



U.S.ARMY

# Western Review of Legislative & Regulatory Actions Region 9



The U.S. Army Regional Environmental & Energy Office

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The **Region 9 Western Review** publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the four states and territories in Federal Region 9, the *Western 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.

To read back issues of this or other Army Regional Environmental and Energy Office *Reviews*, or to receive a monthly copy of this electronic publication, send an [email request](#).



## TABLE OF CONTENTS

<a href="#">Arizona</a> .....	2
<a href="#">California</a> .....	3
<a href="#">Hawaii and Pacific Islands</a> .....	7
<a href="#">Nevada</a> .....	8
<a href="#">DOD Activity</a> .....	8
<a href="#">Federal Activity</a> .....	9
<a href="#">Professional Development</a> .....	16
<a href="#">Staff Directory</a> .....	21

## SENTINEL LANDSCAPES

In 2013, the U.S. Departments of Agriculture (USDA), Interior (DOI), and DOD established the [Sentinel Landscapes Partnership](#) to better serve areas of the U.S. where working and natural lands converge with national defense facilities. Sentinel Landscapes partners coordinate efforts in locations where their priorities overlap, allowing them to leverage their collective resources and expertise to accomplish shared goals on the ground. By participating in Sentinel Landscapes:

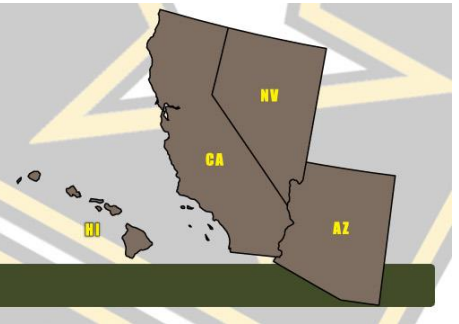
- USDA provides technical and financial assistance to help agricultural producers and landowners implement conservation practices and activities;
- DOD more efficiently reduces land-use conflicts and natural resource issues around military installations to ensure maximum flexibility for testing, training, and operational activities; and
- DOI accelerates the protection of natural resources and restoration of important habitat for wildlife.

The partners coordinate through the Federal Coordinating Committee (FCC), which recently redesigned the Sentinel Landscapes [website](#) to improve the overall user experience. Visitors to the site can learn about the Sentinel Landscapes Partnership and explore the various landscapes through interactive graphics and modules.

In December, the FCC released the [Sentinel Landscapes 2016 Report](#) and the 2017 [application](#) for designation as a Sentinel Landscape. The report reviews the achievements of the six current Sentinel Landscapes designated through 2016. Also in December, DOD’s Readiness and Environmental Protection Integration (REPI) program held a [webinar](#) about the 2017 Sentinel Landscapes application process. The webinar provided information on the requirements, evaluative criteria, and timeline for 2017 designations as well as the benefits that come along with becoming a Sentinel Landscape. Applications for designation as a Sentinel Landscape are due 30 MAR 17.

# Region 9

For more information or to comment on any state issues in Region 9, contact [Mark Mahoney](#), Army Regional Environmental Coordinator (303) 844-0956.



## *AIR*

**MARICOPA COUNTY: FEES.** The Maricopa County Air Quality Department [revised](#) local [Rule 280](#), Fees. The revisions reduce select fees and make a suite of other revisions to streamline and improve the rule. Fees were reduced in an effort to balance the fee revenues with the expenses of the department's fee funded programs. The [final rule](#) was published 4 JAN 17.

**MARICOPA COUNTY: POWER PLANT OPERATIONS.** The Maricopa County Air Quality Department adopted [revisions](#) (page 7) to local [Rule 322](#), Power Plant Operations. The revisions address the requirements of the Arizona State Implementation Plan (SIP) for moderate nonattainment for the 2008 eight-hour ozone National Ambient Air Quality Standards (NAAQS); specifically, Reasonably Available Control Technology (RACT) for oxides of nitrogen (NOx). Rule 322 limits the discharge of NOx, sulfur oxides (SOx), particulate matter (PM) and carbon monoxide emissions from stationary fossil-fuel-fired equipment at power plants and cogeneration plants. The final rule was effective 2 NOV 16. To view the notice of final rulemaking, click [here](#).

**MARICOPA COUNTY: FUEL BURNING EQUIPMENT.** The Maricopa County Air Quality Department adopted [revisions](#) (page 19) to local [Rule 323](#), Fuel Burning Equipment from Industrial/Commercial/Institutional (ICI) Sources. The revisions address the requirements of the Arizona SIP for moderate nonattainment for the 2008 eight-hour ozone NAAQS, specifically RACT for NOx. The final rule was effective 2 NOV 16. To view the notice of final rulemaking, click [here](#) and scroll to page 27.

**MARICOPA COUNTY: STATIONARY INTERNAL COMBUSTION ENGINES.** The Maricopa County Air Quality Department adopted [revisions](#) (page 30) to [Rule 324](#). The revisions address SIP requirements for areas classified as moderate nonattainment for the eight-hour ozone NAAQS, specifically RACT for NOx. The rule governs carbon monoxide, NOx, SOx, volatile organic compounds (VOCs), PM, and carbon monoxide emissions from stationary internal combustion engines. The final rule was effective 2 NOV 16. To view the notice of final rulemaking, click [here](#) and scroll to page 43.

**MARICOPA COUNTY: SURFACE COATING OPERATIONS.** The Maricopa County Air Quality Department adopted [revisions](#) (page 44) to [Rule 336](#) to ensure that surface coating facilities not regulated by another source-specific local rule (i.e., Rules 300 to 359) effectively control VOC emissions. In the rulemaking, the department incorporated the five new control technology guidelines (CTGs) for RACT that were issued by the U.S. Environmental Protection Agency (EPA) from 2006 through 2008. The CTG documents address metal furniture coatings, large appliance coatings, miscellaneous metal and plastic parts paper, film and foil coatings, and industrial cleaning solvents. The CTGs specify additional VOC coating limits, mandate the transfer efficiency for spray equipment to be comparable to the transfer efficiency that is found in a high volume, low-pressure spray gun, and recommend work practices to reduce VOC emissions. The final rule was effective 2 NOV 16. To view the notice of final rulemaking, click [here](#).

**MARICOPA COUNTY: VOCs FROM FURNITURE COATING OPERATIONS.** The Maricopa County Air Quality Department adopted [revisions](#) (page 69) to local [Rule 342](#), Coating Wood Furniture and Fixtures. The revisions address the requirements of the Arizona SIP for moderate nonattainment for the 2008 eight-hour ozone NAAQS, specifically RACT for VOCs. The final rule was effective 2 NOV 16. To view the notice of final rulemaking, click [here](#) and scroll to page 27.

**MARICOPA COUNTY: ORGANIC LIQUID LOADING.** The Maricopa County Air Quality Department adopted [revisions](#) (page 109) to [Rule 350](#), Storage of Organic Liquids, and [Rule 351](#), Loading of Organic Liquids. The rulemaking updates and reorganize the rules to use industry standard language, moves storage and loading requirements for non-gasoline organic liquids to Rule 350, moves storage and loading requirements for gasoline to Rule 351, and renames the rules to reflect their new focus. Other revisions add a monthly equipment leak inspection requirement, clarify vapor vent/vacuum valve requirements at bulk plants and terminals, and make housekeeping corrections. In addition, revisions to Rule 351 address SIP requirements for areas classified as moderate nonattainment for the eight-hour ozone NAAQS. The final rule was effective 2 NOV 16. To view the notice of final rulemaking, click [here](#).

**MARICOPA COUNTY: INCORPORATION BY REFERENCE.** The Maricopa County Air Quality Department [incorporated by reference](#) various federal regulations and documents promulgated by the EPA and published in the Federal Register, including actions related to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 Code of Federal Regulation (CFR). The incorporation by reference is necessary before requesting the EPA's delegation of authority to enforce the federal rules documented in Maricopa County Air Pollution Control Regulations, Rules 321, 360, 370, 371, and Appendix G. The final rule was effective 2 NOV 16. To view the notice of final rulemaking, click [here](#).

## ***LEGISLATIVE SESSION: 9 JAN 17 THROUGH 4 APR 17 (ESTIMATED)***



### ***AIR***

**EMISSION GUIDELINES FOR LANDFILLS.** The California Air Resources Board (CARB) [is requesting](#) public comment on its plan to comply with EPA's new Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, 40 CFR 60 Subpart Cf. State and local air districts are required to develop and submit a state plan to implement and enforce the requirements of the new Emission Guidelines by 30 MAY 17. For more information, click [here](#).

**SAN DIEGO: AIR TOXICS HOT SPOTS.** The San Diego Air Pollution Control District [is requesting](#) public comment on the [2015 Air Toxics Hot Spots Program Report](#) for San Diego County. The report shows, based on estimates by CARB, that more than 62.8 million pounds of toxic air contaminants are emitted annually from mobile, area, and natural sources in San Diego County. The report also shows that industrial sources emit more than 1.5 million pounds annually in San Diego County. In addition, the district also released a [workshop report](#) summarizing department responses to questions and comments received during a workshop held in October 2016 about the Hot Spot Program Report. Comments are due 18 JAN 17. A public hearing is scheduled for 25 JAN 17.

**SAN JOAQUIN: INDIRECT SOURCES.** The San Joaquin Valley Air Pollution Control District [is proposing](#) to [amend Rule 9510](#), Indirect Source Review Rule. The rule regulates and reduces emissions of NO<sub>x</sub> and coarse particulate matter (PM<sub>10</sub>) associated with construction and operational activities of development projects occurring within the San Joaquin Valley. According to a [staff report](#), the amendments are intended to ensure the rule is implemented uniformly throughout the district. Other revisions make general improvements to enhance rule clarity. For more information, click [here](#).

**SANTA BARBARA AND VENTURA: OUTER CONTINENTAL SHELF CONSISTENCY UPDATE.** EPA is proposing to update portions of the Outer Continental Shelf (OCS) Air Regulations for California ([81 FR 89418](#)). Requirements applying to OCS sources

located within 25 miles of a state's seaward boundary must be updated periodically to remain consistent with the requirements of the corresponding onshore area. The portions of the OCS air regulations that are being updated pertain to the requirements for OCS sources for which the Santa Barbara and Ventura County air districts are the designated corresponding onshore areas. The intended effect of approving the OCS requirements for the Santa Barbara and Ventura air districts is to regulate emissions from OCS sources in accordance with the requirements onshore. Comments were due 11 JAN 17.

**SOUTH COAST: AIR QUALITY MANAGEMENT PLAN.** The South Coast Air Quality Management District [is requesting](#) public comment on its proposed adoption of the 2016 Air Quality Management Plan (AQMP) for the district. The plan addresses air quality standards established in 2008 for eight-hour ozone, in 2012 for annual fine particulate matter (PM<sub>2.5</sub>), and in 2006 for 24-hour PM<sub>2.5</sub>, as well as updates relevant to the revoked 1997 eight-hour and 1979 one-hour ozone standards. The 2016 AQMP updates transportation emission budgets based on the latest motor vehicle emissions model and planning assumptions. If adopted, the plan will be submitted to CARB and EPA as a revision to the California SIP. Comments are due 24 JAN 17. A public hearing is scheduled for 3 FEB 17. For more information about the South Coast AQMP, click [here](#).

**ATTAINMENT DESIGNATION: MARIPOSA COUNTY.** EPA determined that the Mariposa County moderate nonattainment area attained the 2008 8-hour ozone NAAQS ([81 FR 93624](#)). This determination suspends any unfulfilled obligations to submit revisions to the SIP related to attainment of the 2008 ozone standards for the Mariposa County nonattainment area for as long as the area continues to meet those standards. The final rule is effective 21 FEB 17 unless the agency receives adverse comment by 20 JAN 17.

**ATTAINMENT DESIGNATION: SAN LUIS OBISPO.** EPA determined that the San Luis Obispo ozone nonattainment area attained the 2008 ozone NAAQS by the applicable attainment date of 20 JUL 16 ([81 FR 93620](#)). Based on this determination, the Eastern San Luis Obispo nonattainment area will not be reclassified to a higher ozone classification. The final rule is effective 20 JAN 17.

**CALIFORNIA SIP: ANTELOPE VALLEY.** EPA is proposing to partially approve and partially disapprove revisions to the Antelope Valley Air Quality Management District portion of the California SIP ([81 FR 90754](#)). The revisions concern the district's demonstration regarding RACT requirements for the 1997 and 2008 8-hour ozone NAAQS. EPA is proposing to conclude that with the exception of the certain rules, all of the identified SIP rules implement RACT for the applicable CTG categories and for the major non-CTG stationary sources of VOC and NO<sub>x</sub> for the 1997 and 2008 8-hour ozone NAAQS. The deficient rules are:

- Rule 462, Organic Liquid Loading (9 JUN 95);
- Rule 1110.2, Emissions from Stationary, Non-road & Portable Internal Combustion Engines (21 JAN 03);
- Rule 1151, Motor Vehicle and Mobile Equipment Coating Operations (19 JUN 12) and;
- Rule 1171, Solvent Cleaning Operations (17 NOV 98).

Comments are due 17 JAN 17.

**CALIFORNIA SIP: BUTTE COUNTY.** EPA is finalizing action on three permitting rules submitted as a revision to the Butte County Air Quality Management District portion of the California SIP ([81 FR 93820](#)). The agency is finalizing a limited approval and limited disapproval of one rule, finalizing approval of two permitting rules, and deleting ten rules from the SIP. These revisions concern the district's New Source Review (NSR) permitting program for new and modified sources of air pollution. The final rule is effective 23 JAN 17.

**CALIFORNIA SIP: GREAT BASIN, OWENS LAKE.** EPA is proposing to approve a revision to the Great Basin Unified Air Pollution Control District portion of the California SIP ([81 FR 95473](#)). The revision concerns PM emissions at Owens Lake, Calif. The agency is approving a local rule that regulates these emissions. The final rule is effective 27 JAN 17.

**CALIFORNIA SIP: IMPERIAL COUNTY.** EPA is proposing to approve and partially approve revisions to the Imperial County Air Pollution Control District portion of the California SIP ([81 FR 91895](#)). The agency is proposing full approval of two rules and a limited approval and limited disapproval of one rule. All three rules update and revise the district's NSR permitting program for new and modified sources of air pollution. Comments are due 18 JAN 17.

**CALIFORNIA SIP: MENDOCINO COUNTY.** EPA is proposing action on four permitting rules submitted as a revision to the Mendocino County Air Quality Management District portion of the California SIP ([81 FR 95074](#)). The agency is proposing a limited approval and limited disapproval of one rule and proposing to approve the remaining three permitting rules. The revisions include amended rules governing the issuance of permits for stationary sources, including review and permitting of minor sources, major sources, and major modifications under part C of title I of the Clean Air Act (CAA). The intended effect of the proposed action is to update the California SIP with current district permitting rules and to set the stage for remedying certain deficiencies in the local rules. Comments are due 26 JAN 17.

**CALIFORNIA SIP: OWENS VALLEY PM.** EPA is proposing to approve a revision to the Great Valley Unified Air Pollution Control District portion of the California SIP ([81 FR 89407](#)). The revisions, applicable to the Owens Valley PM<sub>10</sub> nonattainment area, address attainment of the PM<sub>10</sub> NAAQS. In this action, EPA is proposing to approve the Great Basin Unified Air Pollution Control District 2016 Owens Valley Planning Area PM<sub>10</sub> SIP, referred to as the 2016 PM<sub>10</sub> Plan. Comments were due 11 JAN 17.

**CALIFORNIA SIP: SOUTH COAST.** EPA is approving revisions to the South Coast Air Quality Management District portion of the California SIP ([81 FR 95472](#)). The revisions concern emissions of NO<sub>x</sub> from soil and water remediation units, ovens, dryers, dehydrators, heaters, kilns, calciners, furnaces, crematories, incinerators, heated pots, cookers, roasters, smokers, fryers, closed and open heated tanks and evaporators, distillation units, afterburners, degassing units, vapor incinerators, catalytic or thermal oxidizers, and other combustion equipment. EPA is approving local rules that regulate these emission sources, effective 27 JAN 17.

**LIMITED FIP: NORTH COAST.** EPA is proposing a limited Federal Implementation Plan (FIP) for the North Coast Unified Air Quality Management District in California ([81 FR 93872](#)). The limited FIP would implement provisions to regulate PM<sub>2.5</sub> under the Prevention of Significant Deterioration (PSD) program within the district. EPA previously issued two findings of failure to submit a SIP addressing these PSD requirements and also issued a partial disapproval action applicable to the district portion of the California SIP that triggered the duty for the EPA to promulgate the limited FIP. If the FIP is finalized as proposed, EPA will be the PSD permitting authority for any new or modified major sources subject to PSD review for PM<sub>2.5</sub> or its precursors within the district. Comments are due 23 JAN 17.

## ***CLIMATE CHANGE***

**SHORT-LIVED CLIMATE POLLUTANT REDUCTION STRATEGY.** CARB [released](#) the revised Proposed Short-Lived Climate Pollutant Reduction Strategy and a revised draft environmental analysis for public comment. Short-lived climate pollutants include black carbon, methane, and fluorinated gases, including hydrofluorocarbons, referred to as HFCs. The strategy implements requirements in Senate Bills [605](#) and [1383](#) (2016), which require CARB to develop and implement a plan to reduce emissions of short-lived climate pollutants by 1 JAN 18. A series of workshops was held in December 2016. Comments are due 17 JAN 17. For more information about short-lived climate pollutants and CARB's strategy to reduce them, click [here](#).

**GREENHOUSE GAS EMISSIONS.** CARB [is proposing](#) to amend to the California Cap on Greenhouse Gas (GHG) Emissions and Market-Based Compliance Mechanisms Regulation. The amendments are intended to achieve several goals:

- Continue California's cap-and-trade program beyond 2020;
- Provide for California compliance with the federal Clean Power Plan;
- Link the California cap-and-trade program with a new cap-and-trade program in Ontario, Canada, beginning 1 JAN 18 and supplement the regulatory process for potential future linkages;

- Update the cap-and-trade program with the latest information on leakage risks and other allocation factors; and
- Streamline certain aspects of the cap-and-trade program.

The amendments also address stakeholder concerns related to cost-containment. In response to public comments, in December, CARB released [modified rule text](#). Comments on are due 20 JAN 17. For more information, visit the [rulemaking website](#).

**MANDATORY REPORTING OF GHG EMISSIONS.** CARB [is proposing](#) to amend its regulation for the mandatory reporting of GHG emissions, Title 17 California Code of Regulation (CCR) Section 95100. The amendments are intended to clarify procedures for changes to calculation methods, reporting and cessation criteria, and recordkeeping and retention requirements. Other amendments would update global warming potential values, beginning with 2021 data reported in 2022, add a requirement for facilities to provide a facility schematic diagram, modify definitions, and make housekeeping corrections. In response to public comments, in December, CARB released [modified rule text](#). Comments on the modified rule text are due 20 JAN 17. For additional details on the proposed amendments, view the [staff report](#), or visit the [rulemaking website](#).

**GHG EMISSIONS FOR MEDIUM- AND HEAVY-DUTY VEHICLES, TRACTOR-TRAILER GHG REGULATION.** CARB [is requesting](#) public comment on the proposed California Phase 2 GHG regulation and amendments to CARB's existing Heavy-Duty Vehicle GHG Emission Reduction Regulation, commonly referred to as the Tractor-Trailer GHG regulation. Comments are due 31 JAN 17. A public workshop is scheduled for 6 FEB 17. A live internet broadcast of the workshop will be available [here](#). The agenda and any associated documents will be posted [here](#), prior to the workshop.

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

**LIVERMORE TARPLANT.** The California Fish and Game Commission [is proposing](#) to add the [Livermore tarplant](#) (*Deinandra baccigalupii*) to the [state list](#) of endangered plants, 14 CCR 670.2. The yellow-flowering plant is known in a few locations in Alameda County. Comments are due 25 JAN 17. A public hearing is scheduled for 8 FEB 17. A status review of the species is available [here](#).

**COAST YELLOW LEPTOSIPHON.** The California Fish and Game Commission [accepted a petition](#) (page 31) to list [coast yellow leptosiphon](#) (*Linanthus croceus*) as an endangered species. The commission also provided notice that the species is a candidate species and that the California Fish and Game Department, within a year, will submit a written report indicating whether listing is warranted. The plant species is [reported](#) in Lake, Marin, Mendocino, Monterey, San Francisco, and San Mateo counties.

**CLEAR LAKE HITCH.** The California Fish and Game Commission added the [Clear Lake hitch](#) (*Lavinia exilicauda chi*) to the [state list](#) of threatened species. The final rule was effective 1 JAN 17. To view a status review by the California Fish and Game Department on the species, click [here](#). For more information, click [here](#).

## ***WATER***

**NITRATE AND NITRITE PHG.** The California Office of Environmental Health Hazard Assessment (COEHHA) [released](#) (page 12) the [draft technical support document](#) for the proposed update of the Public Health Goals (PHGs) for nitrate and nitrite in drinking water. COEHHA is not proposing changes to existing PHGs. Comments are due 13 FEB 17. A public hearing is scheduled for the same day.

**WATER ENFORCEMENT POLICY.** The California State Water Resources Control Board [extended](#) the public comment period for its [proposed amendments](#) to the 2010 Water Quality Enforcement Policy. The amendments would clarify principles central to the boards' duties under the Porter-Cologne Water Quality Control Act as they relate to the board's enforcement policy, change the case prioritization process, and make housekeeping improvements. The amendments are intended to improve transparency, efficiency, and consistency of the board's enforcement policy, case prioritization,

and enforcement processes. The comment period was extended to 28 DEC 16. A public hearing is scheduled for 7 FEB 17. For more information, click [here](#) and [here](#).

**BAY-DELTA PLAN AMENDMENT: PHASE I UPDATE.** The California State Water Resources Control Board [extended](#) the public comment period and scheduled additional public hearing dates for its [proposed updates](#) to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, referred to as the Bay-Delta Plan, and proposed revisions to an associated substitute environmental document. The proposed plan amendment includes new and revised San Joaquin River flow objectives for the protection of fish and wildlife beneficial uses, a revised salinity water quality objective for the protection of southern Delta agricultural beneficial uses, and an implementation program for those objectives. The public comment period was extended to 17 JAN 17. A [public hearing](#), which began 29 NOV 16, has been continued on multiple dates in December and January. For more information, click [here](#).

**LOS ANGELES: MALIBU CREEK TMDL.** The California State Water Resources Control Board [is requesting](#) public comment on its proposed approval of the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) amendment to the Water Quality Control Plan for the Los Angeles Region, referred to as the Basin Plan. The [Basin Plan amendments](#) would establish an implementation plan for the Malibu Creek total maximum daily load (TMDL) for nutrients and Malibu Lagoon TMDL for sediments and nutrients. Comments are due 26 JAN 17. For more information on the Basin Plan amendments for Malibu Creek and Lagoon, click [here](#) (R16-009).

**LOS ANGELES: CALLEGUAS CREEK AND MUGU LAGOON TMDL.** The California State Water Resources Control Board [is requesting](#) public comment on its proposed approval of the Los Angeles Water Board amendment to the Basin Plan to revise the TMDL for metals and selenium in the Calleguas Creek, its tributaries, and Mugu Lagoon. Comments are due 26 JAN 17. For more information on the Basin Plan amendments for Calleguas Creek, its tributaries, and Mugu Lagoon, click [here](#) (R16-007).

**LOS ANGELES: SANTA CLARA RIVER LAKES TMDL.** The California State Water Resources Control Board [is requesting](#) public comment on its proposed approval of the Los Angeles Water Board amendment to the Basin Plan that would incorporate a TMDL for the Santa Clara River Lakes (Elizabeth Lake, Munz Lake, and Lake Hughes). For more information on the Basin Plan amendments for the Santa Clara River Lakes, click [here](#) (R16-006).

**NORTH COAST: UPPER ELK RIVER TMDL.** The California State Water Resources Control Board [is requesting](#) public comment on its proposed approval of the North Coast Regional Water Quality Control Board's amendment to the Basin Plan for the North Coast region. The amendment would to incorporate an action plan for the Upper Elk River Sediment TMDL. Comments are due 17 JAN 17. For more information on the Elk River TMDL, click [here](#).

## ***LEGISLATIVE SESSION: 12 DEC 16 THROUGH 15 SEP 17 (ESTIMATED)***



### ***SAFETY AND HEALTH***

**OCCUPATIONAL SAFETY AND HEALTH.** The Hawaii Department of Labor and Industrial Relations [is proposing](#) to align state occupational and health standards with federal Occupational Safety and Health Administration (OSHA) standards for recording and reporting of occupational injuries and illnesses. Comments were due 28 DEC 16. A public hearing was held the same day.

### ***WATER***

**HAWAII STATE WATER PROJECTS PLAN.** The Hawaii Department of Land and Natural Resources, State Commission on Water Resource Management [is requesting](#) public comment on proposed modifications to the Hawaii [State Water Projects](#)

[Plan](#). This update of the plan focuses on the water needs of the Department of Hawaiian Homelands. [Public hearings](#) are scheduled throughout January 2017.

## ***LEGISLATIVE SESSION: 18 JAN 17 THROUGH 5 MAY 17 (ESTIMATED)***

In addition, Guam's legislative session began 4 JAN 16 and adjourns 31 DEC 16.



### ***AIR***

**NEVADA SIP: INTERSTATE TRANSPORT.** EPA is proposing to approve revisions to the Nevada SIP that address interstate transport requirements with respect to the 2008 ozone NAAQS ([81 FR 87857](#)). In this action, EPA is proposing to approve the Nevada SIP as meeting the interstate transport prongs 1 and 2 for the 2008 ozone NAAQS. The agency has concluded that emissions from Nevada will not contribute significantly to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in California or any other state. Comments were due 5 JAN 16.

### ***NATURAL RESOURCES***

**INVASIVE SPECIES CONTROL.** The Nevada Board of Wildlife adopted [requirements](#) for owners of water craft to take specific precautions to prevent the introduction or transfer of aquatic invasive species. For vessels, conveyances, or equipment being removed from any body of water in Nevada, the owner/operator is required to ensure that drain plugs that may hold back water and water draining devices for bilges and confined spaces remain open during out-of-water transport on public roadways. The [final rule](#) was effective 21 DEC 16.

### ***WATER***

**USE OF TREATED EFFLUENT.** The Nevada Division of Environmental Protection (NDEP) adopted [amendments](#) to regulations associated with the reuse of reclaimed water, the administrative continuance of Underground Injection Control (UIC) permits, and the definition of the size of onsite sewage disposal systems. The amendments add a new category of reclaimed water, indirect potable reuse, which requires higher standards of treatment. The department also added new fee categories to the UIC fee schedule to allow for the administrative continuance of UIC permits and to redefine the size of onsite sewage disposal systems regulated by the NDEP. The [final rule](#) was effective 21 DEC 16.

## ***LEGISLATIVE SESSION: 6 FEB 17 THROUGH 6 JUN 17 (ESTIMATED)***

# **Department of Defense Activity**

### ***BRAC***

**DOD OUTLINES PROCESS FOR LRAs TO REQUEST PROTECTION UNDER ENVIRONMENTAL STATUTE.** DOD is proposing a rule outlining the process that local redevelopment authorities (LRAs), owners, and others in control of Base Realignment and Closure (BRAC) sites may use to request legal representation from DOD, in accordance with a federal statute intended to protect them from liability for undiscovered contamination ([81 FR 88167](#)). The proposed rule stems from Section 330 of the 1993 National Defense Authorization Act, which indemnifies owners of former military base property from lawsuits, judgements, and other actions arising out of claims for personal injury or property damage. To date, the



statute primarily has been relied on by LRAs and their insurers to recover damages from the military after they encounter previously unknown contamination. Additional information can be found [here](#). Comments are due 6 JUN 17.

## ***ENERGY***

**PROGRAMMATIC ENVIRONMENTAL ASSESSMENT FOR SOLAR PHOTOVOLTAIC RENEWABLE ENERGY.** The Army completed a Programmatic Environmental Assessment (PEA) for construction, operation, and maintenance of solar photovoltaic (PV) renewable energy projects on Army installations. The PEA and a draft Finding of No Significant Impact (FONSI) are available for public review and comment and may be found [here](#). The Solar PEA supports the Army's efforts to streamline processes to develop and execute renewable and alternative energy projects to increase energy security and resiliency and enhance mission effectiveness. The Army continues to pursue solar and other renewable and alternative energy projects, along with battery storage and complete micro-grid solutions. The public comment period will end 30 days after publication in the Federal Register.

## ***LAND USE***

**PROTECTION OF MILITARY AIRFIELDS FROM WIND TURBINE ENCROACHMENT.** In an effort to curb the installation of wind turbines in close proximity to military installations, U.S. Representative Chris Collins (R-NY) introduced the Protection of Military Airfields from Wind Turbine Encroachment Act ([HR 6397](#)). The act would ensure that any new wind turbines located within a 40-mile radius of a military installation will be deemed ineligible for renewable energy tax credits. A press release about the bill is available [here](#). Companion bill is [SB 3428](#).

## ***NATURAL RESOURCES***

**2017 REPI WEBINAR SERIES ANNOUNCED.** DOD's [REPI](#) program announced its schedule of [webinars for 2017](#). The webinars showcase best practices, tutorials, and knowledge sharing on REPI partnerships that support military missions and accelerate the pace and rate of conservation. Unless otherwise noted, all webinars begin at 1:00 pm eastern. Past webinars are archived for later viewing. The 2017 series includes the following webinars:

- Incorporate Some Fun and Recreation Into Your REPI Partnership
- Environmental Law Institute Brief: Sentinel Landscape Partnership Authorities and Opportunities
- Conservation Finance Tools and Strategies
- Annual REPI Help Session for Fiscal Year (FY) 2018
- The Gopher Tortoise Conservation Strategy as a Model to Protect At-Risk Species
- Leveraging Geographic Information System (GIS) to Define and Make Progress Toward Your Desired End State
- Stakeholder Engagement 101: Building and Expanding Your REPI Partnership
- REPI and Water
- Can You Hear Me Now? Addressing Noise Impacts in Your REPI Partnership

# **Federal Activity**

## ***AIR***

**INTEGRATED SCIENCE ASSESSMENT FOR SULFUR OXIDES - HEALTH CRITERIA.** EPA is accepting comments on the "Second External Review Draft Integrated Science Assessment for Sulfur Oxides—Health Criteria" (EPA/600/R-16/351),

available [here](#). EPA intends to develop a separate assessment for the secondary (welfare-based) NAAQS for NOx and SOx ([81 FR 89097](#)).

**APPLICABILITY DETERMINATION INDEX DATA SYSTEM.** This notice announces applicability determinations, alternative monitoring decisions, and regulatory interpretations that EPA has made under the NSPS, NESHAP, and/or the Stratospheric Ozone Protection Program ([81 FR 95585](#)). An electronic copy of each complete document posted on the Applicability Determination Index data system is available on the Resources and Guidance Documents for Compliance Assistance page of the CAA Compliance Monitoring website under "Air" located [here](#).

**NESHAP FOR PUBLICLY OWNED TREATMENT WORKS.** EPA is proposing amendments to the NESHAP for Publicly Owned Treatment Works (POTWs) to address the results of the residual risk and technology review conducted under the CAA ([81 FR 95352](#)). EPA is proposing to include pretreatment requirements to limit emissions from collection systems and POTWs; revise requirements for existing Group 1 (industrial) POTWs to comply with this rule and other applicable NESHAP; and set hazardous air pollutants emission limits for existing, Group 2 (non-industrial) POTWs. In addition, EPA is proposing to revise the applicability criteria; revise the names and definitions of the industrial (Group 1) and non-industrial (Group 2) subcategories; revise regulatory provisions pertaining to emissions during periods of startup, shutdown, and malfunction; add requirements for electronic reporting; and make other miscellaneous edits and technical corrections.

## ***CLIMATE CHANGE***

**GHG REPORTING RULE.** EPA is amending specific provisions in the federal GHG Reporting Rule ([81 FR 89188](#)). Affected entities include general stationary fuel combustion sources. If an entire facility or supplier is merged into another facility or supplier that is already reporting GHG data under this part, then the owner or operator may discontinue complying with this part, provided that the owner or operator submits a notification to the EPA that announces the discontinuation of reporting. EPA is implementing changes in stages for the 2016, 2017, and 2018 reports.

## ***ENERGY***

**ENERGY GRANTS FOR FEDERAL FACILITIES.** Under the FY 2017 Assisting Federal Facilities with Energy Conservation Technologies (AFFECT) Funding Opportunity Announcement, the U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP) will provide grants to federal agencies for projects in three topic areas: combined heat and power, renewable energy, and energy efficiency deep retrofits. Applicants will be asked to show how the proposed project results are conducive to broader adoption at other federal facilities, impacting the direction, strategy, and thinking of the agency to engage in similar efforts. The anticipated total funding level for AFFECT 2017 is \$3.0 million, subject to appropriations, with anticipated funding per award to be between approximately \$100,000 and \$1.0 million. Letters of intent (LOI) were due 22 DEC 16, and full applications due 30 JAN 17. Applicants must submit a LOI to be eligible to submit a full application. To apply to AFFECT 2017, applicants must register with and submit application materials through the [EERE Exchange](#). For more information, click [here](#).

**STANDARDS FOR 2017 AND BIOMASS-BASED DIESEL VOLUME FOR 2018.** EPA established the annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that apply to all motor vehicle gasoline and diesel produced or imported in 2017 ([81 FR 89746](#)). The agency also finalized applicable volumes of advanced biofuel and total renewable fuel. The standards are expected to continue driving the market to overcome constraints in renewable fuel distribution infrastructure, which in turn is expected to lead to substantial growth over time in the production and use of renewable fuels. In this action, EPA established the applicable volume of biomass-based diesel for 2018.

## ***HAZARDOUS MATERIALS***

**HAZARDOUS MATERIALS AIR TRANSPORTATION.** In consultation with the Federal Aviation Administration, the U.S. Department of Transportation (DOT) is proposing to align the [Hazardous Materials Regulations](#), 49 CFR Parts 171-180, with current international standards for the air transportation of hazardous materials ([81 FR 87510](#)). Proposed amendments are specific to air transport and include:

- Removing language prohibiting any hazardous material package, outside container, or overpack containing holes from being transported on an aircraft. The rule change is in response to reports that airlines and freight forwarders have declined to transport packages with minor abrasions, tears, dents, cuts, small holes, or other minor damage from normal conditions of transportation and handling, even where these examples of minor damage or holes did not compromise the packaging's integrity;
- Authorizing passengers and crewmembers to carry lithium metal battery-powered portable medical electronic devices (e.g., automated external defibrillators, nebulizers, continuous positive airway pressure devices), and two spare batteries for those devices on an aircraft with the approval of the pilot;
- Authorizing the use of rigid and leakproof receptacles for intermediate packaging (around glass inner packages). Current language specifically requires metal receptacles for intermediate packaging;
- Removing a requirement to include additional informational requirements pertaining to inspection, orientation, and securing packages of hazardous materials aboard aircraft. This information will continue to be required on shipping papers. The proposed amendment would require that packages be protected from damage during loading operations through dragging or mishandling, and further harmonize specific portions of the general loading/securement requirements pertaining to appropriate securing and loading practices.

## ***MISCELLANEOUS***

**SEMIANNUAL REGULATORY AGENDA - FALL 2016.** Federal agencies released the semiannual regulatory agenda for fall 2016. Users can view or search the Regulatory Agenda database [here](#). Following Executive Order (EO) 13610, agencies are also maintaining retrospective review plans, which are available [here](#). Retrospective reviews are expected to be used to simplify and improve existing rules. Ongoing EPA retrospective reviews include National Pollutant Discharge Elimination System (NPDES) permitting (proposed 18 MAY 16) and CAA Title V permitting (proposed 24 AUG 16); and primary drinking water standards for lead and copper (proposed rule expected in 2017). This notice provides the unified agenda of rules scheduled for review or development between fall 2016 and fall 2017 ([81 FR 94770](#)).

**NEW FEATURES AVAILABLE ON ECHO GOV.** EPA [added](#) several new features to ECHO Gov, the government-only area of the Enforcement and Compliance History Online (ECHO) website. New features include an air targeting tool and water quality indicators map. To learn about these features, visit the [ECHO](#) website (log-in required).

## ***NATURAL RESOURCES***

**INVASIVE SPECIES.** The President issued EO 13751, Safeguarding the Nation From the Impacts of Invasive Species ([81 FR 88609](#)). This order updates EO 13112, Invasive Species, issued 3 FEB 99. The new EO:

- Names additional agencies and Executive Office components to the National Invasive Species Council. The council is comprised of the Office of Science and Technology Policy, Council on Environmental Quality, Office of Management and Budget, EPA, DOD, DOI, USDA, and others;
- Requires the Department of Health and Human Services, within one year, to report on public health impacts associated with invasive species;
- Requires federal agencies to consider the impacts of climate change relevant to the prevention, eradication, and control of invasive species; and

- Requires federal agencies to limit the spread of invasive species by considering opportunities to apply innovative science and technologies (remote sensing, molecular tools, cloud computing, and predictive analytics), and using tools such as challenge prizes, citizen science, and crowdsourcing.

The National Invasive Species Council is tasked to:

- Undertake a National Invasive Species Assessment in coordination with the U.S. Global Change Research Program's periodic national assessment that evaluates the impact of invasive species on major U.S. assets, including food security; water resources; infrastructure; environment; human, animal, and plant health; natural resources; cultural identity and resources; and military readiness;
- Advance national incident response, data collection, and rapid reporting capacities to strengthen early detection of and rapid response to vectors, reservoirs, or causative agents of disease; and
- Publish an assessment by 2020 that identifies the most pressing scientific, technical, and programmatic coordination challenges and incorporate recommendations and actions into the National Invasive Species Council Management Plan.

The council will evaluate the effectiveness of the management plan implementation, update the plan every three years, and provide an annual report of its achievements to the public.

**STRATEGIC PLAN FOR SOIL SCIENCE.** The Soil Science Interagency Working Group released a draft framework for a Federal Strategic Plan for Soil Science ([81 FR 87981](#)). The framework identifies current gaps, needs, and opportunities in soil science and proposes federal research priorities for the future. The framework will inform a more comprehensive federal strategic plan that will provide recommendations for improving the coordination of soil science research, as well as the development, implementation, and evaluation of soil conservation and management practices among federal agencies and non-federal organizations, both domestic and international. The framework is available [here](#).

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

**HABITAT CONSERVATION PLANNING HANDBOOK.** The Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) released the final [Habitat Conservation Planning \(HCP\) Handbook](#), which describes requirements, procedures, and guidance for permit issuance and conservation plan development for incidental take permits under the Endangered Species Act (ESA). The ESA addresses incidental take of listed species that would result from non-federal activities. To obtain a permit for incidental take, an applicant must develop a conservation plan that meets specific requirements of the ESA and its implementing regulations at 50 CFR 17.22 (endangered species) and 17.32 (threatened species); and 50 CFR 222.25, 222.27, and 222.31. Among other requirements, the plan must specify the impacts that are likely to result from the taking, the measures the permit applicant will undertake to minimize and mitigate such impacts, and the funding that will be available to implement such measures.

**COMPENSATORY MITIGATION POLICY.** FWS finalized its ESA Compensatory Mitigation Policy (CMP) to effectively and sustainably offset the adverse impacts of development activities to the nation's most at-risk species and their habitats ([81 FR 95316](#)). The policy follows a [2015 Presidential Memorandum](#) directing DOI to update its existing mitigation policy and craft a new policy that addresses mitigation of impacts on species that are listed, or may soon need to be listed under the ESA. The final CMP is the first comprehensive treatment of compensatory mitigation under authority of the ESA to be issued by the FWS. It clarifies existing guidance and covers all compensatory mitigation mechanisms recommended or supported by the service when implementing the ESA including: permittee-responsible mitigation, conservation banking, in-lieu fee programs, and habitat credit exchanges. The benefits provided by these mitigation programs will encourage and incentivize federal agencies and applicants to develop proposed actions that compensate for adverse impacts to affected species. FWS will issue comprehensive guidance on the implementation of compensatory mitigation projects and programs under the ESA after publication of the final policy. In a related action, the service released a final revised [Mitigation Policy](#) in November 2016. A press release about the CMP is available [here](#).

**CANDIDATE NOTICE OF REVIEW.** In this [Candidate Notice of Review](#), FWS updated the list of plant and animal species native to the U.S. that are regarded as candidates for addition to the lists of endangered and threatened wildlife and plants under the ESA ([81 FR 87246](#)). Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, and by allowing landowners and resource managers to alleviate threats and thereby possibly prevent the need to list species as endangered or threatened.

**ENDANGERED SPECIES RECOVERY PERMIT APPLICATIONS.** FWS is inviting public comment on applications for recovery permits to conduct activities with the purpose of enhancing the survival of endangered species ([81 FR 96030](#)). With some exceptions, the ESA prohibits certain activities with endangered species unless a federal permit allows such activity. The ESA also requires a public comment period before issuing the permits.

**REVISIONS TO REGULATIONS FOR CANDIDATE CONSERVATION AGREEMENTS WITH ASSURANCES.** FWS revised regulations concerning enhancement-of-survival permits associated with Candidate Conservation Agreements with Assurances ([81 FR 95053](#)). FWS added the term "net conservation benefit" to the Candidate Conservation Agreements with Assurances regulations, and eliminated references to "other necessary properties" to clarify the level of conservation effort required for each agreement.

**REGULATIONS FOR EAGLE INCIDENTAL TAKE AND TAKE OF EAGLE NESTS.** FWS revised the regulations for eagle nonpurposeful take permits and eagle nest take permits ([81 FR 91494](#)). Revisions include changes to permit issuance criteria and duration, definitions, compensatory mitigation standards, criteria for eagle nest removal permits, permit application requirements, and fees. FWS intended the revisions to add clarity to the eagle permit regulations, improve their implementation, and increase compliance while maintaining strong protection for eagles. FWS reduced the types of incidental take permits it can issue under [50 CFR 22.26](#) from two to one, eliminating separate categories for standard and programmatic permits. Historically, most requests for take permits have been for single, long-term activities that have the potential to periodically take one or more eagles over the life of a project; however, FWS anticipates issuing permits to cover the effects of multiple activities within a given program, such as a military installation. Additional information is available [here](#).

**IDENTIFICATION OF 14 DISTINCT POPULATION SEGMENTS OF HUMPBACK WHALE AND REVISION OF SPECIES-WIDE LISTING.** FWS issued a final rule removing the current species-level listing of the humpback whale, and listing only certain distinct population segments (DPSs) ([81 FR 93639](#)). The Mexico DPS is listed as threatened and the following DPS are listed as endangered: Cape Verde Islands/Northwest Africa; Western North Pacific; Central America; and the Arabian Sea. FWS concurs with NMFS's recommendation that humpback whales in nine other DPSs are no longer endangered or threatened. NMFS found that critical habitat is not determinable for the three listed DPSs that occur in U.S. waters (Western North Pacific, Mexico, and Central America).

**JAGUAR DRAFT RECOVERY PLAN.** FWS announced the availability of a [draft recovery plan](#) for the [jaguar](#) (*Panthera onca*), which is listed as endangered ([81 FR 92845](#)). The species is currently found in 19 countries ranging from Argentina to the U.S., including the states of Arizona and New Mexico. The draft recovery plan includes specific recovery objectives and criteria to be met to enable FWS to delist the jaguar. FWS is requesting review and comment on the plan from local, state, and federal agencies, tribes, and the public. FWS will also accept any new information on the status of the jaguar throughout its range to assist in finalizing the recovery plan. Comments are due 20 MAR 17.

## ***TOXICS***

**TRICHLOROETHYLENE PROHIBITIONS.** EPA is proposing to prohibit the use to trichloroethylene (TCE) in aerosol degreasing and spot cleaning in dry cleaning facilities, and to impose other prohibitions on its manufacture, processing, and distribution ([81 FR 91592](#)). The proposed rule would also require manufacturers, processors, and distributors (excluding retailers) to provide downstream notification of these prohibitions throughout the supply chain and impose limited recordkeeping requirements. Comments are due 14 FEB 17.

**DESIGNATION OF CHEMICAL SUBSTANCES FOR INITIAL RISK EVALUATIONS.** As required by the Toxic Substances Control Act, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act in June 2016, EPA published an initial list of 10 chemical substances that will be the subject of EPA's chemical risk evaluations to determine whether the chemical substances present an unreasonable risk of injury to health or the environment ([81 FR 91927](#)). EPA is initiating the risk evaluation process for:

- 1,4-Dioxane;
- 1-Bromopropane;
- Asbestos;
- Carbon Tetrachloride;
- Cyclic Aliphatic Bromide Cluster (HBCD);
- Methylene Chloride;
- N-Methylpyrrolidone (NMP);
- Pigment Violet 29;
- TCE; and
- Tetrachloroethylene (also known as perchloroethylene).

**PROTECTIVE ACTION GUIDES AND PLANNING GUIDANCE FOR RADIOLOGICAL INCIDENTS.** EPA, in coordination with a multi-agency working group within the Federal Radiological Preparedness Coordinating Committee, made final updates to the 1992 Manual of Protective Action Guides and Protective Actions for Nuclear Incidents, commonly referred to as the 1992 PAG Manual. The revised PAG Manual applies guidelines to incidents other than nuclear power plant accidents, updates the radiation dosimetry and dose calculations based on current science, and incorporates late phase guidance. The PAG Manual is not a legally binding regulation or standard and does not supersede any environmental laws. The guidance does not address or impact site cleanups occurring under other statutory authorities such as the EPA's Superfund program, the Nuclear Regulatory Commission's decommissioning program, or other federal or state cleanup programs. The manual is available [here](#).

## ***WASTE***

**HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE.** EPA issued the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Generator Improvements final rule ([81 FR 85732](#)). Changes made by the rule include:

- The term "very small quantity generator" (VSQG) has replaced the term "conditionally exempt small quantity generator";
- A VSQG may send its hazardous waste to an offsite large quantity generator under control of the same person (this shipment does not require a manifest);
- Large quantity generators (LQGs) must notify EPA prior to the first shipment, must keep records, and include these wastes in their biennial report;
- Small quantity generators are required to re-notify every four years;
- The rule will allow a hazardous waste generator to avoid increased burden of bumping up to a higher generator status when generating episodic waste, provided the episodic waste is properly managed and notice provided to EPA;
- Specific records required to support a generator's hazardous waste determinations are specified in a new Section 262.11(f);
- Incompatibility requirements for satellite accumulation containers (265.177), and emergency/contingency plan requirements have been added; and

- Labeling of containers in satellite accumulation areas and at 90/180/270-day accumulation areas must include an indication of the associated hazards (e.g., hazardous waste characteristics, a DOT label or placard, an OSHA hazard statement or pictogram, or a National Fire Protection Association hazard label).

The final rule becomes effective in Alaska, Iowa, federal facilities in Colorado, and the territories Puerto Rico, American Samoa, Northern Mariana, and US Virgin Islands, on 30 MAY 17. In the 48 authorized states, the new requirements do not take effect until the state adopts equivalent state requirements. Several of the requirements are relaxations, such as allowing VSQG to LQG transport. States may but are not required to adopt less stringent federal rules.

## **WATER**

**MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT REMAND RULE.** EPA revised the regulations addressing small municipal separate storm sewer system (MS4) permits in response to a remand from the United States Court of Appeals for the Ninth Circuit in *Environmental Defense Center, et al. v. EPA*, 344 F.3d 832 (9th Cir. 2003) ([81 FR 89320](#)). The [final rule](#) establishes two alternative approaches a permitting authority can use to issue NPDES general permits for small MS4s and meet the requirements of the court remand. The first option is to establish all necessary terms and conditions to require the MS4 operator to reduce the discharge of pollutants to the Maximum Extent Practicable, to protect water quality, and to satisfy the appropriate water quality requirements in one comprehensive permit. The second option allows the permitting authority to establish the terms and conditions in two steps: a first step to issue a base general permit that contains terms and conditions applicable to all small MS4s covered by the permit; and a second step to establish necessary permit terms and conditions for individual MS4s that are not covered by the base general permit. This final rule was effective 9 JAN 17.

**REVISIONS TO THE UNREGULATED CONTAMINANT MONITORING RULE.** EPA is finalizing the Fourth Unregulated Contaminant Monitoring Rule (UCMR 4), which requires certain public water systems to collect occurrence data for contaminants that may be present in drinking water but are not yet subject to drinking water standards ([81 FR 92666](#)). The final rule identifies 11 analytical methods to support water system monitoring for a total of 30 chemical contaminants, which include nine cyanotoxins and one cyanotoxin group, two metals, eight pesticides plus one pesticide manufacturing byproduct, three brominated haloacetic acid disinfection byproduct groups, three alcohols, and three semivolatile organic chemicals. This rule applies to all large community and non-transient non-community water systems serving more than 10,000 people and a subset of smaller systems serving between 25 and 10,000 peoples, as randomly selected by EPA. The final rule is effective on 19 JAN 17. EPA will host a meeting in Washington, DC, on 12 APR 17 to discuss the implementation of the UCMR 4 rule. Attendees can participate in person or via [webinar](#).

**DRAFT HUMAN HEALTH RECREATIONAL AMBIENT WATER QUALITY CRITERIA AND/OR SWIMMING ADVISORIES FOR CYANOBACTERIAL TOXINS.** EPA released a draft of Human Health Recreational Ambient Water Quality Criteria and/or Swimming Advisories for Microcystins and Cylindrospermopsin – 2016 ([81 FR 91929](#)). The advisories are the draft recommended concentrations of the toxins microcystins and cylindrospermopsin in recreational water. Recreational exposure to the microcystins and cylindrospermopsin produced by cyanobacteria has the potential to result in liver and kidney toxicity, respectively. The recommended values found in the draft document do not replace or supersede the 2012 Recreational Water Quality Criteria (RWQC) recommendations for E. coli and Enterococcus. Rather, once final, they will supplement the 2012 RWQC to provide further public health protection for additional, potentially hazardous conditions found in ambient recreational waters. EPA's draft recommended ambient water quality criteria (AWQC) identify the concentrations of microcystins and cylindrospermopsin that would be protective of human health given a primary contact recreational exposure scenario. The draft recommended AWQC are based on the same peer-reviewed science used to develop EPA's 10-Day Drinking Water Health Advisories for these same cyanotoxins published in 2015. EPA is also publishing these values for consideration by states and authorized tribes for use as swimming advisories for notification purposes in recreational waters to protect the public. Comments are due 17 FEB 17.

# Professional Development

## *DOD TRAINING SOURCES*

**US ARMY CORPS OF ENGINEERS PROSPECT TRAINING.** USACE released the [FY17 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 charges. 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 U.S. Army Environmental Command [website](#), which has links to training provided by DOD organizations.

## *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;
- Pollution prevention opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Access to free, FedCenter-sponsored courses:
  1. [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
  2. [Environmental Management Systems](#) (FedCenter membership required);



3. [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 AND ON-DEMAND EVENTS***

**SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES.** The two-hour [course](#) provides staff involved in specifying and purchasing with a thorough introduction to compliance requirements, processes, and tools for procuring sustainable products and services. Participants will receive specific guidance in how to meet executive order and Federal Acquisition Regulation requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

**BIOBASED PRODUCT TRAINING SERIES.** The U.S. Department of Agriculture (USDA) offers a series [of on-demand web-based training modules](#) on biobased products and the BioPreferred® Program:

- [Fundamentals: Biobased Products and the BioPreferred® Program.](#) This short course provides an introduction to biobased products and the USDA BioPreferred® program. Learn to distinguish biobased products from non-biobased products; describe the two primary parts of the BioPreferred® program; list federal agency responsibilities for the mandatory federal purchasing of biobased products; and, explain the basics of the voluntary labeling initiative for biobased products. On-demand training, 37 minutes.
- [Sustainable Acquisition: Biobased Requirements in the New Executive Order 13693.](#) Get the latest on the requirements for mandatory federal purchasing of biobased products. On-demand seminar, 90 minutes:
  - BioPreferred related implementing instructions for Executive Order 13693;
  - Planning for Federal Sustainability in the Next Decade, Demonstrating Progress in Meeting BioPreferred Requirements
  - It Matters: recent report on the impact of biobased products on the U.S. economy and jobs
- [Contracting Officer Role in Contractor Reporting of Biobased Product Purchases.](#) Learn how to correctly enter information in the Federal Procurement Data System. As required by law, federal contractors must report their biobased product purchases. YouTube video, five minutes.
- [BioPreferred® Training for USDA Acquisition Community.](#) This training provides detail on the mandatory requirements for federal agencies to purchase biobased products in categories identified by USDA. YouTube video, 18 minutes.
- [From Awareness to Action: The BioPreferred® Federal Procurement Preference Program.](#) This seminar will introduce the viewer to the BioPreferred® Federal Procurement Preference Program. Federal contractors will gain an understanding of their responsibilities for giving procurement preference to biobased products and how doing so will advance important national goals. On-demand seminar, 60 minutes.
- [Products in Operations, Maintenance, and Cleaning.](#) After an overview of the BioPreferred® Federal Procurement Preference Program, this seminar will focus on biobased products for operations, maintenance, and cleaning including success stories and best practices. On-demand seminar, 60 minutes.

**REPI WEBINAR SERIES.** DOD's REPI program offers [webinars](#) on best practices, tutorials, and knowledge sharing on partnerships that support the military mission and accelerate the pace and rate of land conservation. Archived webinars are available [on demand](#).

**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 are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars 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.

- Energy and Water
- Weapon Systems and Platforms
- Environmental Restoration
- Hydroecology of Intermittent and Ephemeral Streams - Will Landscape Connectivity Sustain Aquatic Organisms in a Changing Climate?
- Decision Support Tools for Munitions Response Performance Prediction and Risk Assessment
- Monitoring and Risk Assessment of Environmental Risks Posed by Munitions Constituents in Aquatic Systems
- 1,4-Dioxane Impacts and Innovative Cleanup Technologies at DOD Contaminated Sites
- Novel Coatings Systems for Use as High Performance Chemical Resistant Powder Topcoats

**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 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)

**\*2016 GUIDING PRINCIPLES FOR SUSTAINABLE FEDERAL BUILDINGS.** This FEMP training series provides updated guidance for complying with the 2016 Guiding Principles for Sustainable Federal Buildings. The series consists of five on-demand courses:

- [2016 Guiding Principle I: Employ Integrated Design Principles and Introduction](#) (1.5 hours, .2 CEUs)
- [2016 Guiding Principle II: Optimize Energy Performance](#) (1 hour, .1 CEU)
- [2016 Guiding Principle III: Protect and Conserve Water](#) (1 hour, .1 CEU)

- [2016 Guiding Principle IV: Enhance Indoor Environmental Quality](#) (1 hour, .1 CEU)
- [2016 Guiding Principle V: Reduce Environmental Impact of Materials and Guiding Principle VI - Assess and Consider Climate Change Risks](#) (1.5 hours, .2 CEUs)

## ENERGY STAR WEBCASTS

- [Federal Guiding Principles Checklist](#). This webcast shows federal energy and sustainability professionals how to use the ENERGY STAR® measurement and tracking tool, Portfolio Manager, to help ensure compliance with the Guiding Principles for High Performance Sustainable Buildings required by Executive Orders 13423 and 13514. The focus is on the Guiding Principles for Sustainable Existing Buildings.
- [Portfolio Manager 101](#). This webcast demonstrates the core functionality of EPA's Energy Star Portfolio Manager Tool. Attendees will learn to navigate the new Portfolio Manager, add a property and enter details, enter energy and water consumption data, share properties, generate performance reports to assess progress, and respond to data requests.
- [Portfolio Manager 201](#). This webcast will explore advanced functionalities of EPA's Energy Star Portfolio Manager Tool, including managing and tracking changes to property uses over time; using spreadsheet templates to update property data; setting goals and targets to plan energy improvements for properties; generating and using custom reports; and using the Sustainable Buildings Checklist.

**CLEAN AIR ACT GENERAL CONFORMITY TRAINING MODULES.** The General Conformity Rule ensures that the actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. The training from EPA covers all aspects of the rule and is divided into four modules:

- The Basics, for top agency managers and the general public: [Module I](#) provides an overview of the program purpose, regulation content, program design, legal requirements, and relationship to other environmental programs.
- The Key Concepts, for program managers and others who need a working knowledge of the program: [Module II](#) provides information on determining applicability of regulations to federal actions, requirements for determining conformity, and the review process for a determination.
- All The Details, for individuals responsible for preparing the determination: [Module III](#) contains detailed information on evaluating conformity including emission calculations, requirements for associated programs and special situations.
- State and tribal requirements and responsibilities, for state, tribal, and local air quality managers: [Module IV](#) provides information on state and tribal requirements and responsibilities in evaluation of conformity for federal actions.

**WATER MANAGEMENT BASICS.** This FEMP course provides a concise introduction to comprehensive water management, to include key topic areas of basic water management terminology, history of federal water mandates, current Executive Order 13693 provisions, best practices associated with comprehensive water management, and proven water conservation financing mechanisms and strategies. The three-module course offers a thorough overview of water management in the federal context:

- Module One: Introduction to Federal Water Management
- Module Two: Introduction to Comprehensive Water Management
- Module Three: Financing and Launching Water Management Projects

**CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES.** This U.S. Geological Survey [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.

**EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY.** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of live and archived webinars. Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management 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.

**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.

**SUSTAINABLE ACQUISITION TRAINING RESOURCES.** The interagency federal Sustainable Acquisition & Materials Management Practices Workgroup compiled a [spreadsheet](#) of sustainable acquisition training resources developed or hosted by federal agencies that are available to government employees, businesses, and non-governmental organizations.

## ***CLASSROOM TRAINING***

**CLASSROOM TRAINING, MULTIPLE OFFERINGS, 2016 AND 2017:** [New Approaches in Remediation of Contaminated Sediments](#). In this two-day class, conventional and emerging technologies for remediating contaminated sediments will be addressed, including removal followed by treatment and disposal; in situ isolation of the sediments from the environment by covering the sediment with neutral materials (i.e., passive capping); active capping technologies, and monitored natural recovery, which involves monitoring processes that isolate, degrade, transform, and immobilize sediment contaminants under natural conditions. The course will address solutions to contaminants in both marine and freshwater sediments including the effects of remediation on the benthic environment. Emerging technologies that address contaminant toxicity, biogeochemistry, and transport mechanisms will also be highlighted. Classes are offered in February, April, June, August, and November 2017.

**CLASSROOM TRAINING, MULTIPLE OFFERINGS, 2017.** [Interagency Consultation for Endangered Species](#). Participants acquire basic information on conducting interagency consultation under Section 7 of the Endangered Species Act. Key information needs and procedures are addressed, with a focus on the information needs related to biological assessments and biological opinions. Lecture and discussion emphasize interagency exchange of information and solutions to support species conservation. Action agency biologists and consultants are welcome to attend. The classroom training is offered in February, April, June, and July, 2017.

**\*CLASSROOM TRAINING, MULTIPLE OFFERINGS, 2017.** [Advanced NEPA - Taking the National Environmental Policy Act to the Next Level](#). The Northwest Environmental Training Center is hosting several intensive one-day classroom seminars with solutions to the most difficult National Environmental Protection Act (NEPA) problems. This is a seminar format with significant time reserved for discussion rather than lecture. Handout materials are based on statutes, regulations, and case law rather than on opinion or past practice.

\* Indicates the first time a professional development opportunity appears in the *Western Review*.

# Staff Directory

**[Mark Mahoney](#)**

Director/DOD REC Region 8  
Army Regional Environmental  
Coordinator Region 9  
(303) 844-0956

**[Kevin Ward](#)**

Regional Counsel  
(303) 844-0955

**[Julia Miller](#)**

Region 8 Program Coordinator  
(Chenega Support Services, LLC)

**[Park Haney](#)**

Army Regional Environmental  
Coordinator Region 10 and Hawaii  
(303) 844-0957

**[Nancy Reese](#)**

Regulatory Affairs Specialist  
(Chenega Support Services, LLC)

**[Adriane Miller](#)**

Project Manager  
(Plexus Scientific Corporation)  
(410) 278-6137

***Additional Multi-Service Contacts***

Navy DOD REC Region 9  
(619) 532-2925

[Navy/DOD REC POC Region 9](#)  
(619) 532-2303

[Acting Air Force REC Region 9](#)  
(415) 977-8845

[USMC REC POC Region 9](#)  
(760) 725-2635

## 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 an item in the *Western Review*, please contact the Regional Environmental Coordinator listed at the top of each region's section.

To be added to the *Western Review* distribution list, email [Nancy Reese](#).