



Central Review of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

July 2015

The *Central REVIEW* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the nine states and territories in Federal Regions 6 and 7, the Central Review gives early notice of legislative and regulatory activities relevant to DOD interests. The *Review* also helps installations meet ISO 14001 environmental management system requirements.

Find out more about the Army Regional Environmental and Energy Offices [here](#). Click [here](#) to browse back issues of the *Central Review*. To read back issues of other Regional Office Reviews, click on a region of the REEO website's U.S. map and then select "Publications."

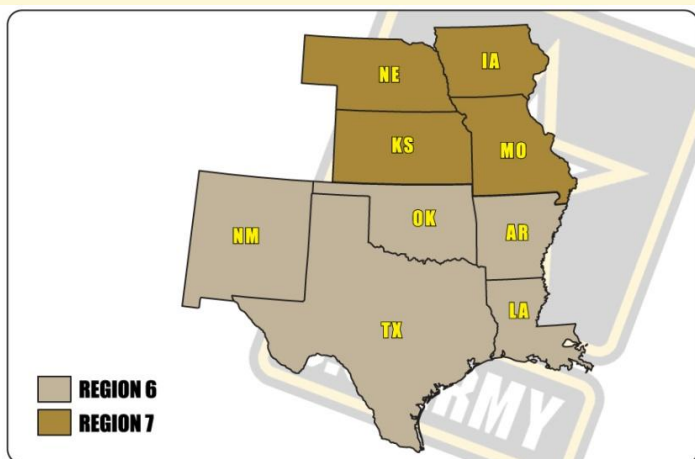


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2015 REVISED UNDERGROUND STORAGE TANK REGULATIONS

In June 2015, EPA issued the [2015 underground storage tank regulation and the 2015 state program approval regulation](#). The revisions strengthen the 1988 federal underground storage tank (UST) regulations by increasing emphasis on properly operating and maintaining UST equipment. The revisions will help prevent and detect UST releases, which are a leading source of groundwater contamination. The revisions will also help ensure all USTs in the United States meet the same minimum standards. This is the first major revision to the federal UST regulations since 1988.

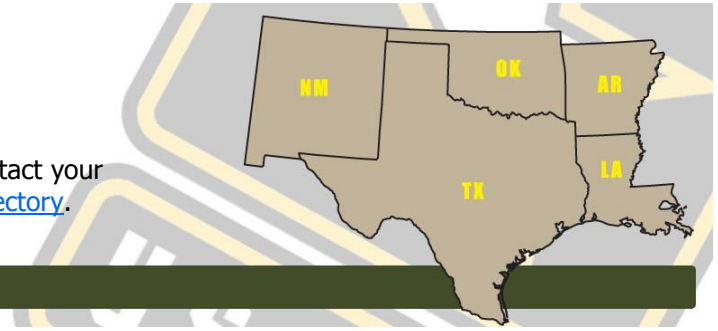
The 2015 regulation changes certain portions of the 1988 underground storage tank technical regulation in 40 CFR part 280. The changes establish federal requirements that are similar to key portions of the Energy Policy Act of 2005. In addition, EPA added new operation and maintenance requirements and addressed UST systems deferred in the 1988 UST regulation. The changes include:

- Adding secondary containment requirements for new and replaced tanks and piping;
- Adding operator training requirements;
- Adding periodic operation and maintenance requirements for UST systems;
- Adding requirements to ensure UST system compatibility before storing certain biofuel blends;
- Removing past deferrals for emergency generator tanks, airport hydrant systems, and field-constructed tanks;
- Updating codes of practice; and
- Making editorial and technical corrections

For more information contact EPA's [Elizabeth McDermott](#), (703) 603-7175.

Region 6

For more information on any state issues in Region 6, contact your Regional Environmental Coordinator listed in the [Staff Directory](#).



Legislature convened 12 JAN 15 and adjourned 22 APR 15.

LEGISLATIVE SUMMARY OF ITEMS PREVIOUSLY REPORTED

Passed/Enacted

[HB 1004](#) requires electric utilities to compensate net-metering customers for net excess generation credits.

[HB 1067](#) amends the laws regarding water quality regulations and wastewater discharge permits.

[HB 1633](#) allows a utility to enter into a power purchase agreement.

Failed to Pass

[HB 1003](#) creates the Arkansas Nighttime Environment Protection Act.

[SB 592](#) amends laws concerning net metering to allow community net metering.

[HB 1885](#) enacts the Arkansas Distributed Generation Act of 2015.

[SB 737](#) requires public utilities to provide notice for proposed routes of a public utility.



Legislature convened 13 APR 15 and adjourned 11 JUN 15.

LEGISLATIVE SUMMARY OF ITEMS PREVIOUSLY REPORTED

Passed/Enacted

[HCR 5](#) approves the 2015-2016 Atchafalaya Basin Annual Plan.

[HCR 163](#) expresses support of the U.S. Armed Services and maintenance of Fort Polk at its present level of personnel.

[HCR 172](#) directs the Louisiana National Guard not to accept waste explosives at Camp Minden. **REEO-C Comment:** In draft form this resolution was HLS 15RS – 1374 and would have eliminated the exemption for military burning of hazardous explosives statewide, including all DOD facilities. REEO-C met with the sponsor and the legislator from the FT Polk area and now the resolution as passed affects **only** Camp Minden.

[HR 101](#) expresses support of the U.S. Armed Services and recognizes the impact of the military on Louisiana's economy.

[HB 846](#) provides authority to the Bayou Vermilion District to perform work on streams and bayous in other parishes.

Failed to Pass

[HB 428](#) changes the tax credit for the cost of purchase and installation of certain solar energy.

[HB 469](#) prohibits imposing penalties for reporting a release of a hazardous material that is not of a reportable quantity.

[HB 510](#) accelerates the sunset of the solar energy systems tax credit from 31 DEC 17 to 1 JUL 15.

[HB 557](#) repeals the solar energy systems tax credit.

[HB 590](#) requires certain facilities to implement a fence-line air monitoring system. **REEO-C Comment:** This bill would have required all Title V permit holders (including military facilities) to install fence-line monitors. REEO-C (on behalf of FT Polk) contacted the bills' sponsor and expressed concern. The sponsor then threw his support behind HCR 177 which also failed to pass.

[HB 597](#) provides privileges to refuse to disclose information contained in a voluntary environmental audit report.

[HB 667](#) requires the replacement of light bulbs and the installation of solar energy equipment on state buildings.

[HCR 177](#) creates a task force to study the effectiveness of fence line air quality monitoring from Title V permit holders.

[SB 1](#) regulates natural surface water flow protections.

PROPOSED RULE

BATON ROUGE NONATTAINMENT AREA REDESIGNATION REQUEST AND 2008 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD MAINTENANCE PLAN

The Louisiana Department of Environmental Quality (LDEQ) will submit a proposed Redesignation Request and Ozone Maintenance Plan for the 2008 8-hour ozone National Ambient Air Quality Standard for the Baton Rouge Nonattainment Area, which includes Ascension, East Baton Rouge, Iberville, Livingston and West Baton Rouge Parishes. A hearing is scheduled for 29 JUL 15, and comments are due 31 JUL 15. POC: [Vivian Aucoin](#).

DISSOLVED OXYGEN CRITERIA REVISIONS FOR EASTERN LOWER MISSISSIPPI RIVER ALLUVIAL PLAINS (LMRAP) ECOREGION

(LAC 33:IX.1123) The dissolved oxygen criteria are being revised, where appropriate, in water quality subsegments in the eastern Lower Mississippi River Alluvial Plains (LMRAP) Ecoregion based on an ecoregion approach. A hearing is scheduled for 29 JUL 15, and comments are due 5 AUG 15. POC: [Deidra Johnson](#), (225) 219-3985.

EMISSION OFFSETS (LAC 33:III.504.F) The Louisiana Department of Environmental Quality (LDEQ) has proposed a rulemaking to allow for increases of one ozone precursor (NOX or VOC) to be offset with decreases of the other ozone precursor at the ratio dictated by photochemical modeling, subject to approval of LDEQ and the Environmental Protection Agency. In order to construct a new major stationary source or major modification in a nonattainment area, LDEQ's Nonattainment New Source Review (NNSR) procedures require the owner or operator to offset the increase in emissions of the nonattainment pollutant(s) resulting from the new construction or modification. A hearing is scheduled for 29 JUL 15, and comments are due 5 AUG 15. POC: [Deidra Johnson](#), (225) 219-3985.

EMISSION REDUCTION CREDITS (ERC) BANKING PROGRAM (LAC 33:III.603) In order to encourage prompt reductions in NOX and VOC emissions that will be needed to comply with the revised ozone national ambient air quality standards (NAAQS), LDEQ will amend Chapter 6 to allow an owner or operator of a stationary source located in an area currently designated as attainment, but which is not in compliance with a new or revised NAAQS, to bank creditable reductions in emissions of the noncompliant pollutant(s) realized on or after the date the new or revised NAAQS is promulgated. The basis and rationale for this rule is to allow owners or operators of stationary sources located in certain attainment areas to apply for ERC. A hearing is scheduled for 29 JUL 15, and comments are due 5 AUG 15. POC: [Deidra Johnson](#), (225) 219-3985.

WATER QUALITY MANAGEMENT PLAN VOLUME 4: BASIN AND SUBSEGMENT BOUNDARIES UPDATE

LDEQ has given notice that procedures have been initiated to amend Volume 4 of the Louisiana Water Quality Management Plan (WQMP). The WQMP must be periodically reviewed and updated according to federal regulations. Volume 4 of the WQMP, which describes the subsegment delineations, hydrology, and geography of the state, has been reviewed and revised to ensure that subsegments are distinct and consistent representations of the state's hydrology. Comments are due 2 AUG 15. POC: [Sandy Stephens](#).



Legislature convened 20 JAN 15 and adjourned 21 MAR 15.

LEGISLATIVE SUMMARY OF ITEMS PREVIOUSLY REPORTED

Passed/Enacted

[SB 369](#) revises the appointment authority and makeup of the Office of Military Base Planning and Support and the Military Base Planning Commission.

Failed to Pass

[HB 38](#). Forest and Watershed Restoration Act.

[HB 94](#) creates a deduction from gross tax receipts provided to the Department of Defense (DOD) related to directed energy and satellites.

[HB 109](#) amends a section of the public utility act to provide for a process to approve the location of power transmission lines.

[HB 111](#) provides for shared renewable energy facilities to qualify as distributed generation facilities.

[HB 116](#) provides for a public utility or a generation and transmission cooperative to have first right to construct, own, and maintain certain transmission facilities.

[HB 186](#) amends the pesticide control act to provide for public notification of pesticide applications.

[HB 265](#) provides right to de novo review for expedited determination of water rights.

[HB 445](#) reduces renewable portfolio standards.

[HB 468](#) declares that the lesser prairie chicken and its habitat in the state are not subject to the federal Endangered Species Act of 1973.

[SB 242](#) (companion [HB 242](#)) increases the amount of electricity that may be produced by qualified energy generators that will be eligible for the renewable energy production tax credit.

[SB 249](#) allows renewable energy certificates to be issued for the use of thermal energy.

[SB 374](#) provides for covenants restricting use of real property subject to environmental remediation.

[SB 391](#) extends renewable energy tax credit sunset from 2020 to 2024.

[SB 630](#) enacts the carbon credit act, defines carbon credit rights.

[SB 665](#) allows the use of a leased water right during a pending hearing.

[SB 677](#) provides for a private right of action to enforce the provisions of the Water Quality Act.

[SM 80](#) enacts a temporary moratorium on new development due to potential water supply shortages.



Legislature convened 2 FEB 15 and adjourned 29 MAY 15.

LEGISLATIVE SUMMARY OF ITEMS PREVIOUSLY REPORTED

Passed/Enacted

[SB 351](#) adds steam export capacity to the state's renewable energy standards' goals.

[SB 482](#) amends hazardous waste disposal laws related to hazardous waste disposal permitting.

Failed to Pass

[HB 1068](#) eliminates permit requirement to kill feral swine at night.

[HB 1394](#) amends the Oklahoma Wind Energy Development Act notifications.

[HB 1405](#) modifies fees for disposal of liquid waste, and clarifies the type of underground injection well used for disposal.

[HB 1606](#) amends the Weed Free Hay Certification Act.

[HJR 1013](#) opposes Environmental Protection Agency and Army Corps of Engineers rule defining waters of the US.

[SB 16](#) impounded water shall be considered private property.

[SB 17](#) considers certain streams the private property of the landowner.

[SB 190](#) enacts open burning prohibitions during emergency drought.

[SB 194](#) prohibits the transfer of water from certain areas to protect tourism and the recreation industry.

[SB 225](#) creates the Regional Water Development Act.

[SB 308](#) is an act relating to state agency administrative rules.

[SB 354](#) creates the Regional Water Planning Act.

[SB 355](#) amends the Oklahoma Wind Energy Development Act.

[SB 419](#) amends the Combined Pesticide Law license, permit, and registration requirements.

[SB 760](#) creates the Oklahoma Water Use Working Group.

PROPOSED RULE

[RADIATION MANAGEMENT](#) The Department of Environmental Quality (DEQ) has proposed a rulemaking, which consists of three main elements. (1) The first element is to amend Chapter 410, Subchapter 1 (General Provisions) to change the date for incorporation of federal regulations by reference to 1 JAN 15. (2) The second element is to make a correction in Subchapter 10 (Radioactive Materials Program) from the 2013 rulemaking to exclude the definitions of "Construction" and "Commencement of Construction." Also, a new exclusion has been inserted pursuant to 10 CFR Part 37. (3) The third element amends Subchapter 10, Part 1 (General Provisions) to conform the Oklahoma rules to the updated federal regulations, and includes revisions to 10 CFR Part 40 and the addition of a new Part 37 that was established to provide physical protection for certain quantities of radioactive materials. A hearing is scheduled for 15 SEP 15, and comments are due 29 JUL 15. POC: [Mike Broderick](#), (405) 702-5100.



Legislature convened 13 JAN 15 and adjourned 1 JUN 15.

LEGISLATIVE SUMMARY OF ITEMS PREVIOUSLY REPORTED

Passed/Enacted

[HB 87](#) relates to the collection and recycling of computer and television equipment by certain retailers.

[HB 281](#) expands the area or capacity of a landfill approval process.

[HB 655](#) relates to the storage and recovery of water in aquifers.

[HB 706](#) creates a solar or wind-powered energy device exemption from taxation of property.

[HB 1133](#) changes rules governing the Texas Military Preparedness Commission (TMPC).

[HB 1042](#) designates the site of the proposed Ringgold reservoir.

[HB 1640](#) relates to compatibility of certain defense community regulations and structures with military operations.

[HB 1919](#) amends invasive species regulations.

[HCR 145](#) recognizes the Secretary of the Army for the work on the Amistad International Reservoir.

[SB 912](#) enacts notification requirements for a single accidental discharge or spill of 1,000 gallons or more.

[SB 1358](#) changes the factors that determine the creation of regional military sustainability commissions.

[SB 505](#) enacts painting and marking requirements for certain towers.

[SB 933](#) enacts guidelines for interconnection to the Electric Reliability Council of Texas (ERCOT) transmission.

Failed to Pass

[HB 417](#) enacts new fire prevention standards for ammonium nitrate storage facilities.

[HB 423](#) prohibits the land disposal of computer equipment and certain television equipment.

[HB 893](#) creates zoning authority around certain military facilities.

[HB 1301](#) prohibits the use of an on-site sewage disposal system with an absorptive effluent disposal system.

[HB 1639 MILITARY AIRPORT OPERATIONS](#) directs a county to work closely with the military on zoning issues.

[HB 1642](#) amends rules relating to the rights, remedies, and liability of owners of environmentally contaminated property.

[HB 1693](#) creates a prohibition on the sale of motor fuel mixed with methanol.

[HB 1856](#) sets requirements for the renewal or amendment of any permit for groundwater conservation.

[HB 1865](#) amends procedures for contesting environmental permits.

[HB 2887](#) modifies the definition of a navigable stream.

[HB 3206](#) modifies the powers, rights, and duties of the Fort Bend County Levee Improvement District No. 2.

[HB 3412](#) (companion: [SB 878](#)) amends the application process for expanding the area or capacity of a landfill.

[HB 3413](#) modifies general permit requirements to convey water using the bed and banks of a natural stream channel.

[HB 3744](#) requires a geological survey for construction of a reservoir or dam.

[HCR 123](#) protects military installations by balancing property rights with development techniques and laws.

[SB 77](#) requires state entities to publish a climate adaptation plan.

[SB 78](#) enacts state water planning guidelines.

[SB 109](#) (companion: [HB 201](#)) procedures for reviewing a water right application.

[SB 369](#) reduces the size of the state Military Base Planning Commission from 17 to 12 members.

[SB 521](#) grants or renews an emergency authorization relating to the use of state water.

[SB 528](#) an ammonium nitrate storage facility shall allow a fire marshal to enter the facility.

[SB 580](#) Lower Colorado River Authority water intake location requirement.

[SB 635](#) renewable energy electric generation is not eligible for a limitation on appraised value for a tax year.

[SB 12](#) (companion: [HB 3518](#)) requires vehicle fleets be converted to alternative energy vehicles.

[SB 931](#) modifies the goals and requirements for renewable energy and competitive renewable energy zones.

[SB 1242](#) sale, storage, transportation, and disposal of scrap or used tires.

[SB 1268](#) air quality permit or permit amendment for construction projects.

[SB 1293](#) designates Nueces River, Frio River, Sabinal River, San Marcos River, and the Comal River as unique.

[SB 1410](#) designates the site of the proposed Ringgold reservoir to be located on the Little Wichita River.

[SB 1550](#) (companion: [HB 1939](#)) enacts shopping/grocery bag or other container use protection.

[SB 1827](#) removes the requirement that an electric utility enlarge transmission or transmission-related facilities for the purpose of meeting the goal for generating capacity from renewable energy technologies.

FINAL RULE

(EFFECTIVE 25 JUN 15) [EMISSIONS BANKING AND TRADING UPDATES](#) amends TAC §§101.300 - 101.303, 101.306, 101.309, 101.350 - 101.354, 101.356, 101.359, 101.360, 101.370 - 101.373, 101.376, 101.378, 101.379, 101.390 - 101.394, 101.396, 101.399, and 101.400; and repeals TAC §§101.304, 101.358, and 101.374. The amended and repealed sections will be submitted to the United States Environmental Protection Agency (EPA) as revisions to the state implementation plan (SIP). The rulemaking revises the Emission Reduction Credit and Discrete Emission Reduction Credit Programs by repealing the rules for generating credits from area and mobile sources and for use by mobile sources; clarifying how reductions are surplus to the SIP; updating for changed federal standards; clarifying provisions for substituting credits from one ozone precursor for another; removing the requirement to submit original certificates for trades and use; clarifying the equations for generating credits; and clarifying that limitations on protocols apply to both generation and use.

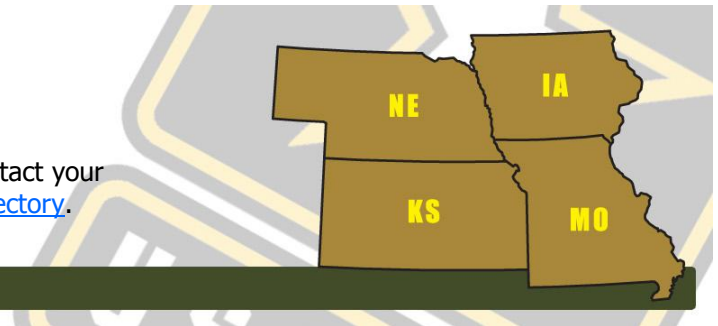
(EFFECTIVE 25 JUN 15) [NOX RACT RULES FOR THE DALLAS/FORT WORTH EIGHT-HOUR OZONE NONATTAINMENT AREA](#) The adopted, amended, repealed, and new sections of Chapter 117 will be submitted to the EPA as a revision to the SIP, except for the following: §§117.210(c), 117.225, 117.405(d), 117.410(d), 117.425, 117.1110(b), 117.1125, 117.1310(b), and 117.1325. Sections 117.210(c), 117.225, 117.410(d), 117.425, 117.1110(b), 117.1125, 117.1310(b), and 117.1325 correspond to portions of the existing rule previously excluded from the EPA-approved Texas SIP and will not be submitted with this revision. Similarly, proposed new §117.405(d) will not be submitted to the EPA as a SIP revision. The rulemaking revises Chapter 117 to implement reasonably available control technology (RACT) for all major sources of NOx in the Dallas/Fort Worth 2008 eight-hour ozone nonattainment area.

(EFFECTIVE 25 JUN 15) [RADIOACTIVE SUBSTANCES RULES](#) amends 30 TAC §§336.2, 336.105, 336.1111, and 336.1127; and adds new section §336.739 in order to implement Senate Bill (SB) 347, 83rd Texas Legislature, 2013, and its amendments to Texas Health and Safety Code, Chapter 401 (also known as the Texas Radiation Control Act). The rulemaking adds non-substantive changes to rules to ensure the commission's continued compatibility with the United States Nuclear Regulatory Commission. The rulemaking also creates new provisions in Chapter 336 for the compact waste disposal facility license holder who may accept nonparty compact waste for disposal at the facility only if the waste has been volume-reduced.

(EFFECTIVE 25 JUN 15) [VOC RACT RULES FOR THE DALLAS/FORT WORTH 2008 EIGHT-HOUR OZONE NONATTAINMENT AREA](#) adopts new, amends, and repeals sections of TAC Chapter 115 (Control of Air Pollution from Volatile Organic Compounds). The rulemaking revises Chapter 115 to implement reasonably available control technology (RACT) for all Control Techniques Guidelines (CTG) emission sources categories and all non-CTG major sources of volatile organic compounds (VOC) in the Dallas/Fort Worth 2008 eight-hour ozone nonattainment area.

Region 7

For more information on any state issues in Region 7, contact your Regional Environmental Coordinator listed in the [Staff Directory](#).



Legislature convened 12 JAN 15 and adjourned 15 MAY 15.

LEGISLATIVE SUMMARY OF ITEMS PREVIOUSLY REPORTED

Passed/Enacted

[SF 488](#) modifies and establishes a Clean Air Act related fee structure.

Failed to Pass

[HB 553](#) implements federal Water Pollution Control Act rules.

[HB 537](#) (companion: [SSB 1267](#)) establishes an underground storage tank cost share grant fund.

[HB 640](#) modifies and establishes a Clean Air Act related fee structure.

[SB 343](#) nullifies all EPA regulations in Iowa.

[HB 592](#) requires an environmental impact assessment for hazardous liquid pipelines or underground storage facilities.

PROPOSED RULE

[AIR CONSTRUCTION PERMIT FORMS](#) The Department of Natural Resources has invited comments on proposed updates to the air quality construction permit application forms. The updates are aimed at making the forms easier to complete, reduce the need for the department to request additional information from the applicant, and align the forms with current rules and regulations. Comments are due 30 JUN 15. POC: [Sarah Piziali](#) (515) 725-9549.



Legislature convened 12 JAN 15 and adjourned 1 JUN 15.

LEGISLATIVE SUMMARY OF ITEMS PREVIOUSLY REPORTED

Passed/Enacted

[HB 2061](#) enables the Kansas Department of Agriculture to be a third-party holder of perpetual conservation easements.

[HB 2193](#) creates the Risk Management Program Act.

[House Substitute for SB 91](#) replaces renewable energy portfolio requirements with voluntary renewable energy goals.

Failed to Pass

[HB 2014](#) establishes the clean drinking water fees by rules and regulations.

[HB 2036](#) would allow third-party Power Purchase Agreement (PPAs).

[HB 2037](#) would allow third-party Power Purchase Agreement (PPAs).

[HB 2177](#) requires remedial alternatives to be based on the actual risk to human health and the environment.

[HB 2227](#) (companion: [SB 275](#)) allows a water right owner to establish a water conservation area.

[HB 2245](#) no person shall divert or threaten to divert water of a person with vested right in that water.

[HB 2303](#) modifies established water quality standards for the waters of the state.

[HB 2351](#) (companion: [SB 227](#)) creates procedures when placing limitations on a water right.

[HB 2396](#) (companion: [SB 257](#)) imposes a 10-year limit on property tax exemption for renewable energy resources.

[SB 134](#) amends Kansas noxious weed laws.

[SB 253](#) (companion: [HB 2373](#)) repeals provisions of the Kansas Renewable Energy Standards.

[SB 257](#) imposes a 10-year limit on property tax exemption for renewable resources or technologies.

[SB 269](#) would remove the eastern spotted skunk from the nongame and endangered species conservation act listing.

[SB 246](#) exempts certain state leases from energy audit.



Legislature convened 7 JAN 15 and adjourned 30 MAY 15.

LEGISLATIVE SUMMARY OF ITEMS PREVIOUSLY REPORTED

Passed/Enacted

[HB 92](#) changes the definition of "waters of the state."

[HB 722](#) requires all merchants to provide customers with a choice between paper and plastic bags.

[HB 1070](#) creates the office of military advocate to advocate for military services and military bases in Missouri.

[SB 445](#) repeals and adds sections relating to environmental protection including audits, recycling, air quality, etc.

Failed to Pass

[HB 119](#) public water system must provide notifications\ 30 days prior to a vote to cease fluoridation.

[HB 481](#) changes the laws regarding the Net Metering and Easy Connection Act.

[HB 505](#) creates the Plastic Bag Reduction Act.

[HB 783](#) broadens the definition of "hydropower" for purposes of producing renewable energy.

[HB 955](#) gives an owner of riparian land the right to the natural flow of the natural watercourse on their land.

[HB 1032](#) establishes the Electronic Products Recycling and Reuse act.

[HB 1279](#) establishes a renewable power purchase agreement program.

[SB 74](#) establishes the Capital Green Program to provide funding for energy efficiency.

[SB 225](#) creates a permit or license denial appeals process.

[SB 413](#) modifies natural resource damages recovery laws.

PROPOSED RULE

[CROSS-STATE AIR POLLUTION RULE ANNUAL NOx TRADING ALLOWANCE ALLOCATIONS](#) (10 CSR 10-6.372) proposes amendments to the Cross-State Air Pollution Rule (CSAPR) Annual NOx Trading Allowance Allocations. The purpose of this rule is to change the method of reallocating the annual nitrogen oxides (NOx) emission allowances for use with the U.S. Environmental Protection Agency's (EPA's) annual NOx regional emission reduction program as established in the CSAPR for 2017 and beyond. A hearing is scheduled for 3 AUG 15, and comments are due 10 AUG 15.

[CROSS-STATE AIR POLLUTION RULE ANNUAL SO2 ALLOWANCE TRADING ALLOCATIONS](#) (10 CSR 10-6.376) would reallocate annual sulfur dioxide (SO2) emission allowances for use with the EPA's annual SO2 regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. A hearing is scheduled for 3 Aug 15, and comments are due 10 Aug 15.

[STATE ENERGY PLAN EXECUTIVE ORDER](#) extends Executive Order 14-06 for the Division of Energy to deliver a State Energy Plan to the Governor by 15 OCT 15.



Legislature convened 7 JAN 15 and adjourned 5 JUN 15.

LEGISLATIVE SUMMARY OF ITEMS PREVIOUSLY REPORTED

Passed/Enacted

- [LB 142](#) creates the Aquatic Invasive Species Program.
- [LB 469](#) creates guidelines for a state plan for regulating carbon dioxide emissions.
- [LB 544](#) adopts the Community Gardens Act.

Failed to Pass

- [LB 19](#) changes provisions relating to laboratory certification under the Nebraska Safe Drinking Water Safety Act.
- [LB 28](#) adopts the Radon Resistant New Construction Act.
- [LB 117](#) changes provisions relating to energy financing contracts.
- [LB 174](#) redefines nonpoint source control under the Wastewater Treatment Facilities Construction Assistance Act.
- [LB 583](#) adopts an integrated state energy plan (portion adopted into LB 469).

FINAL RULE

(EFFECTIVE 17 JUN 15) [PUBLIC WATER SYSTEMS COLIFORM RULE](#) (179 NAC) The Department of Health and Human Services has made revisions to 179 NAC Chapters 002.002, 003-004, 006, 008, 0013-014, 016, and 026 relating to the coliform rule for public water systems.

PROPOSED RULE

[AQUATIC INVASIVE SPECIES](#) (163 NAC Chapter 003, Section 019) approves a new aquatic invasive species rule that requires an owner or operator of a motorboat not registered in the state of Nebraska to purchase and display a valid Aquatic Invasive Species Stamp prior to launching into border waters. A hearing is scheduled for 16 JUL 15. POC: [Sandra Paice](#), (402) 471-5432.

Department of Defense Activity

[THE ARMY HAS PUBLISHED ITS STRATEGIC ROADMAP TO FUTURE ENERGY SECURITY AND SUSTAINABILITY](#) The Energy Security and Sustainability (ES2) Strategy will foster a more adaptable and resilient force, prepared for a future defined by complexity, uncertainty and rapid change.

WAVE ENERGY TEST DELIVERS POWER TO NAVY BASE A test of the potential for wave energy to power onshore facilities has begun generating electricity at the Navy’s Wave Energy Test Site in Kaneohe Bay on Oahu, Hawaii. The Navy, Northwest Energy Innovations (NWEI), and the Department of Energy (DOE) are working with a prototype of the Azura wave energy converter device to produce electricity from the motion of the choppy ocean waters. For more information, click [here](#) to read an article from DefenseCommunitites360.

NAVY SET TO SURPASS TARGET FOR RENEWABLE ENERGY USE With the Navy on course to meet its goal of producing 1 gigawatt of renewable energy at its installations by 1 JAN 16, five years ahead of schedule, Secretary Ray Mabus is ready to raise the bar. “I’m not satisfied stopping there. We can do better than that over the next five years,” Mabus said at the

2015 GreenGov Symposium in Washington. To increase its shore installations' reliance on renewables, the Navy is exploring a variety of alternative sources, including solar, wind, geothermal, hydrothermal and wave energy. The Air Force and Army also are striving to produce 1 gigawatt of renewable energy at their installations. To read more, click [here](#).

Federal Activity

AIR

AIRCRAFT GHG EMISSIONS In response to a [petition](#), EPA [announced](#) a proposed finding that greenhouse gas (GHG) emissions from aircraft pose a risk to human health. The [endangerment finding and advance notice of proposed rulemaking](#) are the first step in regulating emissions from the U.S. aviation industry. EPA intends to implement the carbon dioxide (CO₂) emissions standard being developed by the International Civil Aviation Organization (ICAO). ICAO is scheduled to release its CO₂ standard in February 2016. EPA's proposed action does not apply to small piston-engine planes (the type of plane often used for recreational purposes) or to military aircraft. EPA is seeking public input to inform future steps. Public comments will be accepted for 60 days following publication in the Federal Register. Click [here](#) to view a press release or [here](#) to visit EPA's website for aircraft emissions, including a copy of the endangerment finding, fact sheet, and more.

SIP REVISIONS: SSM EPA is taking final action on a petition that concerns how provisions in EPA-approved State Implementation Plans (SIPs) treat excess emissions during periods of startup, shutdown or malfunction (SSM) ([80 FR 33839](#)). In addition, EPA is clarifying, restating, and revising its guidance concerning its interpretation of the Clean Air Act (CAA) requirements with respect to treatment in SIPs of excess emissions that occur during periods of SSM. The agency is issuing a finding that certain SIP provisions in 36 states (applicable in 45 statewide and local jurisdictions) are substantially inadequate, and is issuing a SIP call for those 36 states. The deadline for each state to submit its corrective SIP revision is 22 NOV 16.

GHG EMISSIONS, FUEL EFFICIENCY FOR MEDIUM & HEAVY-DUTY ENGINES, VEHICLES In advance of publication in the Federal Register, EPA and the U.S. Department of Transportation (DOT) [released](#) the text of Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles that will establish a second phase of GHG emissions and fuel efficiency standards for medium- and heavy-duty vehicles. The standards will phase in incrementally between model years 2021 and 2027. Proposed standards cover combination tractor-trailers; specific types of trailers, trucks, busses, delivery and other vocational vehicles; heavy duty pickup trucks; and vans. Expected decreases in fuel consumption and CO₂ emissions range from 8% (specific trailers) to 24% (tractor trailer combinations) once fully phased in. The agencies are also proposing separate standards and test cycles for tractor engines, vocational diesel engines, and vocational gasoline engines. The proposed diesel engine standards would reduce CO₂ emissions and fuel consumption by up to 4% compared to Phase 1 standards. Because certain refrigerants are also extremely potent GHGs, the program includes EPA-proposed standards to control leakage of hydrofluorocarbons (HFCs) from air conditioning systems in vocational vehicles.

COMPLIANCE

SEMIANNUAL REGULATORY AGENDA RELEASED Federal agencies including EPA have published the [Spring 2015 semiannual regulatory agenda](#) online (the e-Agenda) and the semiannual regulatory flexibility agenda. The regulatory agenda provides updates on:

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- Rules and major policymakings completed or canceled since the last agenda.

ENERGY

ENERGY CONSERVATION STANDARDS & TEST PROCEDURES FOR FLUORESCENT LAMP BALLASTS DOE issued a final rule to reorganize, reformat, correct, and clarify the scope of the energy conservation standards for fluorescent lamp ballasts ([80 FR 31971](#)). Additional information can be found [here](#).

ENERGY SAVINGS PERFORMANCE CONTRACTS GAO has issued a [report](#) on energy savings performance contracts (ESPC) at seven federal agencies, in fiscal years 1995 through 2014. GAO compiled data on awarded ESPCs; reviewed agency guidance and files for a non-generalizable sample of 20 ESPC projects that reflected a range of contract award dates, contract values, and other characteristics; and interviewed officials from the seven agencies with the highest energy usage and greatest facility square footage. These agencies were the Air Force, Army, and Navy within the Department of Defense; the Departments of Energy, Justice, and Veterans Affairs; and the General Services Administration.

ENERGY CONSERVATION STANDARDS FOR ROOM AIR CONDITIONERS DOE initiated a Request for Information to determine whether to amend the current energy conservation standards for room air conditioners, in preparation of a notice of proposed rulemaking (NOPR) ([80 FR 34843](#)). The NOPR will propose new standards for room air conditioners or propose a notice of determination that the existing standards do not need to be amended.

MISC.

EPA REGULATORY AGENDA EPA published the spring edition of its semiannual [regulatory agenda](#) for 2015 ([80 FR 35081](#)). According to the agenda, in 2015 EPA intends to publish five proposed rules, five final rules, and one notice. The proposed rules would address certification of pesticide applicators, management of pharmaceutical waste, hazardous waste generator rules, hazardous waste export-import, and the hazard ranking system (HRS). For more information, visit [reginfo.gov](#) and click on EPA, then proposed rule, final rule, and notice.

NRC REGULATORY AGENDA The Nuclear Regulatory Commission (NRC) published its semiannual regulatory agenda for 2015 ([80 FR 35169](#)). According to the agenda, NRC intends to publish a notice of proposed rulemaking in 2015 addressing fee structures for small modular power reactors, (Regulation Identifier Number (RIN) 3150-AI54); a final rule amending fee schedules (licensing, inspection, and annual fees) for Fiscal Year (FY) 2015 (RIN 3150-AJ44); and a final rule on low-level radioactive waste disposal (RIN 3150-AI92). In addition, under long-term actions with no date identified, NRC intends to issue an advance notice of proposed rulemaking [controlling the disposition of solid materials](#). Comments are due 20 JUL 15. For a complete list of all regulatory activities on NRC's regulatory agenda, [click here](#) and select NRC from the picklist.

SUSTAINABILITY

IMPLEMENTING INSTRUCTIONS FOR EXECUTIVE ORDER 13693 The White House Council on Environmental Quality has issued a 77-page guidance document providing the "Implementing Instructions for [Executive Order 13693 Planning for Federal Sustainability in the Next Decade](#)."

WATER

CLEAN WATER RULE: DEFINITION OF "WATERS OF THE UNITED STATES" EPA and the U.S. Army Corps of Engineers are publishing a final rule defining the scope of waters protected under the Clean Water Act (CWA), in light of the statute, science, Supreme Court decisions in *U.S. v. Riverside Bayview Homes*, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)*, and *Rapanos v. United States (Rapanos)*, and the agencies' experience and technical expertise ([80 FR 37054](#)).

FINAL NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM INDUSTRIAL ACTIVITIES EPA's Regional Offices have issued a final 2015 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges

from industrial facilities, also referred to as the Multi-Sector General Permit (MSGP). This permit replaces the existing permit covering stormwater discharges from industrial facilities in EPA Regions 1, 2, 3, 5, 6, 9, and 10 that expired 29 Sep 13, and provides coverage for industrial facilities in areas where the EPA is the NPDES permitting authority in EPA Regions 7 and 8.

2015 EPA MULTI-SECTOR GENERAL PERMIT (MSGP) REPORTING Facilities covered under the 2015 Federal EPA Multi-Sector General Permit (MSGP) are required to electronically submit notices of intent (NOIs), annual reports, notices of termination (NOTs), discharge monitoring reports (DMRs), and no-exposure certifications unless the EPA Regional Office has granted the operator an electronic reporting waiver, in which case the operator may [mail paper forms](#). Operators without an EPA-granted electronic reporting waiver must report electronically using instructions found [here](#).

Professional Development

CONFERENCES, WORKSHOPS AND MEETINGS

11-15 JUL, BISMARCK, ND: [COUNCIL OF STATE GOVERNMENTS MIDWESTERN LEGISLATIVE CONFERENCE](#) provides the chance to advance state policy and improve state government by working with legislative colleagues from the Midwest and learning from nationally renowned policy experts in a nonpartisan environment.

28-31 JUL, VAIL, CO: [COUNCIL OF STATE GOVERNMENTS WEST ANNUAL MEETING](#) provides opportunities to share experiences and learn from regional/national experts and insightful leaders. All policy committees, task forces and leadership convene during the annual meeting.

4-6 AUG, ATLANTA, GA: [2015 COMMUNITY INVOLVEMENT TRAINING CONFERENCE](#) The conference brings together more than 450 people from EPA and its stakeholders who plan and implement environmental community involvement, partnership, stewardship, outreach, and education programs.

18-20 AUG, TOPEKA, KS: [2015 KANSAS ENVIRONMENTAL CONFERENCE](#) The annual conference provides updates on environmental issues, new technologies, regulatory information, and pollution prevention. Anyone interested in the status of the environment in Kansas is welcome to attend.

10-11 SEP, DENVER, CO: [2015 ENERGY POLICY RESEARCH CONFERENCE](#) Conference topics include the future of coal, smart grids, public lands, energy and water nexus, climate change, bioenergy, transportation, energy R&D, microgrids, natural gas, wind, solar, and more.

DoD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS (USACE) PROSPECT TRAINING USACE announces course availability for the [FY16 PROSPECT](#) (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and schedule for details. Environmental courses include, but are not limited to:

- Environmental Regulations Practical Application Course (Course Control Number (CCN) 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)

- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Environmental Remediation Technologies (CCN 395)
- Environmental Laws and Regulations (CCN 170)

[NAVY AND ISEERB ENVIRONMENTAL TRAINING](#) The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule 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](#) 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, free of charge. Travel costs are borne by the student.

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the [US Army Environmental Command website](#), which has links to training provided by DoD organizations.

[READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM 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. Previously scheduled webinars are available anytime.

FEDERAL TRAINING SOURCES

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER [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](#);
- Access to free, FedCenter-sponsored courses:
 - [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
 - [Environmental Management Systems](#) (FedCenter membership required);
 - [Underground Storage Tanks](#) (FedCenter membership required);
- 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.

ONLINE TRAINING: SCHEDULED EVENTS

SERDP AND ESTCP WEBINAR SERIES The DoD environmental research and development funding programs ([SERDP and ESTCP](#)) launched a [webinar series](#) to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Live webinars will be offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars will feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DoD and DOE audiences. Prior presentations are archived for viewing any time. The following courses are available:

- Management of Contaminated Sediments Sites
- Waste to Energy Technologies
- Energy Audits
- Dense Non-Aqueous Phase Liquid Source Zone Management
- Sustainable Materials
- Acoustic Methods for Underwater Munitions
- Managing Munition Constituents on Training Ranges (28 May 15).

FEMP eTRAINING COURSES The Federal Energy Management Program (FEMP) offers interactive, online eTraining courses to help federal agencies develop core competencies and comply with energy-efficiency and renewable-energy water-management and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide (WBDG) to host these comprehensive, FEMP-developed eTraining courses. [Promotional materials](#) are available to help federal agencies encourage the completion of FEMP's eTraining courses. For more information about FEMP eTraining courses, contact [Beverly Dyer](#), (202) 586-7753. The following courses are available:

- [Advanced Electric Metering in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Building Automation Systems for Existing Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Commissioning for Existing Federal Buildings](#) (4.5 hours, .50 CEUs)
- [Energy-Efficient Federal Purchasing](#) (4.5 hours, .50 CEUs)
- [Energy Savings Performance Contracting](#) (8.5 hours, .90 CEUs)
- [Federal On-Site Renewable Power Purchase Agreements](#) (2.5 hours, .30 CEUs)
- [Launching a Utility Energy Services Contract \(UESC\): Getting to Yes!](#) (3 hours, .40 CEUs)
- [Managing Water Assessment in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Measurement and Verification in ESPCs](#) (3 hours, .40 CEUs)
- [Planning an Energy Assessment for Federal Facilities](#) (4 hours, .50 CEUs)
- [Selecting, Implementing, and Funding Photovoltaic Systems in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Sustainable Institutional Change for Federal Facility Managers](#) (3 hours, .40 CEUs)
- [Utility Service Contracts and Energy Project Incentive Funds](#) (90 minutes)

ENERGY STAR WEBCASTS This webcast shows federal energy and sustainability professionals how to use the ENERGY STAR[®] suite of tools for energy management.

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.

24 JUN: ENERGY MANAGEMENT BASIC TRAINING- TOOLS AND RESOURCES FOR RESULTS This course will provide civilian and military personnel with a concise overview of federal energy management, and the most current tools and resources for success. The instructors for this seminar will be Randall Smidt, Army Program Manager for Alternative Financing, and Thomas B. Delaney, Jr., PE, Army Energy Conservation Investment Program Manager. Both instructors serve within the Army's Facilities Policy Division of the Office of the Assistant Chief of Staff for Installation Management.

ONLINE TRAINING: AVAILABLE ANYTIME

[ITRC INTERNET BASED TRAINING](#) The Interstate Technology and Regulatory Council (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 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. Visit the site often to view upcoming internet-based training events.

[NATIONAL CONFERENCE OF STATE LEGISLATURES \(NCSL\) E-LEARNING](#) NCSL e-Learning features experts on public policy issues and provides professional development opportunities for members, state legislators, state legislative staff, and the public. Visit [Multimedia Library](#) for a collection of video and audio files from previous NCSL meetings and webinars. In addition, visit [Plugged In](#), NCSL's state and federal energy newsletter, for updates on state energy news and legislative trends, federal actions, recent NCSL publications, upcoming meetings and more.

[EPA RCRA TRAINING](#) Resource Conservation and Recovery Act-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. Topics include general RCRA, RCRA corrective action, Environmental Management Systems (EMS), e-waste, groundwater characterization and cleanup, land revitalization, land disposal restrictions, sustainable materials management web academy, and environmental justice and RCRA permitting.

[BEST PRACTICES FOR COMPREHENSIVE WATER MANAGEMENT FOR FEDERAL FACILITIES](#) This comprehensive water management training provides federal facility and energy managers with knowledge and skills to assist in meeting water-related legislative and executive order requirements. Learners will develop skills in increasing water efficiency and reducing water use through sound operations and maintenance practices and water-efficient technologies. Several methods for meeting needs for non-potable water through alternate water sources, such as rainwater harvesting, reclaimed wastewater, and gray water are discussed. Water metering is covered, as well as life cycle costing and establishing the overall economics for strategic water management.

[DISTRIBUTED-SCALE RENEWABLE ENERGY PROJECTS: FROM PLANNING TO PROJECT CLOSEOUT](#) This 2.5 hour webinar focuses on the planning and implementation of distributed-scale renewable energy projects (i.e., those smaller than 10 megawatts). The on-demand course outlines a detailed 10-step process from technology screening to project closeout. It explores online tools and resources for renewable energy projects on federal sites.

Internet Resources

Region 6 Regulatory & Legislative Internet Sites

[USEPA Region 6](#)
[Arkansas Dept of Environmental Quality \(ADEQ\)](#)
[Arkansas Legislature](#)
[Louisiana Department of Environmental Quality \(LDEQ\)](#)
[Louisiana Legislature](#)
[New Mexico Environment Department \(NMED\)](#)
[New Mexico Legislature](#)
[Oklahoma Department of Environmental Quality \(ODEQ\)](#)
[Oklahoma Legislature](#)
[Texas Commission on Environmental Quality \(TCEQ\)](#)
[Texas Legislature](#)

Region 7 Regulatory & Legislative Internet Sites

[USEPA Region 7](#)
[Iowa Department of Natural Resources \(IDNR\)](#)
[Iowa Legislature](#)
[Kansas Department of Health and Environment \(KDHE\)](#)
[Kansas Legislature](#)
[Missouri Department of Natural Resources \(MDNR\)](#)
[Missouri Legislature](#)
[Nebraska Department of Environmental Quality \(NDEQ\)](#)
[Nebraska Legislature](#)

Other Federal Agencies Internet Sites

Department of the Interior, Bureau of Land Management State Offices

[Eastern States AR, LA, MO, IA](#)
[NM, KS, OK, TX](#)
[WY, NE](#)

[U.S. Geological Survey](#)

[DOE Office of Environmental Management](#)

U.S. Fish and Wildlife Service

[Southwest Region NM, TX, OK](#)
[Mountain – Prairie Region KS, NE](#)
[Midwest Region IA, MO](#)
[Southeast Region AR, LA](#)

Staff Directory

Acting Director/DOD Region 7 REC	(816) 389-3448
Acting Regional Counsel	(816) 389-3448
Region 6 Army REC	(816) 389-2415
Regulatory Affairs Specialist	(816) 389-2434
Region 6 Air Force REC	(214) 333-5000
Region 7 Air Force REC	(214) 333-5012
Navy REC (AR/KS/LA/MO/OK/TX)	(904) 542-6853
Navy REC (IA/NE)	(360) 315-5400
Navy REC (NM)	(619) 532-2303

How the Regional Offices Work for You

The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations. The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are protected.

To comment on item in the Central *Review*, please contact the Regional Environmental Coordinator listed at the top of each region's section.

To be added to the Central *Review* distribution list email [Jim Mayer](#).