



U.S. ARMY

Western Review of Legislative & Regulatory Actions Region 9



The U.S. Army Regional Environmental & Energy Office

September 2013

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



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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.

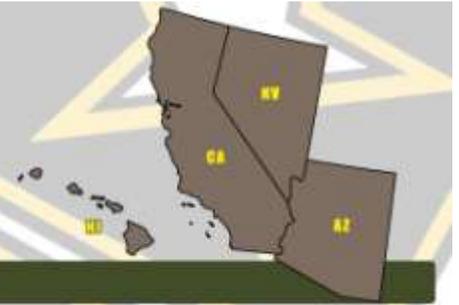
The updated MOU seeks to streamline and expedite the review of INRMP updates and revisions and address review of critical habitat exemptions. Under the terms of the MOU, the DoD, FWS, and IAFWA agree to develop and implement a streamlined review process by early 2014. As part of the five-year review, 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 9

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



AIR

ENHANCED REGULATORY OUTREACH PROGRAM The Maricopa County Air Quality Department [issued a substantive policy statement](#) that informs the general public about the department's approach to consistently implement Maricopa County's Enhanced Regulatory Outreach Program for all regulatory adoptions or amendments initiated by the department. This action is intended to inform the public about the department's outreach program and opportunities for public participation in departmental actions. The notice was issued 10 Aug 13. For more information, contact [Jo Crumbaker](#) at (602) 506-6705.

OTHER

RULES AND THE RULEMAKING PROCESS The Governor's Regulatory Review Council [adopted amendments](#) to rules in Arizona Administrative Code, Title 1, Chapter 6 (1 AAC 6). The amendments are intended to implement changes made to the Administrative Procedure Act (Arizona Revised Statutes [ARS] Title 41, Chapter 6) by House Bill [\(HB\) 2744](#) (2012). The rulemaking will make citation references consistent with current statute and improve the clarity and conciseness of the rules. In addition, the council is updating the rules to complete actions proposed in the last five-year review report, approved 7 JUL 09. The [final rule](#) is effective 5 OCT 13. For more information, contact [Scott Cooley](#) at (602) 542-2058.

LEGISLATIVE DEVELOPMENTS

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



AIR

STRATEGIES TO CONTROL EMISSIONS FROM DIESEL ENGINES The California Air Resources Board (CARB) [adopted](#) amendments to regulatory provisions in Title 13 of the California Code of Regulations (CCR) relating to diesel engines with diesel emission control strategies (DECS), which are part of CARB's Diesel Risk Reduction Plan. This action amends sections 2700 through 2711 relating to the verification and testing procedures for DECS. These amendments are intended to replace phase 1 and phase 2 testing with field and emissions testing, increase sales thresholds, add recall provisions, clarify safety testing requirements, and clarify warranty requirements for DECS manufacturers and installers. The final rule is effective 1 OCT 13. For more information, contact Keith Macias at (626) 575-6600.

SAN JOAQUIN VALLEY: GASOLINE TRANSFER The San Joaquin Valley Air Pollution Control District [is proposing](#) amendments to Rule 4621 (Gasoline Transfer into Stationary Storage Containers) and Rule 4622 (Gasoline Transfer into Motor Vehicle Storage Tanks). The amendments would:

- Add an exemption from Phase II vapor control system requirements for fueling with E85 (ethanol vehicle fuel 85% denatured ethanol, 15% gasoline);
- Ensure the rules can accommodate CARB's adopted cost reduction measure; and
- Include general housekeeping measures to remove redundant/outdated language and clarify existing rule.

A public hearing was held 28 AUG 13. Comments are due 12 SEP 13. For more information, contact [Sajjad Ahmad](#) at (559) 230-6000.

SAN JOAQUIN VALLEY: REVOKED 1-HOUR OZONE STANDARD The San Joaquin Valley Air Pollution Control District [is proposing](#) to adopt the proposed 2013 Plan for the Revoked 1-Hour Ozone Standard. Although the U.S. Environmental Protection Agency (EPA) approved the district's 2004 plan for the 1-hour ozone standard in 2010, EPA withdrew its approval because of litigation. This action will affect sources in Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare counties. A public hearing is scheduled for 19 SEP 13. Comments were due 3 SEP 13. For more information, contact [Anna Myers](#). Additional information about district ozone plans and the revoked 1-hour ozone standard is available on the [district's website](#).

SOUTH COAST: EMISSION REDUCTION CREDITS/SHORT TERM CREDITS The South Coast Air Quality Management District [adopted Rule 1309](#) (Emission Reduction Credits and Short Term Credits). This action allows the re-issuance of emission reduction credits (ERCs), subject to terms and conditions. These specific conditions would also apply to the re-issuance of short-term ERCs. The final rule was effective 7 JUL 13. For more information, contact [Henry Pourzand](#) at (909) 396-2414.

SOUTH COAST: NOX FROM BOILERS, GENERATORS, AND HEATERS The South Coast Air Quality Management District is proposing amendments to Rules [1146](#) and [1146.1](#) controlling emissions of oxides of nitrogen (NOx) from industrial, institutional, and commercial boilers, steam generators, and process heaters. The [primary purpose](#) of the amendment is to provide resolution of a federal state implementation plan (SIP) approvability issue pertaining to rule enforceability and incorporate other rule clarifications. Comments are due 13 SEP 13. For more information, contact [Gary Quinn](#) at (909) 396-3121.

VENTURA COUNTY: SO2 LIMITS The Ventura County Air Pollution Control District is proposing revisions to [district Rule 54](#) (Sulfur Compounds). The amendments would add the federal 2010 sulfur dioxide (SO₂) National Ambient Air Quality Standards (NAAQS) as a ground or sea level concentration limit to the current rule limits that are based on state standards for SO₂. In addition to adding the 2010 SO₂ NAAQS, the district is proposing to address deficiencies in [Rule 54](#) identified by EPA during the SIP revision process in February 2000. The SIP revisions consist primarily of clarifications and corrections. In addition, the district will make [conforming amendments](#) to district [Rule 42](#) (Permit Fees) to maintain consistency between the rules. A public meeting is scheduled for 24 SEP 13. For more information, contact [Tyler Harris](#) at (805) 645-1407.

HAZARDOUS CHEMICALS

HAZARD COMMUNICATION STANDARDS The California Occupational Safety and Health Standards Board [is proposing](#) amendments to address updated requirements for hazard communication as pertains to hazard communication standard warning labels, signs and safety data sheets (consistent with the United Nations Globally Harmonized System [GHS] classification), and chemical labeling (for workers and product consumers). Additionally, the proposed amendments update hazard communication standards for welding, brazing, and cutting and include housekeeping revisions and clarifications. Comments are due 17 OCT 13. A public hearing is scheduled for the same day. For more information, contact Marley Hart at (916) 274-5721 or visit the [rulemaking website](#).

NATURAL RESOURCES

LAKE AND STREAMBED ALTERATION FEES The California Department of Fish and Wildlife [is proposing](#) to increase fees for lake and streambed alteration. Fees would be increased by approximately 9.5%. A public hearing is scheduled for 18 OCT 13. Comments are due the same day. For more information, contact [Micah Carnahan](#) at (916) 651-8797.

WASTE

WASTE TIRE STORAGE The California Department of Resources and Recycling (CalRecycle) [is proposing](#) to add, amend, or repeal 14 CCR sections pertaining to waste tires. The proposed rulemaking is intended to:

- Incorporate applicable fire codes standards into waste tire storage and disposal rules;
- Specify requirements for a waste tire collection location;
- Clarify and amend definitions;
- Simplify waste tire facility permit reapplication procedures;
- Specify manifest requirements;
- Remove requirements for CalRecycle to issue a "Cleanup and Abatement Order" before issuing a waste tire facility penalty;
- Specify requirements for exempt and excluded waste tire facilities, and
- Establish recordkeeping requirements for any person handling used or waste tires.

Comments are due 15 OCT 13. A public hearing is scheduled for the next day. For more information, contact [Paulino Luna](#) at (916) 341-6412.

WATER

PROPOSED MCL FOR CrVI The California Department of Public health [is proposing](#) a new maximum contaminant level (MCL) for hexavalent chromium (CrVI) in drinking water of 0.010 milligram per liter (i.e., 10 micrograms per liter, or µg/l). [Comments](#) are due 11 OCT 13. Public hearings will be held 11 OCT 13 in Sacramento and Los Angeles. In 1977, California established a MCL for total chromium of 50 µg/l. This action would establish the first ever state-promulgated standard for CrVI. It would amend 22 CCR, Sections 64213, 64431, 64432, 6447.2, 64463, 64465, 64481, 64530, 64534, 64534.2, 64534.8, 34535.2, 34535.4, and 64671.80. The department prepared a [fact sheet](#) about CrVI in drinking water and its regulation. A press release is available [here](#). For more information, contact Mike McKibben at (619) 525-4023.

PUBLIC COMMENT PERIOD EXTENDED: DRAFT INDUSTRIAL GENERAL STORMWATER PERMIT The California State Water Resources Control Board [is inviting public comment](#) on the draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Stormwater Associated with Industrial Activities that was released July 2013. This iteration of the permit is referred to as the July 2013 Draft Industrial General Permit. As compared to prior drafts, the July 2013 Draft Industrial General Permit provides a reduced cost of compliance, excludes numeric effluent limitations, and streamlines the regulatory process while protecting water quality. The public comment period was extended to 12 SEP 13. For more information, contact [Leo Cosentini](#) at (916) 341-5524. Additional information, including a [fact sheet](#), is available from the board's [website for industrial stormwater](#).

DELTA PLAN The California Delta Stewardship Council adopted a rulemaking implementing the [Sacramento - San Joaquin Delta Reform Act of 2009](#). It enables enforcement of the regulatory policies of the Delta Plan through a Certification of Consistency process that local and state government agencies will use for any covered activities taking place in the Delta that the agencies fund, carry out, or approve. The rulemaking action adopts regulations in 23 CCR that specify the standards of consistency with the Delta Plan for these various Delta Plan regulatory policies.

LEGISLATIVE DEVELOPMENTS

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

| <i>California Bill Number, Sponsor, and Description</i> | <i>Bill Introduced</i> | <i>Passed 1st House</i> | <i>Passed 2nd House</i> | <i>Status</i> |
|---|------------------------|------------------------------------|------------------------------------|---------------------------|
| AIR / CLIMATE CHANGE | | | | |
| AB 26 <i>Assemblywoman Susan Bonilla (D)</i> Proposes to prohibit the Controller from using moneys deposited in the Greenhouse Gas Reduction Fund for cash flow loans to the General Fund. | ✓ | ✓ | | |
| AB 245 <i>Assemblyman Shannon Grove (R)</i> Proposes to repeal an exemption for the Western Climate Initiative, Inc. from requirements to hold open meetings (Bagley-Keene Open Meeting Act). Subjects the Western Climate Initiative, Inc. and its appointees to the Bagley-Keene Open Meeting Act when performing their duties. | ✓ | | | Failed crossover deadline |
| AB 147 <i>Assemblyman Manuel Perez (D)</i> Proposes to specify certain actions be completed concerning dust mitigation in the Salton Sea. Pertains to abatement of dust from the Salton Sea caused by other water transfers in the Quantification Settlement Agreement (QSA). | ✓ | ✓ | | |
| AB 278 <i>Assemblyman Mike Gatto (D)</i> Proposes to change how the Air Resources Board scores low carbon fuels. Requires the board to consider specific issues including deforestation, environmental law in place for the fuel's origin, and disruptions in food supply or costs. | ✓ | ✓ | | |
| AB 691 <i>Assemblyman Al Muratsuchi (D)</i> Proposes to specify that assessing the effects of sea level rise on certain public trust lands be a management priority. Requires certain trustees of public tidelands and submerged lands prepare and submit to the legislature an assessment of how they propose to address sea level rise. | ✓ | ✓ | | |
| SB 605 <i>Senator Ricardo Lara (D)</i> Proposes to require the CARB, when updating the GHG scoping plan, to include specified criteria. Requires all GHG emissions reductions be achieved within the state in areas that are most impacted by GHG and other pollutants. | ✓ | ✓ | | |
| SB 726 <i>Senator Ricardo Lara (D)</i> Proposes to require the Western Climate Initiative to cease all work on behalf of the state. | ✓ | ✓ | | |
| SB 793 <i>Senator Ricardo Lara (D)</i> Proposes to require an oceangoing vessel equipped to receive shore power to conduct the testing and inspection of such equipment each time the equipment is used. | ✓ | | | Failed crossover deadline |
| SB 798 <i>Senator Kevin De Leon (D)</i> Proposes to enact the California Green Infrastructure Bank Act. Establishes the California Green Infrastructure Bank as a public corporation responsible for administering the act. | ✓ | | | Failed crossover deadline |

| <i>California Bill Number, Sponsor, and Description</i> | <i>Bill Introduced</i> | <i>Passed 1st House</i> | <i>Passed 2nd House</i> | <i>Status</i> |
|---|------------------------|------------------------------------|------------------------------------|---------------------------|
| ENERGY | | | | |
| AB 148 <i>Assemblyman Manuel Perez (D)</i> Proposes to establish a Salton Sea Renewable Energy and Biofuel Research and Development Program in the Salton Sea basin to provide grants to facilitate research and the commercial development of renewable energy and biofuel resources. Requires the Natural Resources Agency to issue rules for application, review, and issuance of grants. | ✓ | | | Failed crossover deadline |
| AB 177 <i>Assemblyman Manuel Perez (D)</i> Proposes to require all retail sellers of electricity to procure new demand-side and clean energy generation to achieve greenhouse gas emissions reduction, resource adequacy, and renewable goals simultaneously in the most cost-effective manner practicable. Promotes renewable energy development in the Salton Sea area. | ✓ | | | Failed crossover deadline |
| AB 190 <i>Assemblyman Joan Buchanan (D)</i> Proposes to make nonsubstantive changes to the meaning of kilowatt hour in the California Solar Initiative. | ✓ | | | Failed crossover deadline |
| AB 225 <i>Assemblyman Brian Nestande (R)</i> Proposes to address the speed of electric vehicles on roadways and operator licensing. Requires that the driver of a medium-speed electric vehicle possess a class A, class B, or class C driver's license. | ✓ | ✓ | | |
| AB 248 <i>Assemblyman Jeff Gorell (R)</i> Proposes to require the Public Utilities Commission to submit a report on how it can achieve objectives related to once-through cooling power plants in Ventura County while preserving and enhancing electric system reliability in the counties of Santa Barbara and Ventura. | ✓ | | | Failed crossover deadline |
| AB 284 <i>Assemblyman Bill Quirk (D)</i> Proposes to require the State Energy Resources Conservation and Development Commission to convene a "Road to 2050 Board." Specifies staffing and duties of the board. Requires the board to undertake studies and complete reports related to the goal of reducing greenhouse gas emissions by 80% of 1990 levels by 2050. | ✓ | | | Failed crossover deadline |
| AB 293 <i>Assemblyman Travis Allen (R)</i> Proposes to make changes to existing requirements for the Public Utilities Commission to study and report on the impacts of distributed energy generation on the state's distribution and transmission grid. | ✓ | | | Failed crossover deadline |
| AB 1014 <i>Assemblyman Das Williams (D)</i> Proposes to create the Green Tariff and Shared Renewable Generation program. | ✓ | ✓ | | |
| AB 1350 <i>Assemblyman Roger Hernandez (D)</i> Proposes to require the Public Utilities Commission to adopt and implement a schedule that implements a second phase-in period for expanding direct transactions. | ✓ | | | Failed crossover deadline |

| <i>California Bill Number, Sponsor, and Description</i> | <i>Bill Introduced</i> | <i>Passed 1st House</i> | <i>Passed 2nd House</i> | <i>Status</i> |
|---|------------------------|------------------------------------|------------------------------------|-------------------------------|
| AB 1409 <i>Committee On Utilities And Commerce</i> Proposes to move certain requirements for local publicly owned electric utilities from an area of the public utilities code pertaining to electrical restructuring, to the area of the code pertaining to the implementation of the California Solar Initiative. | ✓ | ✓ | | |
| SB 43 <i>Senator Lois Wolk (D)</i> Proposes to allow energy utility customers, including the military, who cannot generate their own renewable energy on site, to obtain renewable energy from off-site community renewable energy facilities. | ✓ | ✓ | | |
| SB 715 <i>Senator Ricardo Lara (D)</i> Proposes to exclude a facility that burns municipal solid waste from consideration as a renewable energy resource unless it is located in the County of Los Angeles and was operational prior to 26 SEP 96. | ✓ | | | Failed crossover deadline |
| LAND USE | | | | |
| SB 186 <i>Senator Stephen Knight (R)</i> Proposes to amend requirements related to the planning and zoning law that requires local government agencies to prepare and adopt a general plan that analyzes existing and projected housing needs. | ✓ | | | Failed crossover deadline |
| SB 758 <i>Senator Martin Block (D)</i> Proposes to address Airport Land Use Compatibility Plan in the City of Coronado, where Naval Base Coronado is located. | ✓ | ✓ | ✓ | Awaiting transfer to Governor |
| NATURAL RESOURCES | | | | |
| AB 37 <i>Assemblyman Henry T. Perea (D)</i> Proposes to amend the California Environmental Quality Act (CEQA) to require project applicants to prepare certain documentation. | ✓ | ✓ | | |
| AB 875 <i>Assemblyman Wesley Chesbro (D)</i> Proposes to address restoration grant programs relating to salmon and anadromous trout species. | ✓ | | | Failed crossover deadline |
| AB 1060 <i>Assemblyman Steve Fox (D)</i> Proposes to exempt certain military projects from CEQA filing fees. | ✓ | ✓ | | |
| AB 1134 <i>Assemblyman Ben Hueso (D)</i> Proposes to make changes to migratory bird hunting rules. | ✓ | | | Failed crossover deadline |
| AB 1302 <i>Assemblyman Curt Hagman (R)</i> Proposes to enact the Sustainable Environmental Protection Act. Limits the scope of CEQA-based judicial challenges to projects. | ✓ | | | |
| SB 167 <i>Senator Ted Gaines (R)</i> Proposes to amend CEQA requirements. | ✓ | | | Failed crossover deadline |

| <i>California Bill Number, Sponsor, and Description</i> | <i>Bill Introduced</i> | <i>Passed 1st House</i> | <i>Passed 2nd House</i> | <i>Status</i> |
|---|------------------------|------------------------------------|------------------------------------|---------------------------|
| OTHER | | | | |
| AB 12 <i>Assemblyman Ken Cooley (D)</i> Proposes to require the Department of Finance and the proponent office to annually review the standardized regulatory impact analyses for adherence to the adopted regulations. Potentially affects agency regulatory impact analysis conducted for each major regulatory action. | ✓ | ✓ | | |
| AB 163 <i>Assemblyman Toni Atkins (D)</i> Proposes to extend an exemption, for an additional ten years certain sales and use tax for operation of a thrift store on a military installation that assists members of the Armed Forces of the United States. | ✓ | ✓ | ✓ | Signed by Governor |
| AB 526 <i>Assemblyman Melissa Melendez (R)</i> Proposes to extend deferrals for active members of the Military Reserve and Active Guard for payments on mortgages, credit cards, retail installment accounts and contracts, real property taxes and assessments, and vehicle leases. Addresses reinstatement of health care coverage. | ✓ | ✓ | ✓ | To Governor |
| AB 1327 <i>Assemblyman Jeff Gorell (R)</i> Proposes to prohibit public agencies from using or contracting for the use of unmanned aircraft systems with certain exceptions. | ✓ | | | Failed crossover deadline |
| SB 720 <i>Senator Lou Correa (D)</i> Proposes to provide mortgage relief to current service members. | ✓ | ✓ | ✓ | To Governor |
| WASTE | | | | |
| AB 215 <i>Assemblyman Wesley Chesbro (D)</i> Proposes to revise the definitions of the various terms pertaining to requirements for rigid plastic packaging containers. | ✓ | ✓ | | |
| AB 371 <i>Assemblyman Rudy Salas (D)</i> Proposes to authorize Kern County to prohibit the land application of sewage sludge. | ✓ | | | Failed crossover deadline |
| AB 1398 <i>Committee On Natural Resources</i> Proposes to define commercial solid waste to include all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units. | ✓ | ✓ | | |
| SB 245 <i>Senator Lou Correa (D)</i> Proposes to establish the Used Mattress Recycling Act. Requires an industry group to establish a used mattress recycling program, similar to existing recycling programs for paint and used carpet. | ✓ | | | Failed crossover deadline |
| SB 254 <i>Senator Loni Hancock (D)</i> Proposes to establish the Used Mattress Recovery and Recycling Act. Requires mattress manufacturers to develop a plan that ensures that the manufacturer is responsible for the collection and recycling of used mattresses generated by consumers in the state. Specifies requirements to be included in the plan, including meeting specified recycling goals. Requires annual reporting. | ✓ | ✓ | | |

| <i>California Bill Number, Sponsor, and Description</i> | <i>Bill Introduced</i> | <i>Passed 1st House</i> | <i>Passed 2nd House</i> | <i>Status</i> |
|--|------------------------|------------------------------------|------------------------------------|---------------------------|
| WATER | | | | |
| AB 7 <i>Assemblyman Bob Wieckowski (D)</i> Proposes to require the California Division of Oil, Gas, and Geothermal Resources and the California State Water Resources Control Board to develop rules and regulations specific to hydraulic fracturing. Specifies requirements for production well owners. | ✓ | | | |
| AB 240 <i>Assemblyman Anthony Rendon (D)</i> Proposes to add regulations for mutual water companies. Allows a mutual water company to file a lien against a shareholder for lack of payment. Adds requirements for mutual water company board members. | ✓ | ✓ | ✓ | In concurrence |
| AB 282 <i>Assemblyman Bob Wieckowski (D)</i> Proposes to increase the fee to store petroleum in an underground storage tank by \$0.006 per gallon until 2016. | ✓ | ✓ | | |
| AB 467 <i>Assemblyman Mark Stone (D)</i> Proposes to require the state board, in expending moneys from the Freshwater Protection Fund, to prioritize programs that provide drinking water solutions for disadvantaged and severely disadvantaged communities. | ✓ | ✓ | | |
| AB 1223 <i>Assemblyman Mark Stone (D)</i> Proposes to make technical, nonsubstantive changes to the California Safe Drinking Water Act. | ✓ | | | Failed crossover deadline |
| *AJR 7 <i>Assemblyman Jimmy Gomez (D)</i> This bill was amended to address restoration of the Los Angeles River. Urges USACE to adopt "Alternative 20," of the Los Angeles River Ecosystem Restoration Feasibility Study, referred to as the "ABBOR" study. Alternative 20 proposes restoration to Verdugo Wash, Arroyo Seco Confluence, and Taylor Yard Bowtie parcel and channel modifications and terracing in multiple locations along the river. | ✓ | | | |
| SB 246 <i>Senator Jean Fuller (R)</i> Proposes to reverse the consolidation of two water agencies (Desert View Water District and the Bighorn Mountains Water Agency). | ✓ | ✓ | ✓ | To Governor |
| SB 322 <i>Senator Ben Hueso (D)</i> Proposes to mandate the development of criteria for recycled water. | ✓ | ✓ | | |
| SB 449 <i>Senator Cathleen Galgiani (D)</i> Proposes to prohibit certain water project grants unless the project applicant is found to be sufficiently reducing their dependence on the Delta watershed. | ✓ | | | |



LEGISLATIVE DEVELOPMENTS

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

In addition, the [2013 Guam legislative session](#) began 2 JAN 13 and adjourns 28 DEC 13. An * indicates the first time a bill appears in the 2013 Review.

[COR 108-32](#) proposes to change number of definitions in Guam's 2010 bottle recycling law (Public Law 30-221) to give Guam EPA flexibility in adjusting program fees. The bill removes a [provision](#) from existing law that the bottle deposit fee be implemented six months after the government of Guam reaches a voluntary, written agreement with the U.S. Navy and U.S. Air Force. Introduced 6 MAY 13.

*[COR 61-32](#) proposes to adopt revisions to the Guam Building Energy Code. The code specifies building energy requirements applicable to all non-residential and residential construction. Introduced 4 MAR 13.

*[COR 26-32](#) proposes to mandate the creation of the Guam Public Notice Website. The bill would require the Department of Administration to create and maintain a publically accessible website that will allow government agencies to post required public notifications. Introduced 28 JAN 13.

*[COR 11-32](#) proposes to create the Guam Coral Reef Protection Act. The act includes notification provisions for any person who damages corals and provides for civil and other penalties. Introduced 10 JAN 13.



AIR

AMBIENT AIR QUALITY STANDARDS The Nevada State Environmental Commission (NSEC) [is proposing](#) to revise provisions governing NAAQS codified in Nevada Administrative Code (NAC) 445B. A [public meeting](#) is scheduled for 9 OCT 13. For more information, contact the [State Environmental Commission](#).

ADOPTION BY REFERENCE NSEC is proposing to revise the date of federal regulations published in Federal Register that are adopted by reference to 1 JUL 13. This action would revise NAC 445B.221. A [public meeting](#) is scheduled for 9 OCT 13. For more information, contact the [State Environmental Commission](#).

ENERGY

FEES FOR ENERGY RELATED TAX CREDITS The Nevada Office of Energy [is proposing](#) a regulation relating to energy-related tax incentives. This action would authorize the office to charge and collect certain fees from applicants for specified energy-related tax incentives. For more information, contact the Office of Energy at (775) 687-1850.

REGULATIONS FOR AB 239 (2013) The Nevada Office of Energy [is proposing](#) to revise various provisions relating to [Assembly Bill No. 239](#) of the 2013 Legislative Session. For more information, contact the Office of Energy at (775) 687-1850.

NATURAL RESOURCES

AQUATIC INVASIVE SPECIES The Nevada Board of Wildlife Commissioners [is proposing](#) amendments to state rules for aquatic invasive species management. The amendments exempt federal, state, and local government vessels from fees and requirements for decals to be affixed to vessels.

WASTE

HAZARDOUS WASTE MANAGEMENT FEES The NSEC [is proposing to increase fees](#) paid by facilities for the management of hazardous waste. This action would revise NAC 444.8448. The term "management of hazardous waste" is defined in NAC 444.8432 as "having the meaning ascribed to it in [NRS 459.435](#) and includes, but is not limited to, the open

burning of hazardous waste, open detonation of hazardous waste, and incineration of hazardous waste, including burning for the recovery of energy or destruction in boilers or industrial furnaces." A [public meeting](#) is scheduled for 9 OCT 13. For more information, contact the [State Environmental Commission](#).

SOLID WASTE MANAGEMENT FEES The NSEC [is proposing to revise certain fees](#) paid by permitted solid waste management facilities. This action would revise NAC Chapter 444 by adding a new fee schedule for permitted disposal sites. A [public meeting](#) is scheduled for 9 OCT 13. For more information, contact the [State Environmental Commission](#).

LEGISLATIVE DEVELOPMENTS

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

Department of Defense Activity

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 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 SO₂ 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 volatile organic compounds (VOCs) 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.

ARIZONA SIP: REGIONAL HAZE EPA is finalizing a partial disapproval of revisions to the Arizona SIP addressing regional haze for the first planning period through 2018 ([78 FR 48326](#)). The revisions submitted to EPA in 2003 and 2004 address regional haze in Class I areas. The rule was effective 9 SEP 13. For more information, contact [Thomas Webb](#) at (415) 947-4139.

ARIZONA SIP: MARICOPA COUNTY EPA is proposing to approve revisions to the Maricopa County portion of the Arizona SIP that concern particulate matter (PM) emissions from fugitive dust ([78 FR 52485](#)). The agency is approving local statutes that regulate these emission sources. Comments are due 23 SEP 13. For more information, contact [Nancy Levin](#) at (415) 942-3848.

CALIFORNIA HD TRACTOR-TRAILER GHG REGULATION EPA scheduled a public meeting concerning California's request for a waiver of preemption for the state's greenhouse gas (GHG) regulation for large box type tractor trailers ([78 FR 51724](#)). The public meeting is scheduled for 16 SEP 13. The state notified EPA that it adopted a tractor-trailer GHG emission regulation applicable to new and in-use tractors that haul such trailers on California highways, referred to as the [Heavy-Duty \(HD\) Tractor-Trailer GHG Regulation](#). On 20 June 13, the state requested that EPA grant a waiver of preemption of the CAA for the HD Tractor-Trailer GHG Regulation pertaining to new tractors (2011 through 2013 model years) and new trailers (2011 and subsequent model years). For more information, contact [David Dickinson](#) at (202) 343-9256.

CALIFORNIA SIP: PLACER, SANTA BARBARA, VENTURA COUNTIES EPA is taking direct final action to approve revisions to the Placer County Air Pollution Control District, Santa Barbara County Air Pollution Control District, and Ventura County Air Pollution Control District portions of the California SIP ([78 FR 53680](#)). The agency is approving local rules that regulate VOC emissions from adhesives and sealants. This final rule is effective 29 OCT 13 without further notice unless the agency received adverse comment by 29 SEP 13. For more information, contact [Adrienne Borgia](#) at (415) 972-3576.

CALIFORNIA SIP: SAN JOAQUIN VALLEY EPA is proposing to approve a revision to the San Joaquin Valley portion of the California SIP ([78 FR 53113](#)). The revisions address nonattainment area contingency measure requirements for the

1997 annual and 24-hour fine particulate (PM_{2.5}) NAAQS in the San Joaquin Valley. Final approval of the SIP revision would terminate the sanctions clock and federal implementation plan (FIP) clock that were triggered by EPA's [partial disapproval](#) of a related SIP submission. Comments are due 27 SEP 13. For more information, contact [Frances Wicher](#) at (415) 972-3957.

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; refer to 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.

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.

CRITICAL HABITAT: WEBBER'S IVESIA FWS is proposing to designate approximately 2,011 acres of critical habitat for [Webber's ivesia](#) in Plumas, Lassen, and Sierra counties, in northeastern California and Washoe and Douglas counties in northwestern Nevada ([78 FR 46862](#)). Webber's ivesia is a member of the rose family found only in portions of California and Nevada. Comments are due 1 OCT 13. A [public hearing](#) was held 10 SEP 13. In a related action, the agency is proposing to list Webber's ivesia as threatened ([78 FR 46889](#)). Comments on the proposed listing are due 1 OCT 13. For more information, contact Edward D. Koch at (775) 861-6300.

PROPOSED DELISTING: POTENTILLA BASALTICA FWS is proposing to remove [Potentilla basaltica](#) from the candidate list of threatened or endangered species ([78 FR 46889](#)). The agency completed a 12-month review of the species and determined listing is not warranted. The species is found in California and Nevada. Comments are due 1 OCT 13. For more information, contact Edward D. Koch at (775) 861-6300.

MEXICAN WOLF NEP FWS will prepare a draft EIS in conjunction with a proposed rule to revise the existing [nonessential experimental population \(NEP\) designation of the Mexican wolf \(*Canis lupus baileyi*\) \(78 FR 47268\)](#). This action is being taken in response to the FWS [proposal to return management and protection of gray wolves to states](#) following successful recovery efforts. Comments are due 19 SEP 13. For more information, contact the Mexican Wolf Recovery Program at (505) 761-4704. Additional information about the recovery program is available on the FWS [website](#) for the Mexican gray wolf.

DELISTING NOT WARRANTED: SOUTHERN RESIDENT KILLER WHALE NMFS completed a status review of Southern Resident [killer whale \(*Orcinus orca*\)](#) distinct population segment (DPS) in response to a petition to delist the DPS and determined that delisting is not warranted at this time ([78 FR 47277](#)). The Southern Resident killer whale DPS is found primarily in the Puget Sound area of Washington, the Strait of Juan de Fuca (U.S. Canada border), and the Southern Georgia Strait (Canada), although it has been observed as far south as California. This finding was made 5 AUG 13. For more information, contact Lynne Barre at (206) 526-4745.

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 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 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 [Streamr](#), from the Department of the Interior, allows tracking of the origin and destination of every stream in the U.S. Streamr 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 Streamr](#) is available from Fast Company.

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?

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

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Acronyms

| | |
|------------------------|---|
| AAQS | ambient air quality standards |
| ACHP | Advisory Council on Historic Preservation |
| ACUB | Army Compatible Use Buffer |
| ADEQ | Arizona Department of Environmental Quality |
| ADWM | Arizona Department of Weights and Measures |
| ADWR | Arizona Department of Water Resources |
| AFB | Air Force Base |
| AGRRC | Arizona Governor's Regulatory Review Council |
| AQIP | Air Quality Improvement Program |
| ARNG | Army National Guard |
| ASTM | American Standard Test Method |
| ATSDR | Agency for Toxic Substances and Disease Registry |
| BACM | best available control measure |
| 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 |
| CalEPA | California Environmental Protection Agency |
| CARB | California Air Resources Board |
| CaRFG3 | phase 3 California reformulated gasoline |
| CBAR | California Bureau of Automotive Repair |
| CDC | California Department of Conservation |
| CDFG | California Department of Fish and Game |
| CDPH | California Department of Public Health |
| CDPR | California Department of Pesticide Regulation |
| CDTSC | California Department of Toxic Substances Control |
| CDWR | California Department of Water Resources |
| CEC | California Energy Commission |
| CEQ | Council on Environmental Quality |
| CEQA | California Environmental Quality Act |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CFR | Code of Federal Regulation |
| CH₄ | methane |
| CNOR | candidate notice of review |
| CO₂ | carbon dioxide |
| CO₂e | carbon dioxide equivalent |
| COAL | California Office of Administrative Law |
| COE | Army Corps of Engineers |
| COEHHA | California Office of Environmental Health Hazard Assessment |
| CPUC | California Public Utilities Commission |
| CrVI | hexavalent chromium |
| CSWRCB | California State Water Resources Control Board |
| CVC | California Vehicle Code |
| CWA | Clean Water Act |
| CX | categorical exclusion |
| DA | Department of Agriculture |
| DO | dissolved oxygen |
| DoD | Department of Defense |
| DOE | Department of Energy |
| DOI | Department of Interior |

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| DOT | Department of Transportation |
| DSM | demand side management |
| DPS | distinct population segment |
| EA | environmental assessment |
| ECA | emission control area |
| ECF | emission comparable fuel |
| EIO | Energy Initiatives Office |
| EIS | environmental impact statement |
| EPA | Environmental Protection Agency |
| EO | Executive Order |
| 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 |
| GEPA | Guam Environmental Protection Agency |
| GHG | greenhouse gas |
| GSA | General Service Administration |
| HAP | hazardous air pollutant |
| HAR | Hawaii Administrative Rule |
| HB | House Bill |
| HCFC | hydrochlorofluorocarbon |
| HCWRM | Hawaii Commission on Water Resource Management |
| HDA | Hawaii Department of Agriculture |
| HDLNR | Hawaii Department of Land and Natural Resources |
| HDOH | Hawaii Department of Health |
| 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 |
| MADL | maximum allowable dose level |
| MCL | maximum contaminant level |
| MCLG | maximum contaminant level goal |
| MERIT | Materials of Evolving Regulatory Interest Team |
| MOU | memorandum of understanding |
| MPA | marine protected area |
| 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 |
| NAC | Nevada Administrative Code |
| NDEP | Nevada Division of Environmental Protection |
| NEPA | National Environmental Policy Act |
| NESHAP | National Emission Standards for Hazardous Air Pollutants |
| NF₃ | nitrogen trifluoride |
| NHTSA | National Highway Traffic Safety Administration |

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| NIST | National Institute of Standards and Technology |
| NMFS | National Marine Fisheries Service |
| NOAA | National Oceanic and Atmospheric Administration |
| NO₂ | nitrogen dioxide |
| NOx | nitrogen oxides |
| NPDES | National Pollutant Discharge Elimination System |
| NRC | Nuclear Regulatory Commission |
| NSEC | Nevada State Environmental Commission |
| 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 |
| RICE | Reciprocating Internal Combustion Engine |
| RoC | Report on Carcinogens |
| RoHS | European Union's Restriction of Hazardous Substances |
| RRP | Renovation, Repair, and Painting |
| 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 |
| SOx | 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 |
| UFC | Unified Facilities Criteria |
| ug/m³ | micrograms per cubic meter |
| 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 |
| WGA | Western Governors' Association |
| WRAP | Western Regional Air Partnership |