an immediately implementable work plan;
- Eliminate the time and cost associated with division review of work plans;
- Expedite project implementation; and
- Provide a predictable framework for developing and implementing site-specific work plans.

The [notice of proposed rulemaking](#) was published 25 AUG 13. A public hearing is scheduled 19 NOV 13. For more information, contact [Brandy Valdez Murphy](#) at (303) 692-3467.

WATER

RECLAIMED WATER CDPHE adopted [amendments](#) to Regulation 84 (Reclaimed Domestic Wastewater Control), codified at 5 CCR 1002-84. The amendments make modifications to terms, evaporative and non-evaporative industrial processes, washwater applications, commercial laundries, vehicle washing. This action was taken to expand uses for reclaimed water that were not previously authorized under Regulation 84. The [final rule](#) was effective 30 JUL 13. For more information, contact [Nathan Moore](#) at (303) 692-3555.

REGULATION 32: ARKANSAS RIVER BASIN AND TRIENNIAL REVIEW CDPHE [adopted Regulation 32](#) (Classifications and Numeric Standards Arkansas River Basin) and the [triennial review of water quality standards](#). The final rule was published 10 SEP 13. For more information, contact Sarah Johnson at (303) 692-3609. Additional information is available from the CDPHE, Water Quality Commission [website](#).

LEGISLATIVE DEVELOPMENTS

The [Colorado 2013 legislative session](#) began 9 JAN 13 and adjourned 8 MAY 13.



WASTE

INFECTIOUS WASTE The Montana Department of Environmental Quality (MDEQ) [is proposing](#) new rules I through VIII pertaining to infectious waste.

- New Rule I regulates the transportation of infectious waste to treatment facilities prior to final waste disposal.
- New Rule II establishes definitions to implement infectious waste rules.
- New Rule III requires certain infectious waste transporters to register with the department and develop an infectious waste management plan and a transportation and management plan.
- New Rule IV establishes requirements for infectious waste management plans.
- New Rule V establishes requirements for infectious waste transportation and management plans.
- New Rule VI establishes requirements for infectious waste treatment and disposal.
- New Rule VII establishes infectious waste packaging, containment, and storage requirements for transporters.
- New Rule VIII specifies requirements for infectious the waste spill response and decontamination plans incorporated as part of the transportation and management plan (Rule V).

A public hearing was held 9 SEP 13. Comments are due 16 SEP 13. For more information, contact [Elois Johnson](#) at (406) 444-2630.

SOLID WASTE MANAGEMENT PLAN MDEQ adopted final [updates](#) to its solid waste management and resource and recovery plan. Plan updates are required every five years. Effective 9 AUG 13, the updates:

- Include statutory changes in 2005 to targets for waste reduction from recycling and composting that were addressed in the 2006 plan;
- Report current diversion rates and landfill capacities;
- Describe changed market conditions such as the increase of both electronic waste and construction waste and review actions needed to address changed market conditions; and
- Describe public interest in rural community recycling, and review approaches for increasing recycling.

For more information, contact [Elois Johnson](#) at (406) 444-2630.

WATER

NEW UST PERFORMANCE STANDARDS MDEQ [is proposing](#) amendments to its performance standards for new underground storage tank (UST) systems and upgrades to existing UST systems. The department is proposing to remove the requirement in the Administrative Rules of Montana (ARM) 17.56.201(1)(b) requiring corrosion protection for pipes that may contain regulated substances and instead to require corrosion protection for pipes that routinely contain regulated substances. A public hearing was held 28 AUG 13. Comments were due 8 SEP 13. For more information, contact [Elois Johnson](#) at (406) 444-2630.

LEGISLATIVE DEVELOPMENTS

The [Montana 2013 legislative session](#) began 7 JAN 13 and adjourned 24 APR 13.



LEGISLATIVE DEVELOPMENTS

The [North Dakota 2013 legislative session](#) began 8 JAN 13 and adjourned 3 MAY 13.



LEGISLATIVE DEVELOPMENTS

The [South Dakota 2013 legislative session](#) began 8 JAN 13 and adjourned 25 MAR 13.



AIR

UTAH SIP REVISIONS: PM2.5 The Utah Department of Environmental Quality (UDEQ) [is proposing](#) to amend Chapter 7 of the Utah State Implementation Plan (SIP) Section IX.A.23 by establishing a motor vehicle emission budget (MVEB) for on-road direct fine particulate (PM2.5) emissions and a trading mechanism to allow future increases in on-road direct PM2.5 emissions. Comments are due 1 OCT 13. For more information, contact [Mark Berger](#) at (801) 536-4000.

UTAH SIP REVISIONS: CACHE COUNTY UDEQ is proposing to amend SIP Section X (Vehicle Inspection and Maintenance (I/M) Program Part F, Cache County) by adding a description of Cache County I/M programs. The revision would incorporate by reference the most recent version of SIP Section X Part F. Comments are due 1 OCT 13. For more information, contact [Mark Berger](#) at (801) 536-4000.

ADHESIVES AND SEALANTS UDEQ adopted [new rule R307-342](#) (Adhesives and Sealants) 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) content 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, product application, and container labeling requirements. The revisions add exemptions for military operations where DoD military technical data is specifically required, low volume users, and primer dispensed from aerosol spray cans. The [final rule](#) was effective 15 AUG 13. For more information, contact [Mark Berger](#) at (801) 536-4000.

LEGISLATIVE DEVELOPMENTS

The [Utah 2013 legislative session](#) began 28 JAN 13 and adjourned 14 MAR 13.



LEGISLATIVE DEVELOPMENTS

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

Department of Defense Activity

SECRETARY OF THE ARMY ENVIRONMENTAL AWARD NOMINATIONS DUE 15 NOV 13 The Department of the Army published a call for nominations for Fiscal Year (FY) 2013 Secretary of the Army Environmental Awards, due 15 NOV 13. The Secretary of the Army Environmental Awards Program recognizes outstanding performance and excellence in environmental stewardship and sustainability by Army installations, teams, and individuals. The awards emphasize innovation and accomplishments in sustainable practice, installation environmental management, and community enhancement. Award categories are:

- Installation: Natural Resources Conservation - Small; Cultural Resources Management; Environmental Quality - Non Industrial; Sustainability - Industrial; and Environmental Restoration.
- Team and Individual: Natural Resources Conservation; Environmental Quality; Environmental Restoration; and Environmental Excellence in Weapon System Acquisition - Large Program.

Army award winners will represent the Army in the 2014 Secretary of Defense Environmental Awards competition. Award criteria and specific formats, forms, and information are contained in the Assistant Chief of Staff For Installation Management Memorandum, "[Call for Nominations](#)," dated 8 AUG 13. For more information, contact George Robitaille at (571) 256-9723.

ENERGY

FORT CARSON RECEIVES FEDERAL ENERGY MANAGEMENT PROGRAM AWARD The U.S. Department of Energy (DOE) [recognized](#) Fort Carson for its outstanding contribution toward energy and water management at federal facilities. The Directorate of Public Works at Fort Carson, Colorado, received the "Superior Program Award" for a number of energy efficiency projects. Among the achievements cited in the award:

- A water leak detection survey was completed last year for approximately 20% of the post, where the oldest water lines are located. The survey found 57,000 gallons a day were lost due to leaks. Repairs were made at a cost of \$50,000, with savings of water per year totaling \$72,000.
- A computerized weather-tracking system that uses global positioning system (GPS) was installed to monitor lawn and garden irrigation systems. If the system detects rain, saturated ground, or high winds, it will prevent the sprinklers from operating or shut them down if running.
- Energy-saving upgrades were installed at a number of post facilities, including tinted glazing; waterless urinals; lighting sensors and timers; and more efficient heating, ventilation, and air-conditioning systems.

Cited in the award for noteworthy accomplishments at Fort Carson are Kate Anderson, Scott Clark, Matthew Ellis, Vincent Guthrie, and Mark Hunsicker.

EITF NEWSLETTER The Army's Energy Initiatives Task Force (EITF) published their inaugural newsletter in July 2013, aimed at informing and engaging industry and installations on large-scale renewable energy. The newsletter will be published once every two months. EITF Director John Lushetsky said in the next edition, the task force plans to discuss the "termination for convenience" clause in government contracts, a topic on the minds of many developers and a subject about which the EITF receives many questions. The newsletter can also be downloaded from the [EITF website](#).

ARMY SOLAR MATOC AWARDS The U.S. Army Corps of Engineers, Engineering and Support Center, Huntsville, working with the EITF, [qualified firms and awarded contracts](#) to the first group of solar technology contractors under the \$7 billion Multiple Award Task Order Contract (MATOC) for Renewable and Alternative Energy. Contractors

qualified under the MATOC are eligible to compete for future solar renewable energy projects. The MATOC is one of several acquisition vehicles the Army will use to award contracts for large-scale renewable energy projects.

OTHER

BIOBASED REPORTING REQUIREMENTS DoD, General Services Administration (GSA), and National Aeronautics and Space Administration (NASA) issued a final rule amending the Federal Acquisition Regulation for biobased reporting ([78 FR 46794](#)). The amendments revise the biobased reporting clause to require the contractor to submit the annual biobased report to a new [government-wide website](#) instead of the agency environmental point of contact. The new website is to be used for reports due 31 OCT 13, and is intended to be the permanent site for reporting this information. The website allows contractors to submit a report on a contract-by-contract basis at any time throughout the year, improving consistency in reporting across federal agencies with the goal of increasing federal procurement of biobased products. It also generates a government-wide report for agency use. In addition, the new website includes instructions on how to complete the report and frequently asked questions. This final rule was effective 3 SEP 13. For more information, contact Marissa Petrussek at (202) 501-0136.

Federal Activity

AIR

EPA ANNOUNCED THE ANNUAL CLEAN AIR EXCELLENCE AWARDS The U.S. Environmental Protection Agency's (EPA's) [Clean Air Excellence Awards Program](#), established at the recommendation of the [Clean Air Act Advisory Committee](#), periodically recognizes and honors outstanding innovative efforts to help make progress in achieving cleaner air. The competition is open to individuals and organizations in both private and government sectors. Award-winning entries must directly or indirectly reduce pollutant emissions, demonstrate innovation, offer sustainable outcomes, and provide a model for others to follow. There are five categories in which a program, project, or technology may be entered:

- [Clean Air Technology](#)
- [Community Action](#)
- [Education/Outreach](#)
- [Regulatory/Policy Innovations](#)
- [Transportation Efficiency Innovations](#)

In addition to the five award categories described above, the Clean Air Excellence Awards Program will annually recognize two special award categories:

- [Thomas W. Zosel Outstanding Individual Achievement Award](#)
- [Gregg Cooke Visionary Program Award](#)

Candidates for the Thomas W. Zosel Outstanding Individual Achievement Award must be nominated by a third party. Applications must be emailed or postmarked by 27 SEP 13. For more information, contact [Craig Jeneva](#).

2010 SO₂ PRIMARY NAAQS EPA established air quality designations for certain areas in the United States for the 2010 primary Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) ([78 FR 47191](#)). EPA issued a final rule to identify areas that do not meet the 2010 SO₂ NAAQS and areas that contribute to SO₂ air pollution in a nearby area that does not meet the standards. EPA is designating as nonattainment most areas in locations where existing monitoring data from 2009-2011 indicate violations of the 1-hour SO₂ standard. This action identifies portions of Arizona (Hayden and Miami) and Montana (Billings) as nonattainment for the 2010 primary SO₂ NAAQS. In future

actions, the agency will address designations for all other areas that are not addressed in this final rule. [Additional information](#) is available from EPA. This rule is effective 4 OCT 13. For regional-specific information, refer to the Federal Register citation for contact information.

VOC DEFINITION EPA is taking final action to revise the regulatory definition of VOC for the purpose of preparing SIPs to attain NAAQS for ozone under Title I of the Clean Air Act (CAA) ([78 FR 53029](#)). This final action adds trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as Solstice™ 1233zd(E)) to the list of compounds excluded from the regulatory definition of VOCs on the basis that this compound makes a negligible contribution to tropospheric ozone formation. This rule is effective 27 SEP 13. For more information, contact [David Sanders](#) at (919) 541-3356.

COLORADO SIP: CARBON MONOXIDE LIMITED MAINTENANCE PLAN EPA is taking direct final action approving the second 10-year maintenance plan for the Colorado Springs area for the carbon monoxide NAAQS that was submitted as a revision to the Colorado SIP ([78 FR 46521](#)). This limited maintenance plan addresses maintenance of the carbon monoxide NAAQS for a second 10-year period beyond the original redesignation. This rule is effective 1 OCT 13 unless the agency received adverse comment by 3 SEP 13. For more information, contact [Adam Clark](#) at (303) 312-7104.

UTAH SIP PM2.5 EPA is taking final action to disapprove a portion of the revisions to the Utah SIP that concern compliance with interstate transport requirements of PM2.5 NAAQS ([78 FR 48615](#)). This final rule is effective 9 SEP 13. For more information, contact [Adam Clark](#) at (303) 312-7104.

UTAH SIP EPA is proposing to partially approve and partially disapprove revisions to the Utah SIP submitted in 1999 ([78 FR 49400](#)). EPA is proposing to approve R307-110-16, Section IX (Control Measures for Area and Point Sources, Part G, Fluoride) and to disapprove R307-110-29, Section XXI (Diesel Inspection and Maintenance Program). The agency is also proposing to disapprove the Utah Diesel Inspection and Maintenance Program, which the state submitted as a revision to the SIP on February 6, 1996, and which was incorporated by reference in R307-110-29. Comments are due 13 SEP 13. For more information, contact [Jody Ostendorf](#) at (303) 312-7814.

WYOMING SIP EPA is approving revisions to the Wyoming SIP amending Wyoming Air Quality and Standards and Regulations, Chapter 8 (Nonattainment Area Regulations) ([78 FR 49685](#)). The revisions amend Chapter 8, Section 3 (General Conformity) and add a new Section 5 (Incorporation by Reference). The final rule is effective 16 SEP 13. For more information, contact [Tim Russ](#) at (303) 312-6479.

CLEANUP

STANDARDS AND PRACTICES FOR INQUIRIES UNDER CERCLA EPA issued final amendments to the Standards and Practices for All Appropriate Inquiries under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The amendments recognize and reference ASTM International's updated standard E1527-13, [Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process](#) ([78 FR 49690](#)). For more information, contact [Rachel Lentz](#) at (202) 566-2745.

ENERGY

2013 RENEWABLE FUEL STANDARDS EPA issued a final rule to set the annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and renewable fuels that apply to all motor vehicle gasoline and diesel produced or imported in 2013 ([78 FR 49793](#)). This final rule was effective 15 AUG 13. For more information, contact [Julia MacAllister](#) at (734) 214-4131.

REPORT: SOLAR FACILITY LAND USE REQUIREMENTS DOE's National Renewable Energy Laboratory (NREL) published a [report](#) on land use requirements of solar power plants based on actual practices from existing solar facilities. For the report, NREL evaluated actual land use data at 72% of the solar power plants installed or under construction in the U.S. Among the findings:

- A large fixed-tilt photovoltaic (PV) plant that generates one gigawatt-hour per year requires, on average, 2.8 acres for solar panels.
- Small single-axis PV systems require, on average, 2.9 acres per annual gigawatt-hour and 3.8 acres for all land enclosed in the project boundary.
- Concentrating solar power plants require on average 2.7 acres per annual gigawatt-hour, and 3.5 acres for all land enclosed in the project area.

REPORT: TRACKING THE COST OF SOLAR ENERGY DOE, Lawrence Berkeley National Laboratory published [a report](#) on the installed price of solar PV systems from 1989 to 2012. The analysis is based on project-level data on the installed price of PV systems (prior to receipt of incentives) for more than 200,000 individual residential, commercial, and utility-scale PV systems, representing 72% of all grid-connected PV capacity installed in the U.S. through 2012. The report documented falling prices for installed residential/commercial and utility-scale PV over the reporting period and predicted future price reductions. It attributed price reductions on falling module prices and reductions in non-module prices (e.g., inverters, mounting hardware, labor, fees, taxes, and profits), but found that reduced incentives offset much of the decrease in prices. The report also noted considerable variations in installed price by project, capacity (or size), and location.

PUBLIC LANDS FOR SOLAR AND GEOTHERMAL DEVELOPMENT The Obama administration [formally established](#) a solar and geothermal power development area on 64,000 acres of public and private land in Southern California. The Bureau of Land Management (BLM) issued a [record of decision](#) (ROD) establishing the West Chocolate Mountains Renewable Energy Evaluation Area (REEA) on a strip of the Imperial Valley sandwiched between the Salton Sea to the west and the Marine Corps' Chocolate Mountain Aerial Gunnery Range to the east. The BLM plan designates 10,759 acres of the West Chocolate Mountains REEA as a new solar energy zone. In addition, approximately 19,000 acres of BLM-managed lands within the REEA will be set aside for geothermal exploration and development. The new zone in the West Chocolate Mountains REEA is the 19th solar energy zone approved since the [Western Solar Plan](#) was released in October 2012.

ACTIVITIES & METHODOLOGY FOR ASSESSING COMPLIANCE WITH BUILDING ENERGY CODES DOE is soliciting input on methodology it developed for assessing compliance with building energy codes at the local, state, and national levels ([78 FR 47677](#)). To provide technical assistance for states implementing building energy codes, [DOE developed and piloted a compliance methodology](#). The compliance assessment method is based on plan review, and onsite inspections of a statistically valid sample of buildings that included new commercial construction, new residential construction, commercial renovations, and residential renovations. New commercial buildings are further segregated into five size categories based on conditioned floor area. DOE pilot studies led to recommendations that the sample selection process and number of checklist items needed to be simplified and reduced. DOE is requesting comment on the methodology and fundamental assumptions and approaches:

- Defining and Achieving Compliance;
- Costs and Benefits;
- Compliance Targets;
- Evaluating Compliance; and
- DOE Compliance Evaluation Resources and Actions.

DOE has developed a series of specific questions; see the [Federal Register notice](#) for details. Additional information is available on the [DOE website](#). Comments are due 5 SEP 13. For more information, contact [Kym Carey](#) at (202) 287-1775.

HAZARDOUS CHEMICALS

ENHANCED PROCESS FOR DEVELOPING IRIS HEALTH ASSESSMENTS In July 2013, EPA announced enhancements to the [Integrated Risk Information System \(IRIS\)](#) assessment development process. These enhancements are intended to improve scientific quality and increase transparency, while decreasing assessment time. Highlights include: a public problem formulation meeting before beginning to develop an IRIS assessment; release of preliminary materials early in the assessment development process with a public meeting to hear comments on the materials; flexibility to revise draft assessments as needed after hearing the public's comments prior to peer review; [stopping rules](#) for incorporating new data and raising scientific issues, and [strengthened practices for peer review](#).

IRIS ASSESSMENTS FOR ETBE, RDX, AND MORE EPA announced a series of public meetings for the remainder of 2013 and throughout 2014 to increase stakeholder engagement on the development of IRIS assessments. The [first meeting is scheduled for 23-24 OCT 13](#). In accordance with the recently announced enhancements of the IRIS Program, EPA is conducting a series of public meetings for calendar years 2013 and 2014 to obtain public input at specific stages in the process of developing an IRIS assessment. EPA also announced the availability of preliminary materials for three chemicals, tert-butyl alcohol (tert-butanol), ethyl-tert-butyl ether (ETBE), and hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX), which will be discussed at the first public meeting scheduled for 23-24 OCT 13. The [preliminary materials for tert-butanol and ETBE](#) are posted on the IRIS website, and the preliminary materials for RDX will be posted approximately 60 days before the meeting. These materials are being released for public viewing and comment prior to the public meeting to provide an opportunity for the IRIS program to engage in early discussions (before the IRIS assessments have been prepared) with stakeholders and the public on data that may be used to identify health hazards and characterize exposure-response relationships.

CHEMICAL FACILITY SAFETY President Obama issued Executive Order (EO) 13650 titled [Improving Chemical Facility Safety and Security](#). The EO establishes the Chemical Facility Safety and Security Working Group that will be co-chaired by Homeland Security and EPA, and will have members from the Departments of Justice, Agriculture, and Transportation. The working group is tasked to:

- *Improve operational coordination* with state, local, and Tribal partners to improve chemical facility safety and security;
- *Enhance federal coordination* by developing a unified approach for identifying and responding to risks in chemical facilities (including during pre-inspection, inspection execution, post-inspection, and post-accident investigation activities), incident reporting and response procedures, enforcement, and collection, storage, and use of facility information;
- *Modernize key policies*, regulations, and standards to improve chemical risk management; and
- *Identify best practices* through collaboration with key stakeholders, such as chemical producers and storage companies, agricultural suppliers, state and local regulators, first responders and others.

In related news, in support of the EO, the EPA, Occupational Safety and Health Administration (OSHA), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) [issued a chemical advisory](#) that provides information on the hazardous of ammonium nitrate storage, handling, and management.

NATURAL RESOURCES

EPA PLANS TO TRACK NEPA MITIGATION EPA is [agreeing with](#) Inspector General (IG) recommendations to assess other agencies' mitigation of environmental impacts following EPA review of federal projects and actions. Under the National Environmental Policy Act (NEPA), agencies must publish an environmental impact statement (EIS) for any project or government action expected to have significant environmental impacts. When substantial impacts are expected even from the preferred alternative identified in the EIS, EPA often requests an environmental mitigation plan to identify actions that would offset predicted damage to the environment. It should be noted that EPA has no statutory authority to require other agencies to follow a mitigation plan. The IG report found that EPA does not have

procedures to determine if the mitigation plans are implemented and lead to the expected offsets. Instead, EPA tracks the number of projects where a federal agency has promised to follow a mitigation plan. The agency indicated it would develop a plan by December 2013 to conduct follow-up activities on a selected basis as resources allow.

THREATENED & ENDANGERED SPECIES

REGULATIONS FOR IMPACT ANALYSES OF CRITICAL HABITAT The FWS and National Marine Fisheries Service (NMFS) are collectively issuing final regulations pertaining to impact analyses conducted for designations of critical habitat ([78 FR 53058](#)). This action is being taken in response to a [presidential memorandum](#) directing the agencies to revise their internal regulations so that a completed economic analysis is provided to the public at the same time a proposed rule designating critical habitat is published. The intent of the rule revision is to ensure the public has earlier access to the draft economic analysis supporting critical habitat designations. This final rule is effective 30 OCT 13. For more information, contact Douglas Krofta at (703) 358-2171.

WESTERN GOVERNORS URGE STATE CONTROL FOR LESSER PRAIRIE CHICKEN The Governors of five Western states are [urging](#) the FWS to approve the draft [Range-wide Conservation Plan for the Lesser Prairie Chicken](#) (1 APR 13) as the key conservation mechanism for the species. In December of 2012, FWS proposed to list the species as “threatened” under the Endangered Species Act. Recently, FWS extended the timeline for final determination of the proposed listing to March 2014. Instead, the Governors are urging the FWS to make use of private-public partnerships to conserve the species. Specifically, the Governors want the FWS to approve the plan as a conservation enrollment program for the Lesser Prairie Chicken, a step that could preclude the need to list the species as threatened. The letter, sent 2 AUG 13, was signed by Gov. John Hickenlooper (Colorado), Gov. Sam Brownback (Kansas), Gov. Mary Fallin (Oklahoma), Gov. Susana Martinez (New Mexico.), and Gov. Rick Perry (Texas). The species is found in Colorado, Kansas, Oklahoma, New Mexico, and Texas.

PROPOSED LISTING: GRAHAM'S BEARDTONGUE AND WHITE RIVER BEARDTONGUE FWS is proposing to list Graham's beardtongue (*Penstemon grahamii*) and White River beardtongue (*Penstemon scariosus* var. *albifluvis*) as threatened species throughout their ranges ([78 FR 47590](#)). Both species are limited to portions of Utah and Colorado. Comments are due 7 OCT 13. For more information, contact Larry Crist at (801) 975-3330. Supporting information associated with this rulemaking is available on the FWS [website](#).

CRITICAL HABITAT: GIERISCH MALLOW In two closely related actions, FWS determined that Gierisch mallow (*Sphaeralcea gierischii*) meets the definition of an endangered species ([78 FR 49149](#)) and designated critical habitat in Arizona and Utah ([78 FR 49165](#)). The agency designated approximately 12,822 acres of critical habitat for the plant in two units (Starvation Point and Black Knolls) in Mohave County, Arizona, and Washington County, Utah. This final rule is effective 12 SEP 13. For more information, contact Steve Spangle at (602) 242-0210.

TOXICS

ELECTRONIC REPORTING OF TOXICS RELEASE INVENTORY DATA EPA now requires facilities to report non-trade-secret Toxics Release Inventory (TRI) forms using electronic software provided by the agency ([78 FR 52860](#)). The only exception to this electronic reporting requirement is for the few facilities that submit trade secret TRI information, which will continue to submit their trade secret reporting forms and substantiation forms in hard copy. EPA also requires facilities to submit electronically via the Internet any revisions or withdrawals of previously submitted TRI reporting forms. EPA will no longer accept submissions, revisions, or withdrawals of TRI reporting forms submitted for reporting years prior to 1991. This rule is effective 21 JAN 14. For more information, contact [David Turk](#) at (202) 566-1527.

WATER

NPDES ELECTRONIC REPORTING RULE EPA is proposing to require electronic reporting in lieu of paper-based National Pollution Discharge Elimination System (NPDES) reports using existing online reporting methods ([78 FR 46005](#)).

States, territories, and tribes would also have to use online systems, but would be relieved of some reporting requirements. Reporting would cover multiple regulatory areas including:

- Discharge Monitoring Reports;
- Reporting related to small Municipal Separate Storm Sewer Systems (MS4s);
- General Permits (applicable to state NPDES programs);
- Annual Publicly Owned Treatment Works reports; and
- Several other reporting requirements.

EPA is soliciting comment on the minimum set of NPDES program data that regulated facilities would electronically submit to their authorized programs and the process for the authorized programs receiving these electronic data to forward these data electronically to EPA. The agency is soliciting comments on a requirement for facilities to electronically submit general permit coverage notices of intent (NOI) and notices of termination (NOT). Comments are due 28 OCT 13. For more information, contact [John Dombrowski](#) at (202) 566-0742.

WATER EFFICIENCY AND MANAGEMENT PROVISIONS OF EO 13514 AND 13423 The Council on Environmental Quality (CEQ) recently released [new implementing instructions](#) addressing the water efficiency and reporting provisions of [Executive Orders 13514 and 13423](#). These new instructions supersede previous water efficiency implementation guidance. The guidance:

- Reiterates that use-reduction goals apply at the agency level, rather than the level of installations or facilities;
- Recommends agencies focus on largest and most feasible opportunities and target reductions in areas where water scarcity is greater;
- Provides guidelines for reporting in conjunction with the Annual GHG (Greenhouse Gas) and Sustainability Data Report, and in agency Strategic Sustainability Performance Plans as appropriate;
- Reiterates use reduction goals of 26% for potable water, and 20% for industrial, landscaping and agricultural (ILA) water by 2020, against a 2007 baseline for potable water and a 2010 baseline for ILA water;
- Indicates which waters are covered or exempted from goals and reporting;
- Notes that agencies must consult local health and safety codes for gray water reuse requirements; and
- Discusses other water re-use and efficiency considerations and links to other guidance material.

PRELIMINARY 2012 EFFLUENT GUIDELINES PROGRAM PLAN EPA released the [Preliminary 2012 Effluent Guidelines Program Plan](#) and the [Annual Effluent Guidelines Review Report](#). EPA is not identifying any industry category for new or revised effluent guidelines in the preliminary 2012 plan. Comments on the plan are due 7 OCT 13. For more information, contact [William Swietlik](#) at (202) 566-1129.

ONLINE TOOL TO ESTIMATE THE COST OF REMOVING CrVI FROM DRINKING WATER The [Water Research Foundation](#) released an [online tool](#) to help water systems and other interested parties [better understand the costs](#) associated with removing hexavalent chromium (CrVI) from drinking water. To use the tool, drinking water systems enter system-specific information about the impacted well, water quality, and residuals handling. The tool estimates potential cost ranges for three CrVI technologies that have emerged as leading approaches with respect to feasibility and cost.

INTERACTIVE STREAM MAP A new interactive map called [Streamer](#), from the Department of the Interior, allows tracking of the origin and destination of every stream in the U.S. Streamer is part of [NationalAtlas.gov](#), which includes a [map maker](#) and a [wide variety of printable maps](#). The site also has resources for [mapping professionals](#), including downloadable data. An [overview of Streamer](#) is available from Fast Company.

MONTANA DRINKING WATER PROGRAM: ELECTRONIC REPORTING EPA is approving revisions to Montana's Drinking Water Regulations to allow electronic reporting ([78 FR 49510](#)). On 13 OCT 05, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the Federal Register ([70 FR 59848](#)), adding a new Part 3, and amending Parts 9, 51, 60, 63, 69, 70, and 71 of the Code of Federal Regulation (CFR). The rule establishes electronic reporting

as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. This action approves Montana's request to implement the electronic reporting rule. Final approval is effective 13 SEP 13. For more information, contact [Evi Huffer](#) at (202) 566-1697.

Professional Development

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER - [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.

USACE PROSPECT TRAINING USACE announces course availability for the FY14 PROSPECT (i.e., Proponent-Sponsored Engineer Corps 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 FY14 The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY14 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 FY14 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 may vary.

***QUALIFIED RECYCLING PROGRAM RESIDENT COURSE TO BE REPLACED WITH DISTANCE LEARNING** DoD's Qualified Recycling Program (QRP) 40-Hour Resident Course (WENV 160), which has been taught and managed by the Air Force Institute of Technology (AFIT), is being reformatted as a distance learning course. This action is being taken to accommodate budget restrictions on training and travel. The reformatted, web-based course will continue to offer the same opportunities for student involvement (e.g., group activities, assignments, discussions, etc.) as the resident course. Although reformatting the Qualified Recycling Course for distance learning is not yet complete, AFIT anticipates the web-based course will be offered several times in FY14. This action is part of a broader effort to

increase distance-learning options. For more information, visit the [AFIT course website](#), or contact Mr. Tom Glardon at (937) 255-5654 ext 3538 (DSN 785-4645).

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.

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.

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 features Paul Holshouser of the American Wind Energy Association and Jon Chase from Vestas, who provides 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 features Stacy Tellinghuisen, senior energy/water policy analyst at Western Resource Advocates, who shares 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.

An * indicates the first time a training or professional 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?

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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
CO_{2e}	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
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
GGI	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
USACE	United States Army Corps of Engineers
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
WGA	Western Governors' Association
WOSL	Wyoming Office of State Lands
WRAP	Western Regional Air Partnership