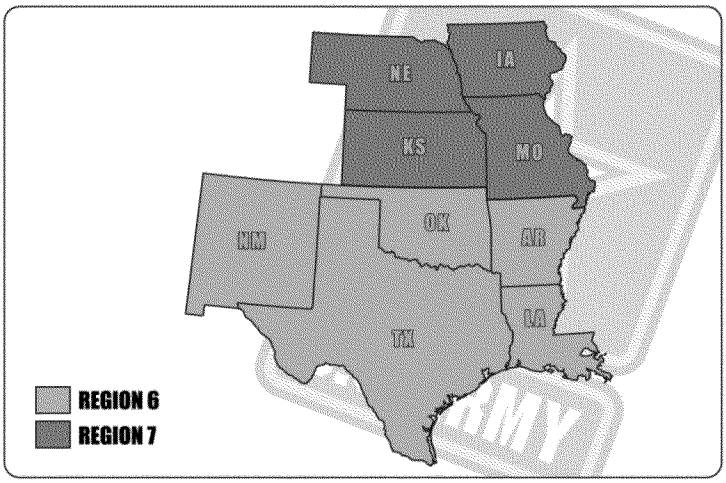
Central Review
of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office March 2013

The Central Region Review provides current information on government affairs, energy and environment relevant to Department of Defense interests in the 9 states in Federal Regions 6 and 7. The Review is intended to be a tool useful to DoD and Army leaders, planners, and program managers in carrying out their responsibilities. The Central Region Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. For further information please visit the Army's Regional Environmental and Energy Offices' website.



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Partnerships with Power

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

In 1996, DoD, REEO-Central (REEO-C), and TX regulatory officials recognized the value of cooperative efforts in pollution prevention and created the Texas Pollution Prevention Partnership (TX-P3). The partnership between the regulatory community, DoD/Army, National Aeronautics and Space Administration (NASA), TX National Guard, and Coast Guard became nationally recognized. In 2002, TX-P3 expanded its scope with a new charter to address all environmental matters and became the TX Environmental Partnership (TXEP). REEO-C is a charter member of both partnerships. TXEP has been successful in reducing enforcement actions against DoD facilities and avoiding significant compliance costs. REEO-C has worked with the Texas Commission on Environmental Quality to ensure each installation is evaluated on its own environmental compliance history, versus the record of other installations in the state.

Some partnerships inspire new groups to form, like the Region 5 Sustainability Network, which achieved its goals but generated new state groups in IL, IN, MI, OH, and WI. REEO-Northern works with these smaller partnerships to maintain effective dialog between state regulatory agencies and state military organizations.

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

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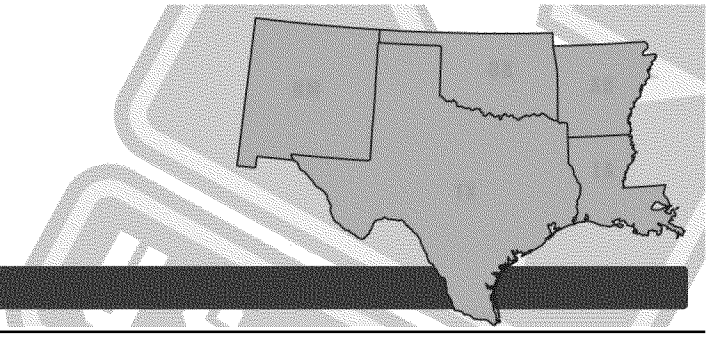
Region 6



Arkansas

NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 14 Jan 13 and adjourns 6 May 13.

PROPOSED LEGISLATION

(NEW) HB 1027 **INVASIVE SPECIES IN STATE WATERWAYS** purpose is to control invasive species in lakes and waterways of AR. Introduced and referred to House Committee on Judiciary, reassigned to House Committee on Agriculture, Forestry & Economic Development. Sponsor: Representative Butch Wilkins (D)

PROPOSED RULES

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY PROPOSED RULE: EMISSIONS PLANTWIDE APPLICABILITY LIMITATIONS (REGULATION 19)** changes Regulation 19 to implement Plantwide Applicability Limitations (PALs) for Greenhouse Gas (GHG) emissions. EPA published final rule promulgating third step of GHG Tailoring Rule to "improve administration of GHG PSD (Prevention of Significant Deterioration) permitting programs" (77 Fed Reg 41,051, 12 Jul 12). Adoption of Regulation 19 revisions will reduce administrative burden on DEQ and streamline air permitting process for large facilities subject to GHG permitting. Hearing scheduled 2 Apr 13, comments due 16 Apr 13. Point of Contact (POC): Mike Bates at (501) 682-0750.

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY PROPOSED RULE: TRIENNIAL REVIEW OF WATER QUALITY STANDARDS (REGULATION 2)** proposes language revision changes in Regulation 2 (Arkansas Water Quality Standards) to clarify regulation definitions or provisions, or incorporate changes necessary as the result of action EPA. Areas affected involve:

- Critical flow;
- Reformatting of bacteria criteria;
- Addition of site specific nutrient criteria for Beaver Lake; and
- Updating maps in Appendix A.

Hearing scheduled 18, 22, 24 Apr 13, comments due 8 May 13. POC: Doug Szenher at (501) 682-0880.

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Louisiana

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Legislature convenes 8 Apr 13 and adjourns 6 Jun 13.

PROPOSED RULES

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY: 2012 ANNUAL INCORPORATION BY REFERENCE OF CERTAIN FEDERAL AIR QUALITY REGULATIONS (LAC 33:III.506, 507, 2160, 3003, 5116, 5311 and 5901) (AQ337ft)** incorporates by reference (IBR), the following federal regulations included in 1 Jul 12 edition of the Code of Federal Regulation (CFR): 40 CFR Parts 51, Appendix M, 60, 61, 63, 68, 70.6(a) and 96 into Administrative Code LAC 33: III. Any exception to IBR is explicitly listed in proposed rule. Rule updates references to 1 Jul 12, for Standard of Performance for New Stationary Sources, 40 CFR Part 60. Hearing 27 Mar 13, comments due 27 Mar 13. POC: Deidra Johnson at (225) 219-3985.

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY: DEFINITION OF REGULATED NEW SOURCE REVIEW (NSR) POLLUTANT (LAC 33:III.509) (AQ340ft)** revises definition of "regulated new source review (NSR) pollutant" in LAC 33:III.509.B consistent with corrected federal definition at 40 CFR 51.166(b)(49). Revision to federal rule "removes a general requirement in definition of 'regulated NSR pollutant' to include condensable particulate matter (PM) when measuring emissions-related indicators for PM known as "particulate matter emissions." POC: Deidra Johnson at (225) 219-3985.

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY: 2010 SULFUR DIOXIDE (SO_2) NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) STATE IMPLEMENTATION PLAN (SIP) REVISIONS.** On 22 Jun 10, EPA revised primary SO_2 NAAQS from 0.14 part per million (ppm) 24-hour standard and 0.030 ppm annual standard to 0.075 ppm 1-hour standard. Pursuant to Sections 110(a)(1) and (2) of the Clean Air Act (CAA) , each state must submit an implementation, maintenance and enforcement plan for newly promulgated or revised NAAQS. POC: Sonya Eastern at (225) 219-3512.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **DEPARTMENT OF ENVIRONMENTAL QUALITY: BAYOU D'INDE AND THE CALCASIEU ESTUARY AND SHIP CHANNEL WATER QUALITY MANAGEMENT PLAN REVISIONS (WQMP).** On 17 Jul 12, the U.S. District Court granted a motion by EPA Region VI to vacate and remand Copper and Mercury Total Daily Maximum Load (TMDLs) and associated allocations for Bayou D'Inde and Calcasieu Estuary and Ship Channel to EPA. Comments due 14 May 13. POC: Chuck Berger at (225) 219-3366.

New Mexico

NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 15 Jan 13 and adjourns 16 Mar 13.

PROPOSED LEGISLATION

(NEW) **HOUSE MEMORIAL (HM) 65.** The U.S Forest Service (USFS) is requested to engage with state agencies and local governments in meaningful watershed health planning and management. State Engineer, Attorney General and State Forester are requested to take necessary steps to enforce U.S. obligation, under Organic Act of 1897, to provide for and protect watershed health in forests. State agencies requested to integrate local, state and tribal watershed plans and management with USFS, Bureau of Land Management, U.S. Army Corps of Engineers (USACE) and Federal Bureau of

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Reclamation. Introduced and referred to House Committee on Agriculture and Water Resources. Reported from committee as "Do Pass" measure passed House and signed. Sponsor: Representative Yvette Herrell (R)

(NEW) HB 259 **Natural Resource Damage.** The following persons shall be jointly and severally liable to state for all damages resulting from intentional or unintentional release of an injurious substance into the environment including a release within the facility:

- Owner or operator of the facility at time of release;
- Any person who previously owned or operated the facility during a time when injurious substance was released, placed, disposed of or treated;
- Any person who by agreement or otherwise arranged for release, placement, disposal or treatment of injurious substance at facility or arranged with transporter for transport of injurious substance to or from facility whether or not injurious substance was owned or possessed by the person; and
- Any person who accepted injurious substance for transport to a disposal or treatment facility or site selected by that person.

Introduced and referred to House Committees on Energy & Natural Resources and Judiciary.
Sponsor: Representative Emily Kane (D)

(NEW) HB 397 **Incomplete Applications for New Water Appropriations.** No application for a new appropriation of water shall be accepted by State Engineer if application does not provide specificity to determine whether proposed appropriation would impair existing rights or is contrary to water conservation or detrimental to public welfare. Introduced and referred to House Committees on Agriculture & Water Resources and Judiciary.
Sponsor: Representative Don L. Tripp (R)

(NEW) HB 415 **Public Water Supply Fee and Contaminant Testing.** A "water conservation fund" is created in state treasury and shall be administered by the Environment Department with fund appropriated to:

- Test public water supplies for contaminants required to be tested pursuant to provisions of federal Safe Drinking Water Act;
- Perform vulnerability assessments to assess a public water supply's susceptibility to those contaminants; and
- Implement new requirements of Utility Operators Certification Act and provide training for all public water supply operators.

Introduced and referred to House Committees on Energy & Natural Resources/Appropriations and Finance. Substituted in committee and passed House. Sent to Senate Committees on Rules/Conservation.
Sponsor: Representative George Dodge (D)

(NEW) HB 429 **Environmental Private Right of Action.** A person injured, economically or otherwise, or imminently threatened with injury, economically or otherwise, may commence a civil action against:

- any other person, including the state, a political subdivision thereof or any officer or agency of either, charging a violation of the Oil and Gas Act or rule, permit or order issued pursuant to that act; or
- the commission or Oil Conservation Division, Energy, Minerals and Natural Resources Department alleging a failure to perform any substantive and nondiscretionary act or duty required by a provision of the Oil and Gas Act or a rule promulgated pursuant to that act.

Introduced and referred to House Committees on Energy & Natural Resources/Judiciary. Reported "Do Pass" as amended.
Sponsor: Representative Georgene Louis (D)

(NEW) HB 448 **Removal of Lands From Watershed Districts** changes provisions of the Watershed District Act allowing removal of lands from watershed districts or discontinuance of watershed districts. Introduced and referred to House Committees on Agriculture & Water Resources/Judiciary, reported from committee as "Do Pass," committee report adopted. Sponsor: Representative George Dodge (D)

(NEW) HB 551 **Solid Waste Recycling.** Each state agency and the legislature shall prepare a source reduction and recycling plan addressing requirements of Subsections C and D of this measure. Agency plans shall be updated biennially to increase amount of solid waste recycled by taking advantage of any changed circumstances. Updated plans shall be submitted to General Services Department for approval prior to adoption. Introduced and referred to the House Committee on Energy & Natural Resources. Reported from committee as "Do Pass," committee report adopted.
Sponsor: Representative Antonio Maestas (D)

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(UPDATE) House Joint Memorial (HJM) 8 **Electric Transmission Capacity for Renewable and Conventional Energy Sources.** Legislature requests NM Legislative Council to direct appropriate committee to assess and review electric transmission capacity for renewable and conventional energy sources to:

- Seek comment from all stakeholders;
- Identify existing in-state electric transmission capacity;
- Identify existing in-state unobligated electric transmission capacity;
- Identify planned in-state electric transmission projects, both intrastate and interstate;
- Identify alternatives for financing of the recommended electricity infrastructure; and
- Make a final report.

Introduced and referred to House Committee on Energy and Natural Resources, recommended "Do Pass" as amended and passed House. Sponsor: Representative Brian F. Egolf, Jr. (D)

(NEW) Senate Joint Memorial (SJM) 43 **Legislative and Regulatory Incentives to Encourage Renewable Energy Development.** The Legislature requests Energy, Minerals and Natural Resources Department to convene a working group of representatives of energy-related state offices, including:

- Energy, Minerals and Natural Resources Department;
- Environment Department;
- Renewable Energy Transmission Authority;
- Economic Development Department;
- Public Regulation Commission and the Office of the Governor; and
- Representatives of national laboratories and private and nonprofit sectors in the state.

Working group goal is to compile an inventory of major existing renewable energy storage policies and regulations. Introduced and referred to Senate Committees on Rules and Conservation, reported "Do Pass" as amended.
Sponsor: Senator William Soules (D)

(NEW) SB 404 **Transfer of Public Lands.** On or before 31 Dec 15, U.S. shall extinguish title to public lands and transfer title to the state. If state transfers title to any public lands, state shall:

- Retain five percent of net proceeds state receives from title transfer; and
- Pay ninety-five percent of net proceeds from transfer of title to U.S.

Introduced and referred to Senate Committees on Conservation and Judiciary. Sponsor: Senator John Woods (R)

(UPDATE) SB 489 **Confidential Information Relating to Radiation.** The following information may be kept confidential:

- Investigative evidence of a plan or scheme to commit an act of terrorism;
- Assessments of vulnerability of government facilities or public improvements to an act of terrorism and work papers directly related to preparing the assessment of vulnerability;
- Records including details for deterrence or prevention of or protection from an act or threat of an act of terrorism; and
- Records including details for response or remediation after an act of terrorism.

Introduced and referred to Senate Committee on Energy. Sponsor: Senator Frank Simpson (R)

(UPDATE) SB 99 **Dental Amalgam Waste Act.** A dental office shall install an appropriately sized amalgam separator system and, upon inspection for cause, demonstrate to NM Board of Dental Health Care proper installation, operation, maintenance and amalgam waste recycling or disposal in accordance with amalgam separator manufacturer's recommendations. NM Board of Dental Health Care shall consider noncompliance with Dental Amalgam Waste Reduction Act as unprofessional conduct subject to penalties and discipline of the board pursuant to Uniform Licensing Act and Dental Health Care Act. Referred to Senate Committees on Conservation/Corporations, reported from committee "Do Pass" as amended. Passed Senate and sent to House where it was referred to House Committee on Agriculture and Water Resources. Sponsor: Senator Peter F. Wirth (D)

(UPDATE) SB 204 **Renewable Energy Certificates.** Public Regulation Commission shall establish a system of renewable energy certificates to be used by a distribution cooperative to establish compliance with a renewable portfolio standard. Introduced and referred to Senate Committees on Conservation/Corporations & Transportation. Reported "Do Pass" as amended. Sponsor: Senator Phil A. Griego (D)

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FINAL RULE

(Effective 14 Feb 13) Environment Department: Surface Water Quality Standards for Nichols and McClure Reservoirs, the Santa Fe River and Galisteo Watershed (20.6.4 NMAC) adopted amendments to 20.6.4 NMAC changing classification of Nichols and McClure Reservoirs, classifies the Santa Fe River through the City of Santa Fe, modifies criteria applicable to Santa Fe River below the wastewater treatment facility, and changes classification of a portion of the Galisteo Watershed. POC: Pam Castaneda at (505) 827-2425.

PROPOSED RULE

(NEW) **Environment Department Proposed Rule: Repeal, Conformity of General Federal Action to SIP (20.2.98 NMAC).** Proposed repeal is in response to EPA's 24 Mar 10 amendments to the federal general conformity rule, 40 CFR Part 93, Subpart B - Determining Conformity of General Federal Actions to State or Federal Implementation Plans. Upon adoption, repeal of 20.2.98 NMAC would be submitted to EPA for incorporation into the SIP. Hearing scheduled 3 May 13. POC: Pam Castaneda at (505) 827-2425.

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Legislature convenes 4 Feb 13 and adjourns 31 May 13.

PROPOSED LEGISLATION

(UPDATE) HB 1497 **Ozone Depleting Substances.** A person may possess, use, manufacture, purchase, install, transport or sell chlorofluorocarbons without subjecting person, DEQ, any other agency or official to any penalty, fine, or retaliatory action. Referred to House Committee on Rules. Sponsor: Representative Mike Ritze (R)

(UPDATE) HB 1718 **Authorization to Inspect Compressed Natural Gas Fueling Stations.** In addition to other powers and duties prescribed by law, OK Corporation Commission shall have power and duty to issue, renew, deny, modify, suspend, refuse to renew and revoke permits for storage tank systems pursuant to provisions of the OK Storage Tank Regulation Act. Commission may promulgate rules and enter at any reasonable time any public or private property for purpose of inspecting and investigating storage tank system monitoring or remediation equipment and take samples as may be necessary to determine compliance. Referred to House Committee on Energy and Aerospace, reported "Do Pass" as substituted. Sponsor: Representative Leslie Osborn (R)

(UPDATE) HB 1762 **Open Burning Bans** makes it unlawful for any person to set fire to any forest, grass, range, crop, or other wildlands, build a campfire or bonfire, burn trash or other material potentially causing a forest, grass, range, crop or other wildlands fire in any county, counties or area within a county where there is gubernatorially proclaimed "extraordinary danger from fire," unless setting of any backfire during drought emergency is necessary for saving life or property. Referred to House Committee on Utility and Environmental, recommended "Do Pass" by committee. Sponsor: Representative Tommy Hardin (R)

(UPDATE) HB 1768 **Construction or Operation of Sewage Treatment Systems.** No small public sewage treatment system or individual sewage treatment system shall be constructed or operated unless system complies with requirements prescribed by the Environmental Quality Board as determined by an inspection performed by DEQ or person authorized by DEQ. Referred to House Committee on Utility and Environmental Regulation, recommended as "Do Pass" as substituted. Sponsor: Representative Todd Russ (R)

(UPDATE) HB 1879 **Drinking Water and Water Supply System Treatment.** OK Water Resources Board shall promulgate rules necessary to implement provisions pertaining to water supply systems and treatment and distribution of water to the public, including but not limited to rules for construction and extension of such systems and specifications and directions as to source, manner of storage, purification, treatment and distribution of water supplied to the public.

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Sponsor: Representative Ken Walker (R)

(UPDATE) HB 1922 **"Scenic Rivers Act."** Legislature finds some free-flowing streams and rivers possess unique scenic beauty, water conservation, fish, wildlife and outdoor recreational values of present and future benefit to people of the state. Policy dictates these areas be preserved for benefit of the people. For this purpose, there are designated certain "scenic river areas" to be preserved as a part of the state's diminishing resource of free-flowing rivers and streams. Referred to House Committee on Appropriations and Budget. Reported from committee as "Do Pass" as substituted. Sponsor: Representative Dale R. DeWitt (R)

(NEW) SB 1006 **State Building Maintenance Revolving Fund** shall be a continuing fund, not subject to fiscal year limitations, and consist of all funds received by Office of Management and Enterprise Services appropriated by the Legislature for regular and emergency maintenance and capital repairs to all buildings owned and operated by any agency of the state. Introduced and referred to Senate General Government Committee then to Appropriations Committee. Sponsor: Senator Greg Treat (R)

(NEW) SB 33 **Hazardous Waste Recycling.** Facilities recycling hazardous waste shall be exempt from subsection C of Sections 2-7-113 and Section 2- 7-113.1, and Section 2-7-115 with regard to those units exclusively used in recycling. Off-site hazardous waste recycling facilities are subject to requirements specified by Hazardous Waste Management Act, Environmental Permitting Act, and rules promulgated thereunder, for a permit, and shall also meet design standards as promulgated by the Board. Referred to Senate Committee on Energy, recommended "Do Pass" and passed by Senate, engrossed to House. Sponsor: Senator Ron Justice (R)

(UPDATE) SB 41 **Environmental Agency Jurisdiction.** Any rule, interagency agreement or executive order enacted or entered into prior to the effective date conflicting with assignment of specified jurisdictional environmental responsibilities shall be superseded. Introduced and referred to Senate Committee on Tourism and Wildlife. Reported from committee "Do Pass" as amended. Measure passed and referred for engrossment. Engrossed and sent to House.
Sponsor: Senator Harry E. Coates (R)

(UPDATE) SB 160 **Biodiesel and Definition of Special Fuel** relates to taxation and defining blended biodiesel, and deduction for receipt of biodiesel fuel to rack operators for blending and resale. Introduced and referred to Senate Committees on Conservation/Finance. Reported from committee as "Do Pass," as amended.
Sponsor: Senator Stuart Ingle (R)

(UPDATE) SB 348 **Groundwater Aquifer.** OK Water Resources Board shall not adopt any proposed Class I Groundwater Aquifer designations prior to a formalized interagency working group meeting to be held in accordance with provisions of Open Meetings Act and Open Records Act for purpose of evaluating potential impacts of such aquifer designation as it relates to other statutory Water Quality Standards or rules governing or implementing Water Quality Standards criteria. Introduced and referred to Senate Committee on Energy. Reported "Do Pass" as amended.
Sponsor: Senator AJ Griffin (R)

(UPDATE) SB 875 **Invasive and Nuisance Species.** OK Department of Wildlife Conservation (DWC) is authorized to issue permits to landowners, lessees, or designated agents and to any entity of state, county, or local government to control nuisance or damage by any species of wildlife including, but not limited to beaver, coyote, deer, bobcat, raccoon, elk, and crow under rules promulgated by Wildlife Conservation Commission. Permits may be issued without limitation by statewide season regulations, bag limits or methods of taking. Introduced and referred to Senate Committee on Tourism and Wildlife, reported from committee as "Do Pass." Sponsor: Senator Bryce Marlatt (R)

(UPDATE) SB 926 **Recycling Initiative** The Legislature recognizes and declares it is necessary to health and economic welfare to encourage and promote recycling and reuse of recoverable materials. Recycling and reuse substantially reduce disposal costs and flow of solid waste to state's dwindling solid waste sites while preserving, expanding and encouraging economic growth. Introduced and referred to Senate Rules Committee. Withdrawn from Rules Committee and referred to Energy. Sponsor: Senator Rob Johnson (R)

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PROPOSED RULE

(NEW) **Department of Environmental Quality Proposed Rule: Air Quality Incorporation by Reference (OAC 252:100, Appendix Q).** DEQ intends to incorporate latest changes to EPA regulations including changes or additions to 40 CFR Part 60, New Source Performance Standards (NSPS), and Part 63, National Emissions Standards for Hazardous Air Pollutants (NESHAP). In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect latest date of incorporation of EPA regulations in Appendix Q. DEQ also proposes to move an existing continuous opacity monitoring requirement from OAC 252:100-31, Control of Emission of Sulfur Compounds, to OAC 252:100-25, Visible Emissions and Particulates, which is a more appropriate location. POC: Cheryl Bradley at (405) 702-4100.

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Legislature convenes 8 Jan 13 and adjourns 27 May 13.

PROPOSED LEGISLATION

(NEW) HB 648 **Electronic Waste Land Disposal.** A person may not discard or dispose of computer or covered television equipment at a municipal solid waste facility or waste-to-energy facility.
Sponsor: Representative Joe Farias (D)

(NEW) HB 787 **Incentives for The Purchase or Lease of An Electric-Powered Light-Duty Motor Vehicle.** Program shall authorize statewide incentives for purchase or lease of new gasoline-powered light-duty motor vehicles certified by EPA to meet emissions standard that is at least as stringent as those provided by Section 386.153(a) and electric-powered motor vehicles under Section 386.153(b) for purchaser or lessee who agrees to register and operate vehicle in the state for not less than 75 percent of vehicle's annual mileage. Referred to House Committee on Environmental Regulation. Sponsor: Representative Eddie Rodriguez (D)

(NEW) HB 788 **GHG Emissions.** TX Commission on Environmental Quality (TCEQ) rule shall adopt a program to allow Commission to assume authority for issuing permits, including preconstruction and federal operating permits to include regulation of GHG emissions in accordance with federal law. TCEQ shall develop measures to streamline authorization, such as use of general permits, standard permits, and presumptive best available control technology, TCEQ determines are warranted for certain GHG source categories. Referred to House Committee on Environmental Regulation. Sponsor: Representative Wayne Smith (R)
Companion bill: SB 564

(NEW) HB 822 **Edwards Aquifer Authority** may allow a person to construct, acquire, or own facilities for transporting groundwater out of Uvalde County if person holds a permit authorizing withdrawal of water to be transported. Referred to House Committee on Natural Resources. Sponsor: Representative Roland Gutierrez (D)

(NEW) HB 824 **Accidental Discharges or Spills from Wastewater Facilities.** If an accidental discharge or spill occurs at or from any activity or facility the individual operating, in charge of, or responsible for the activity or facility shall notify TCEQ as soon as possible and not later than 24 hours after occurrence. The individual's notice to the Commission must include location, volume, and content of discharge or spill. The individual is not required to notify TCEQ under Subsection (b) if an accidental discharge or spill of 1,500 gallons or less from a wastewater treatment facility or works or collection facility does not reach waters of the state. Sponsor: Representative William Callegari (R)

(NEW) HB 828 **Vehicles Retrofitted to Operate on Compressed Natural Gas (CNG).** Owner of a vehicle retrofitted to operate on compressed natural gas may not operate vehicle unless:

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- An emissions test is performed on the vehicle before and after vehicle is retrofitted, and the post-conversion test emissions level is as good as or better than that of baseline test; and
- The vehicle is certified as safe in accordance with relevant standards by an inspector who is a CSA America CNG Fuel System Inspector or has equivalent qualifications.

Referred to House Committee on Transportation. Sponsor: Representative William Callegari (R)

(NEW) HB 871 **Mold Remediation.** License holder intending to perform mold remediation shall prepare a work plan providing instructions for remediation efforts to be performed for mold remediation project. Before mold remediation begins, license holder must provide work plan and a mold information sheet to client, and obtain a signed agreement with property owner concerning terms and scope of mold remediation project. Introduced and referred to House Committee on Licensing & Administrative Procedures. Sponsor: Representative Sarah Davis (R)

(NEW) HB 876 **Application Requirements for Solid Waste Facilities.** Permit application under this subchapter must contain a certification from applicant they mailed to each resident living one mile or less from the site and each community organization, nonprofit organization, or civic club located two miles or less from the site:

- An explanation of the site's proposed operations;
- A questionnaire seeking community comments regarding the site's proposed operations; and
- Any comments made by residents, organizations, or clubs in response to the questionnaire.

The change in law applies only to an application for a permit submitted to TCEQ on or after effective date of this Act. An application for a permit submitted to TCEQ before effective date of this Act is governed by the law in effect at time application was filed, and former law is continued in effect. Introduced and referred to House Committee on Environmental Regulation. Sponsor: Representative Alma A. Allen (D)

(NEW) HB 1460 **Wildlife Management/Conservation.** Water Code is amended to read as follows: "Agriculture" means any of the following activities:

- Cultivating soil to produce crops for human food, animal feed, or planting seed or for production of fibers;
- Practice of floriculture, viticulture, silviculture, and horticulture, including cultivation of plants in containers or non-soil media, by a nursery grower;
- Raising, feeding, or keeping animals for breeding purposes or for production of food or fiber, leather, pelts, or other tangible products having a commercial value;
- Raising or keeping equine animals;
- Wildlife management, including use of land or water to propagate a sustaining breeding, migrating, or wintering population of indigenous mammals, birds, fish, or other wild animals for human use, including food, medicine, or recreation; among others.

"Waste" means any one or more of the following:

- Withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;
- Flowing or producing of wells from a groundwater reservoir if water produced is not used for beneficial purpose;
- Escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater; and
- Pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the ground surface; among others.

Referred to House Committee on Agriculture & Livestock. Sponsor: Representative Lance Gooden (R)

(NEW) HB 1473 **Beverage Container Recycling Incentives.** TX Beverage Container Recycling Consortium shall:

- Enter into appropriate agreements approving redemption centers under Section 376.151;
- Enforce compliance with provisions of this chapter;
- Develop and implement plan to provide information and educate consumers about incentive programs;
- Conduct any audit of the incentive program the comptroller determines is necessary;
- Develop an operating budget for the incentive program; and
- Develop and maintain a publicly accessible website to provide information about the program, including redemption center locations.

Referred to House Committee on Environmental Regulation. Sponsor: Representative Eddie Rodriguez (D)

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(NEW) HB 1490 **Collection and Use of Municipal Solid Waste Fees.** Except as provided, TCEQ shall charge a fee of $1.25 per ton on all solid waste disposed of within this state at a municipal solid waste landfill if solid waste is measured by weight. If solid waste is measured by volume, fee for compacted solid waste is 40 cents per cubic yard or, for un-compacted solid waste, 25 cents per cubic yard. Referred to House Committee on Environmental Regulation.
Sponsor: Representative Cecil Bell (R)

(NEW) HB 1509 **Ordinance Enforcement By Civil Action.** A municipality may bring a civil action for enforcement of an ordinance for:

- Preservation of public safety, relating to materials or methods used to construct a building or other structure or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits; and
- Preservation of public health or to the fire safety of a building or other structure or improvement, including provisions relating to materials, types of construction or design, interior configuration, illumination, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits, etc.

Referred to House Committee on Urban Affairs. Sponsor: Representative Rafael Anchia (D)

(NEW) HB 1584 **Scrap Tires.** Except as provided, a retail seller shall prohibit a customer from retaining a scrap tire or used tire removed from the customer's vehicle during the purchase of a tire. A retail seller who takes possession of a scrap tire from a customer during a transaction shall dispose of the scrap tire according to local and state laws. A retail seller is not required to prohibit a customer from retaining a scrap tire or used tire removed from the customer's vehicle during the purchase of a tire if the customer provides the retail seller with information indicating the scrap tire or used tire will be used in the customer's agricultural business. Referred to House Committee on Environmental Regulation.
Sponsor: Representative Allan B. Ritter (D)
Companion bill: SB 459

(NEW) HB 1653 **Low Level Radioactive Wastes.** If TCEQ issues a compact waste disposal facility license later reversed or remanded by order of a court on procedural error:

- All terms and conditions of the license shall remain in effect until issues on remand from the court have been addressed by TCEQ in a final order; and
- TCEQ's executive director may enter into a compliance agreement with license holder authorizing continued operation of the disposal facility until issues on remand from the court have been addressed by the commission in a final order.

Compact waste disposal facility license holder may not accept more than 50,000 total cubic feet of non-party compact waste annually. The compact waste disposal facility license holder may not accept more than 120,000 curies of non-party compact waste annually, except in the first year the license holder may accept 220,000 curies of non-party compact waste annually. Referred to House Committee on Environmental Regulation. Sponsor: Representative Drew Darby (R)

(NEW) HB 1694 **Recycling and Banning Certain Wastes From Landfills.** Health and Safety Code is amended to read collection, recycling, and reuse provisions of this subchapter apply to computer equipment used and returned to manufacturer by a consumer in this state and do not impose any obligation on an owner or operator of a solid waste facility. If federal law establishes a national program for collection and recycling of computer equipment and TCEQ determines federal law substantially meets purposes of Sections 361.952 through 361.965, TCEQ may adopt an agency statement that interprets federal law as preemptive of those sections. Referred to House Committee on Environmental Regulation. Sponsor: Representative Jessica Christina Farrar (D)

(NEW) HB 1714 **Compliance History Program.** TCEQ by rule shall establish a procedure to prepare compliance summaries relating to applicant's solid waste management activities (in accordance with method for evaluating compliance history developed by TCEQ [Section 5.754, Water Code]). A compliance summary shall include as evidence of compliance information regarding applicant's implementation of an environmental management system at the facility for which the authorization is sought. In this subsection, "environmental management system" has the meaning assigned by Section 5.127, Water Code. Referred to House Committee on Environmental Regulation.
Sponsor: Representative Wayne Smith (R)

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(UPDATE) HB 378 **Climate Adaptation Plan.** No later than 1 Sep 14 and before end of each successive four-year period after that, the following entities shall publish a climate adaptation plan assessing entity's role with respect to climate change:

- Department of Agriculture;
- Each independent organization certified under Section 39.151, Utilities Code;
- TCEQ;
- General Land Office;
- Department of Housing and Community Affairs;
- Department of Insurance;
- Parks and Wildlife Department;
- Department of Public Safety;
- Public Utility Commission;
- Office of the Comptroller;
- Forest Service; and
- Water Development Board.

A climate adaptation plan is a strategy to identify, minimize, and adequately prepare for effects of climate change on state social, economic, and ecological systems and to manage risks associated with changing climate. A plan under this chapter must be based on current peer-reviewed climate science identifying likely impacts of rising ambient temperatures, rising sea levels, and changes in precipitation patterns on this state. Introduced and referred to House Committee on Environmental Regulation. Sponsor: Representative Lon Burnam (D)

(UPDATE) HB 426 **Regulatory Analysis of Proposed TCEQ Rules.** Before adopting an environmental rule, TCEQ shall conduct a regulatory analysis weighing costs and environmental effects expected to result from rule implementation and compliance. TCEQ shall incorporate into a fiscal note a draft impact analysis describing at a minimum:

- Identification of problem rule is intended to address;
- Identification of environmental effects agency expects to result from rule implementation and compliance, including projected level of reduction of pollutants or contaminants in air, water, and soil media;
- Identification and description of costs agency expects state agencies, local governments, public, and affected regulated entities, other than small businesses, will incur from rule implementation and compliance; and
- Identification and description in a separate economic impact analysis costs the agency expects small businesses will incur from rule implementation and compliance.

Introduced and referred to House Committee on Environmental Regulation.
Sponsor: Representative C. Brandon Creighton (R)

(NEW) SB 459 **Retention and Disposal of Scrap or Used Tires.** A retail seller shall prohibit a customer from retaining a scrap tire or used tire removed from customer's vehicle during purchase of a tire. A retail seller who takes possession of a scrap tire from a customer during a transaction shall dispose of scrap tire according to local and state laws. A retail seller is not required to prohibit a customer from retaining a scrap tire or used tire removed from customer's vehicle during purchase of a tire if customer certifies on a form prescribed by TCEQ:

- Tire will be used in customer's agricultural business; and
- Customer assumes liability for tire.

Introduced and referred to Senate Committee on Transportation. Sponsor: Senator José Rodríguez

(NEW) SB 468 **Endangered Species Habitat Conservation.** Subject to requirements of this subchapter, the Parks and Wildlife Department may:

- Apply for and hold a federal permit issued in connection with a habitat conservation plan, a candidate conservation plan, or similar plan, authorized or required by federal law in connection with a candidate species or endangered species, that is developed or coordinated by the department; or
- Enter into agreement with U.S. Department of the Interior or other federal departments in connection with a habitat conservation plan, a candidate conservation plan, or similar plan authorized or required by federal law in connection with a candidate species or endangered species.

Introduced and referred to Senate Committee on Natural Resources. Sponsor: Senator Kel Seliger (R)

(NEW) SB 536 **Regulation of GHG Emissions.** TCEQ by rule shall adopt a program to allow the Commission to assume authority for issuing permits, including preconstruction and federal operating permits including regulation of GHG in accordance with federal law. As part of the program, the commission shall develop measures to streamline authorization process for permits, such as use of general permits, standard permits, and presumptive best available control technology

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the commission determines are warranted for certain GHG source categories.
Sponsor: Senator Juan Hinojosa (D)
Companion bill: HB788

(NEW) SB 634 **PUBLIC NUISANCE** is:

- Keeping, storing, or accumulating refuse on premises in a neighborhood unless refuse is entirely contained in a closed receptacle;
- Keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood or within 300 feet of a public street for 10 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street;
- Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests;
- Allowing weeds to grow on premises in a neighborhood if weeds are located within 300 feet of another residence or commercial establishment, among others.

In case of a nuisance under Section 343.011(c)(13), county may use any means of abatement reasonably necessary to bring the system into compliance with Chapter 366 only after the defendant fails to abate the nuisance as ordered by the court under Section 343.012(e). Referred to Senate Committee on Intergovernmental Relations.
Sponsor: Senator Wendy R. Davis (D)

(NEW) SB 762 **ELECTRONIC WASTE DISPOSAL.** Collection, recycling, and reuse provisions apply to computer equipment used and returned to manufacturer by a consumer in the state and, except as provided by Section 361.967, do not impose any obligation on an owner or operator of a solid waste facility. "Used equipment" means equipment eligible for collection under a manufacturer's recovery plan adopted under Section 361.955. TCEQ by rule shall prohibit a person from intentionally or knowingly disposing of used equipment in a municipal solid waste landfill or incinerator. Referred to Senate Committee on Natural Resources. Sponsor: Senator John Carona (R)

PROPOSED RULE

(NEW) **COMMISSION ON ENVIRONMENTAL QUALITY: DEFINITION CHANGE FOR THE TERM "MUNICIPAL USE" (30 TAC 297.1)** amends definition of "municipal use" in §297.1(32) to allow use of return flows authorized under TX Water Code, §11.042 for watering of parks, golf courses, and parkways as a municipal use, after that use of return flows has been authorized by the commission. Proposed rulemaking would also expand authorized uses to include watering of other public or recreational spaces. Hearing scheduled 12 Mar 13, comments due 18 Mar 13. POC: Jennifer Allis at (512) 239-0027.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

EPA PROPOSED DISAPPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS: REVISIONS TO NSR, SIP, EMERGENCY ORDERS. EPA proposes to disapprove revisions to SIP relating to Emergency Orders including portions of SIP revisions submitted on 31 Aug 93, 10 Dec 98, 1 Feb 06, and 17 Jul 06 because they do not meet requirements of Clean Air Act, EPA regulations, and applicable policy and guidance.

US FISH AND WILDLIFE SERVICE (USFWS) APPROVES EDWARDS AQUIFER RECOVERY IMPLEMENTATION PROGRAM'S INCIDENTAL TAKE PERMIT USFWS approved the Edwards Aquifer Recovery Implementation Program's (EARIP) Habitat Conservation Plan (HCP) and incidental take permit for the EARIP.

The HCP is a successful consensus-based effort by more than 40 groups and individuals from south central TX to address conservation needs of eight listed species and needs of communities' dependent upon the Edwards Aquifer. Issuance of this incidental take permit will enable Edwards Aquifer Authority, San Antonio Water Systems, City of New Braunfels, City of San Marcos, and Texas State University to continue projects and operations, while preserving protected species and habitat.

Copies of the EIS and HCP are available online.

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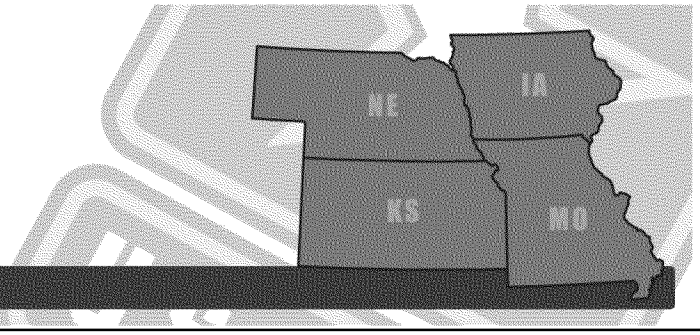

Iowa

NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 14 Jan 13 and adjourns 3 May 13.

PROPOSED LEGISLATION

(NEW) HOUSE STUDY BILL (HSB) 72 **WATER QUALITY** allows aquatic pesticides to be applied to waters of the U.S. in accordance with rules adopted by the Environmental Protection Commission and allows a permit applicant to receive a time extension for diversion, storage, or withdrawal of water in the permitting process allowing applicant more time to submit additional information to resolve a contested or complex application. Measure also eliminates an annual reporting requirement for DNR under the program. Referred to House Committee on Environmental Protection.
Sponsor: N/A, Proposed by Department of Natural Resources
Companion bill: SSB 1005

(NEW) HF 59 **ENERGY STAR SPECIFICATIONS.** A state agency shall be required to purchase products conforming to energy star specifications current at time of contract or purchase. Introduced and referred to House Committee on State Government. Sponsor: Representative Charles Isenhart (D)

(NEW) HF 243 **INDOOR RADON.** State Building Code Commissioner shall adopt requirements and standards for radon control in new residential construction. Requirements and standards shall, if possible, be based upon a nationally recognized standard or code for radon control in residential construction. Construction requirements and standards for radon control adopted by the commissioner and approved by the council shall apply to new residential construction commenced on or after 1 Jan 15 and shall supersede and replace any minimum requirements and standards for radon control in new residential construction adopted or enacted by a governmental subdivision prior to that date. Introduced and referred to House Committee on State Government. Sponsor: Representative Dan Kelley (D)

(NEW) HF 261 **OPEN BURNING.** During periods of extremely dry conditions, the State Fire Marshal may initiate an open-burning prohibition in an area of the state without a request if state fire marshal determines open burning constitutes a danger to life or property. The chief of a local fire department, city council, board of supervisors, or an emergency management coordinator who requested the prohibition may rescind the proclamation after notifying the state fire marshal of intent to do so, when the chief, city council, board of supervisors, or emergency management coordinator finds conditions responsible for issuance of the proclamation no longer exist. Introduced and referred to House Committee on State Government. Sponsor: Representative Dawn Pettengill (R)

(NEW) HF 275 **INVASIVE SPECIES** requires Natural Resource Commission to conduct a study on presence of aquatic invasive species in state lakes and rivers including but not limited to zebra mussels, Eurasian milfoil, and Asian carp with a particular emphasis on the status of Asian carp populations in the IA great lakes and Little Sioux River watershed. Study is to include monitoring, management, and prevention efforts being undertaken by DNR with respect to aquatic invasive species. Introduced and referred to House Committee on Natural Resources. Sponsor: Representative Dan Kelley (D)

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(UPDATE Senate Study Bill (SSB) 1005 **Stormwater** allows aquatic pesticides to be applied to waters of the U.S. in accordance with rules adopted by the environmental protection commission and allows an applicant for a permit for diversion, storage, or withdrawal of water to receive a time extension in the permitting process to provide applicant with more time to submit additional information to resolve a contested or complex application. Measure also eliminates an annual reporting requirement for the department under the program. Sponsor: Senator Brian H. Schoenjahn (D)
Companion bill: HSB 72

(NEW) SF 24 **Iowa National Pollutant Discharge Elimination System** requires a person paying a permit fee for an IA National Pollutant Discharge Elimination System (NPDES) program individual permit for non-stormwater to post or erect a conspicuous and legible sign at all points of discharge to surface waters. Bill provides size, content, and location requirements for signage; requires a permit holder shall periodically and reasonably maintain the sign to ensure sign is still legible, visible, and factually correct; provides signage requirements do not apply to permit holders that are an open feedlot operation or an animal feeding operation; and provides for a civil penalty of not more than $100 per day for each day a violation continues. The penalty is in place of general penalty provisions provided in Code section 455B.191. Introduced, referred to Senate Committee on Agriculture.
Sponsor: Senator Joe L. Bolkcom (D)

(NEW) SF 176 **NPDES Discharge Point Signs.** A person paying an annual permit fee for an IA NPDES program permit shall post or erect a conspicuous and legible sign of not less than 18 inches by 24 inches at all points of discharge to surface waters. Location of the sign on the property of the permit holder shall be as close in proximity to the point of discharge into the surface water as is reasonably possible while ensuring maximum visibility from the surface water and shore. Introduced and referred to Senate Committee on Natural Resources and Environment.
Sponsor: Senator Joe L. Bolkcom (D)

FINAL RULES

(Effective 13 Mar 13) Department of Natural Resources Final Rule: Compliance and Enforcement Procedure (567 IAC Chapter 17) formalizes DNR's current compliance and enforcement options that may be used prior to, or in lieu of, assessing the administrative penalties specified in IAC 567 - Chapter 10. This chapter is intended to meet the Department's responsibility to protect public health and the environment and provide regulated entities and public with transparency, clarity, consistency and fairness in addressing potential violations of IA's environmental statutes and rules. POC: Christine Paulson at (515)242-5154.

(Effective 13 Mar 13) Department of Public Health Final Rule: Radiation (641 IAC 38.8(6), 41.1, 41.3(7), Ch 42) amends Chapter 38, "General Provisions for Radiation Machines and Radioactive Materials," and Chapter 41, "Safety Requirements for Use of Radiation Machines and Certain Uses of Radioactive Materials;" rescinds Chapter 42, "Minimum Certification Standards for Diagnostic Radiographers, Nuclear Medicine Technologists, and Radiation Therapists;" and adopts new Chapter 42, "Permit to Operate Ionizing Radiation Producing Machines or Administer Radioactive Materials," IA Administrative Code. Amendments simplify chapter format, clarify language and move some items from other chapters to make Chapter 42 self-contained. POC: Charlene Craig at (515) 281-0415.

PROPOSED RULES

(NEW) **Department of Transportation: Federal Motor Carrier Safety and Hazardous Materials Regulations (761 IAC 520.1(1)).** Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to Hazardous Materials Regulations. Adoption of federal regulations by DOT extends enforcement of regulations to commercial vehicles operated intrastate unless exempted by statute. POC: Tracy George at (515) 239-1358.

(NEW) **Workforce Development Department: Federal Occupational Safety and Health Standards (875 IAC 10.20, 26.1).** Workforce Development Department, Labor Services Division proposed amendments to Chapter 10, "General Industry Safety and Health Rules," and Chapter 26, "Construction Safety and Health Rules," IA Administrative Code, adopt by reference changes to federal occupational safety and health standards. Changes to federal standards make corrections and technical amendments to general industry and construction standards. Comments due 13 Mar 13. POC: Kathleen Uehling at (515) 281-5387.

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OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

GOVERNOR BRANSTAD AND THE STATE OF IOWA invite interested parties to apply for the IA Environmental Excellence Awards, designed to recognize leadership and innovation in managing state natural resources. Applications due Friday, 12 April 13, 11:59 p.m.

NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 14 Jan 13 and adjourns 29 Apr 13.

PROPOSED LEGISLATION

(NEW) **HB 2051** **LIMITED TRANSFER PERMITS.** The chief engineer may grant, upon application, limited transfer permits to authorize use of up to 4,000,000 gallons from an existing water right. The term of such limited transfer permit will be limited to a single calendar year. Each application submitted for a limited transfer permit shall be on a form prescribed by the chief engineer and accompanied by an application fee of $200. Introduced and referred to House Committee on Agriculture and Natural Resources. Committee report recommends "Do Pass" as substituted. House Committee of the Whole recommends "Do pass" as substituted. House passed substituted bill and sent to Senate, referred to Senate Committee on Natural Resources. Sponsor: Committee on Agriculture and Natural Resources

(NEW) **HB 2072** **SOLID WASTE.** The governing body of any municipality shall not engage in, sell, or otherwise provide material management services to a private person, private entity or municipality outside of its incorporated limits. "Materials management" means process of collection, transportation, processing, storage and disposal of solid wastes and recyclables resulting from industrial, commercial, agricultural and domestic activities. Introduced and referred to House Committee on Local Government. Sponsor: House Committee on Local Government

(NEW) **HB 2074** **SOLID WASTE DISPOSAL AREA RESTRICTIONS.** No city or county shall adopt restrictions for any solid waste disposal area within its boundaries if such restrictions supersede or impair local legislation of another city or county being serviced by the same solid waste disposal area. A city or county may adopt restrictions for a solid waste disposal area if:

- City or county owns the solid waste disposal area;
- City or county receives consent by each governing body of a city or county outside its corporate boundaries that may be affected by such restrictions; or such restrictions apply to residents of such city or county but not to residents of another city or county being serviced by same solid waste disposal area.

Introduced and referred to House Committee on Local Government. Reported from committee as "Do Pass" as amended, passed House. Sponsor: House Committee on Local Government

(NEW) **HB 2219** **INDOOR CLEAN AIR ACT.** It shall be unlawful to smoke in an enclosed area or at a public meeting including, but not limited to:

- Public places;
- Taxicabs and limousines;
- Restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
- Restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
- Access points of all buildings and facilities not exempted pursuant to subsection (d); and
- Any place of employment.

Each employer having a place of employment constituting an enclosed area shall provide a smoke-free workplace for all employees and employer shall also adopt and maintain a written smoking policy prohibiting smoking without exception in all areas of place of employment. Introduced and referred to House Committee on Health and Human Services. Sponsor: Representative Randy Garber (R)

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(NEW) HB 2304 **Air Quality Fee Transfer.** Secretary shall require applications for approvals/permits and renewals under this act shall be accompanied by application fees and such plans, specifications, compliance plans or other information as the secretary deems necessary. Applications shall be submitted on forms provided by the secretary and shall be signed by a responsible official of the source, who shall certify accuracy of the information submitted. Introduced and referred to House Committee on Agriculture and Natural Resources Budget. Sponsor: House Committee on Energy and Environment

(NEW) HB 2305 **Underground Storage Tank Containment.** Each underground storage tank, or piping connected to any such tank, installed or replaced on and after 1 Jul 13 shall be secondarily contained and monitored for leaks. All secondary containment systems:

- Shall be designed, constructed and installed to contain regulated substances released from the tank system until they are detected and removed;
- Prevent release of regulated substances to the environment at any time during the operational life of the underground storage tank system; and
- Be checked for evidence of a release using interstitial monitoring.

Introduced and referred to House Committee on Energy and Environment. Referred to House Committee on Energy and Environment, recommended "Do Pass" by committee. Passed House and sent to Senate. Sponsor: Committee on Energy and Environment

(NEW) HB 2321 **Standards for Use of Graywater.** Secretary of Health and Environment shall adopt rules and regulations for use and reuse of graywater. Such rules and regulations shall assure use or reuse of graywater is not a nuisance and does not damage quality of state waters.
Sponsor: Senate Committee on Agriculture and Natural Resources

(NEW) HB 2362 **Nongame and Endangered Species Conservation.** "Conserve," "conserving" and "conservation" mean use of all methods and procedures for purposes of increasing number of individuals within a species and populations of wildlife up to optimum carrying capacity of their habitat and maintaining such numbers. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, transplantation, regulated taking and, when and where appropriate, periodic or total protection of species or populations of wildlife. Introduced and referred to House Committee on Agriculture and Natural Resources. Sponsor: Committee on Agriculture and Natural Resources

(NEW) HB 2365 **Conservation Easement.** Watershed district shall not transfer or assign any interest in a conservation easement to a third party unless otherwise required by law. Existing conservation easements relating to water retention structures created pursuant to K.S.A. 24-1201 et seq. and amendments thereto, shall be limited to life of water retention structure. Notwithstanding any provision of law to the contrary, a conservation easement, except for conservation easements created to buffer military installations, executed on or after 1 Jul 13, shall be limited in duration to 50 years, or, if grantor is a natural person, lifetime of such grantor and, unless instrument conveying such conservation easement provides otherwise, may be revoked at such grantor's request. Introduced and referred to House Committee on Energy and Environment. Sponsor: Committee on Energy and Environment

(NEW) HB 2367 **Renewable Energy, Wind Turbine.** No wind facility or individual turbine capable of generating more than 0.49 megawatts of electricity shall be constructed or operated within the state unless such facility or turbine is situated no less than 0.5 miles from the nearest occupied building and 1.1 times the height of the turbine, including blades, from the nearest property line and public road right-of-way. Introduced and referred to House Committee on Energy and Environment. Sponsor: Committee on Energy and Environment

(NEW) Senate Resolution (SR) 1711 **Opposing the Black-Footed Ferret Programmatic Safe Harbor Agreement.** Plague outbreaks are present in all 12 states where black-footed ferrets have been introduced. The Senate opposes the black-footed ferret programmatic safe harbor agreement and environmental assessment, requests USFWS to exclude KS from territory contained in the safe harbor agreement, and requests USFWS refrain from further releases of black-footed ferrets. Introduced and referred to Senate Committee on Natural Resources. Committee recommended adoption as amended. Final action, SR 1711 adopted as amended. Sponsor: Senate Committee on Federal and State Affairs

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PROPOSED RULES

(NEW) **DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES PROPOSED RULE: MULTI-YEAR FLEX ACCOUNTS (K.A.R. 5-16-1 THROUGH 5-16-7).** Revised conditions regarding approval and operation of multi-year flex accounts for water are necessary to implement 2012 statutory change in K.S.A. 82a-736 in S.B. 272. Hearing on 25 Apr 13, comments due on that day. POC: Leslie Garner at (785) 296-4623.

(NEW) **DEPARTMENT OF AGRICULTURE, DIVISION OF WATER CONSERVATION PROPOSED RULE: WATER RIGHTS (K.A.R. 11-12-1 THROUGH K.A.R. 11-12-7).** Department of Agriculture, Division of Conservation proposed the following regulations:

- K.A.R. 11-12-1 establishes operating definitions for words and terms used in the program implementation;
- K.A.R. 11-12-2 provides additional clarification for those areas where applications will be considered;
- K.A.R. 11-12-3 outlines the timelines, standards and procedures where agency will accept applications;
- K.A.R. 11-12-4 identifies which applications for water right retirement grant applications will be evaluated and prioritized, and methods of payment for approved applications; and
- K.A.R. 11-12-5 provides a mechanism for water rights to be conditioned to provide for a brief period of limited irrigation where lands are being converted to permanent vegetation.

Hearing on 25 Apr 13, comments due that day. POC: Leslie Garner at (785) 296-4623.

NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 9 Jan 13 and adjourns 29 Apr 13.

PROPOSED LEGISLATION

(NEW) HOUSE CONCURRENT RESOLUTION (HCR) 18 **TRANSFER OF AUTHORITY FOR REMEDIATION OF WEST LAKE LANDFILL RADIOACTIVE WASTES TO USACE.** Legislature requests U.S. Congress transfer authority for remediation of West Lake Landfill radioactive wastes from EPA to USACE's Formerly Utilized Sites Remedial Action Program (FUSRAP) project with urgent, related request that wastes be excavated from the Missouri River flood plain and be transported to a licensed radioactive waste facility, away from water and away from people. Sponsor: Representative Keith English (D)
Companion resolution: SCR 11

(NEW) HB 328 **RESIDENTIAL ELECTRONIC PRODUCTS RECYCLING AND REUSE** repeals Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act. Sponsor: Representative Mary Nichols (D)

(NEW) HB 417 **EXISTING WATER STORAGE TANK MAINTENANCE** authorizes certain political subdivisions to enter into a multi-year asset management professional service contract for engineering, repair, sustainability, water quality management, and maintenance of existing water storage tanks and appurtenant facilities that does not change their size or capacity. Contracts must not require political subdivision to make annual payments in excess of its water utility charges less its operating expenses and debt service costs. All work performed under contract must be supervised by a licensed professional engineer who certifies it is performed in compliance with all applicable codes and engineering standards. Sponsor: Representative Rick Stream (R)

(UPDATE) HB 44 **HYDROPOWER.** Bill allows hydropower produced in any quantity to be used to satisfy renewable energy standard of Section 393.1030, RSMo. Hydropower generated from pumped storage remains ineligible to be counted as renewable energy for purposes of standard. Referred to House Committee on Utilities, reported from committee as "Do Pass." Measure perfected as amended. Sponsor: Representative Bart Korman (R)

(UPDATE) HB 122 **SOLID WASTE TRANSPORTATION.** Any truck, tractor-trailer or other combination engaged in transporting solid waste, as defined by section 260.200, or engaged in transporting recyclable waste between any city and solid waste disposal area or, solid waste processing facility, recycling facility approved by DNR, Department of Health

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and Senior Services, or Department of Revenue may operate with a weight not to exceed 22,400 pounds on one axle or a weight not to exceed 44,800 pounds on any tandem axle. Introduced and referred to House Committee on Transportation, voted "Do Pass." Sponsor: Representative Tony Dugger (R)

(NEW) Senate Concurrent Resolution (SCR) 11 **TRANSFER OF AUTHORITY FOR REMEDIATION OF WEST LAKE LANDFILL RADIOACTIVE WASTES TO USACE.** Members of the Senate, Ninety-seventh General Assembly, House of Representatives concurring therein, hereby request the U.S. Congress to transfer authority for remediation of the West Lake Landfill radioactive wastes from EPA to USACE's FUSRAP project with the urgent, related request wastes be excavated from the MO River flood plain and be transported to a licensed radioactive waste facility, away from water and away from people. Sponsor: Senator Maria N. Chappelle-Nadal (D)
Companion resolution: HCR 18

(NEW) SB 361 **MUNICIPAL WASTEWATER.** Currently, DNR, by rule requires wastewater treatment facilities maintain a pH level within a range of 6.5 to 9 standard units. Act requires such facilities to maintain a pH level from 6 to 9 standard units. Sponsor: Senator Scott T. Rupp (R)

(NEW) SB 363 **RESIDENTIAL ELECTRONIC PRODUCTS RECYCLING AND REUSE** program is set to begin in 2014, with goals for that year based upon most recent population census, multiplied by 2.5 pounds per capita of covered electronic devices recycled or processed for reuse. Statewide program goals vary for years thereafter.
Sponsor: Senator Maria N. Chappelle-Nadal (D)

(UPDATE) SB 41 **PRIVATE NUISANCE ACTIONS** based on an air emission or water or solid waste discharge, other than placement of nuclear waste, are specifically prohibited if emission or discharge was expressly authorized by and not in violation of a statute or regulation; a license issued by a public body specified in the act; or a court order. However, a person may file suit based on these types of actions if permit or order creates a condition not reasonably foreseeable at the time of issuance or if permit holder fails to disclose certain facts. Referred to Senate Commerce, Consumer Protection, Energy and Environment Committee, voted "Do Pass" by committee, Senate Amendment 1 defeated on Senate floor. Placed on informal calendar for perfection, bill reported "truly perfected." Sponsor: Senator Scott Sifton (D)

FINAL RULE

(EFFECTIVE 30 MAY 13) DEPARTMENT OF AGRICULTURE FINAL RULE: PINE SHOOT BEETLE INTRASTATE QUARANTINE (2 CSR 70-11.070). Final rule establishes a quarantine against the spread of a serious insect pest known as the pine shoot beetle, Tomicus piniperda (Linnaeus), to other un-infested areas of the state, and other states, and establishes those articles and areas regulated. POC: Department of Agriculture at (573) 751-4211.

PROPOSED RULES

(NEW) **DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: DISCIPLINARY ACTION AND APPEAL PROCEDURES (10 CSR 23-1.075).** Amendment clarifies procedures for any person affected by disciplinary actions and contested case appeals of such disciplinary actions or by a decision of the Division of Geology and Land Survey to file an appeal with Well Installation Board. Comments due 17 Mar 13. POC: Sheri Fry at (573) 368-2100.

(NEW) **DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: SECTION 110 INFRASTRUCTURE REQUIREMENTS FOR THE 2010 NITROGEN DIOXIDE (NO_2) NAAQS** plan was developed to fulfill requirements of Section 110(a) of the Clean Air Act for newly revised (2010) NAAQS for NO_2. Section 110(a)(1) requires states submit a SIP revision after promulgation of a new or revised NAAQS to address implementation, maintenance, and enforcement infrastructure elements. Hearing 28 Mar 13, comments due 4 Apr 13. POC: Air Pollution Control Program, State Implementation Plan Unit at (573) 751-4817.

(NEW) **DEPARTMENT OF NATURAL RESOURCES PROPOSED RULE: REVISED BOUNDARY RECOMMENDATION OF NONATTAINMENT AND UNCLASSIFIABLE AREAS PER THE 2010 1-HOUR SULFUR DIOXIDE (SO_2) NAAQS** proposes revisions to the boundary recommendation of nonattainment and unclassifiable areas per 2010 1-hour SO_2 NAAQS. Based on 2010-2012 monitoring period, the state plans to submit a revised area boundary recommendation as an amendment to the original boundary recommendation and technical support document submitted to EPA 19 Jul 12. Hearing 28 Mar 13, comments due 4 Apr 13. POC: Air Pollution Control Program, State Implementation Plan Unit at (573) 751-4817.

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Nebraska

NOTICE: Request command and installation staff contact their Army Regional Environmental Coordinator (or component REC) with information on potential mission/installation impacts of proposed state laws and regulations, or to express interest in participating in a rule writing stakeholder work group.

Legislature convenes 9 Jan 13 and adjourns 30 May 13.

PROPOSED LEGISLATION

(NEW) LB 242 **ADMINISTRATIVE RULES AND REGULATIONS.** An agency shall adopt and promulgate rules and regulations within one year after the public hearing required under subsection (2) of section 84-907. Any agency that does not adopt and promulgate such rules and regulations as required by this section shall submit electronically an explanation to the Executive Board of the Legislative Council. Sponsor: Senator Sara Howard (I)

(NEW) LB 388 **CONSTRUCTION OF CERTAIN TRANSMISSION LINES.** Any city of first class may apply by ordinance any existing or future zoning regulations, property use regulations, building ordinances, electrical ordinances, plumbing ordinances, and ordinances authorized by section 16-240 to unincorporated areas two miles beyond and adjacent to its corporate boundaries with same force and effect as if such outlying area were within corporate limits of such city, except that no such ordinance shall be extended or applied so as to prohibit, prevent, or interfere with conduct of existing farming, livestock operations, businesses, or industry. Introduced and referred to Natural Resources Committee. Sponsor: Natural Resources Committee

(NEW) LB 391 **PROVISIONS RELATING TO WATER STORAGE.** Every person intending to construct and operate a storage reservoir for irrigation or any other beneficial purpose or intending to construct and operate a facility for intentional underground water storage and recovery shall make an application upon the prescribed form and provide such plans, drawings, and specifications as are necessary to comply with Safety of Dams and Reservoirs Act. Introduced and referred to Natural Resources Committee. Sponsor: Senator Al Davis (I)

(NEW) LB 454 **ELECTRONICS EXTENDED PRODUCER RESPONSIBILITY** establishes a comprehensive electronics recycling system that ensures safe, environmentally sound management of covered electronic equipment and encourages design of electronic devices that are recyclable and less toxic , and creates jobs in collection, handling, and recycling of covered electronic equipment. Beginning 1 Jul 15, a manufacturer of covered electronic equipment must accept for collection, handling, and recycling or reuse one piece of electronic waste of any manufacturer's brand if offered by a consumer with the purchase of covered electronic equipment of same type by a consumer. Introduced and referred to Natural Resources Committee. Sponsor: Senator Ken Haar (I)

(UPDATE) LB 203 **SOLID WASTE** changes provisions relating to solid waste under Environmental Protection Act to define and redefine terms relating to solid waste and to repeal original section. Referred to Committee on Natural Resources. Sponsor: Senator Jim Scheer (I)

FINAL RULE

(NEW) **DEPARTMENT OF HEALTH AND HUMAN SERVICES FINAL RULE:** RADIATION CONTROL **(TITLE 180, CHAPTERS 001,002, 003, 004, 007, 010, 013, 015, 021)** provides for registering radiation generating equipment facilities and for registering persons providing radiation generating equipment installation, radiation measurements services such as installation, repair, calibration, demonstration, sales, radiation protection, health physics consultations, radiation measurements, survey and facility shielding reviews. Hearing 1 Mar 12, comments due 3 Mar 12. (NOTE: Final Regulation text unavailable). POC: Kay Pinckley at (402) 471-0144.

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Department of Defense Activity

DoD's Strategic Sustainability Performance Plan 2012. This annual update lays out DoD's goals and sustainability performance expectations through FY2020. DoD not only commits to complying with environmental and energy statutes, regulations, and Executive Orders, but to going beyond compliance where it serves national security needs.

Army Announces Fiscal Year 2012 Environmental Award Winners. Six installations, two teams and one individual were selected as 2012 winners and represent the best of the Army's ongoing commitment to sustain its training lands through sound environmental stewardship. The winners are from Army installations in AZ, GA, KY, MD, MI, NC, PA, **TX (Ft Hood, Sustainability - Non-Industrial)**, and Italy.

FEMP Case Studies Highlight Agency Energy-Management Best Practices. The Department of Energy Federal Emergency Management Program recently published three case studies featuring energy and water conservation best practices used by U.S. Air Force, USFWS, and U.S. Marine Corps, recipients of Federal Energy and Water Management Awards. Intent of these case studies is to showcase how other agencies can augment their efforts through adopting similar efficiency standards.

Federal Activity

AIR

National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Reciprocating Internal Combustion Engines (RICE). EPA finalized amendments to NESHAPs for stationary reciprocating internal combustion engines (78 FR 6673). Final amendments include alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary RICE, management practices for a subset of existing spark-ignition stationary reciprocating internal combustion engines in sparsely populated areas, and alternative monitoring and compliance options for same engines in populated areas. EPA is establishing management practices for existing compression ignition engines on offshore (drilling) vessels. Final rule is **effective 1 Apr 13**. EPA POC: Melanie King, (919) 541-2469.

Industrial, Commercial, & Institutional Boilers & Process Heaters. EPA takes final action on reconsideration of certain issues in the emission standards for control of hazardous air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters at major sources of hazardous air pollutants (78 FR 7137). EPA POC: Jim Eddinger, (919) 541-5426.

Industrial, Commercial, and Institutional Boilers. EPA takes final action on reconsideration of its 21 Mar 11 final rule addressing emission standards to control hazardous air pollutants from new and existing industrial, commercial and institutional boilers at area sources (78 FR 7487). Compliance date for existing sources is 21 Mar 14. Compliance date for new sources that began operations on or before 20 May 11 is 20 May 11. For new sources starting after 20 May 11, compliance date is date of startup. New sources are defined as sources that began operation after 4 Jun 10. EPA POC: Mary Johnson, (919) 541-5025.

Non-Hazardous Secondary Materials That Are Solid Waste. EPA issued revisions to final rules on "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units." EPA also issued final amendments to regulations codified by the Non-Hazardous Secondary Materials rule (78 FR 9111). EPA POC: Toni Jones, (919) 541-0316.

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CLIMATE CHANGE

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

ENERGY

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

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

DOE ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL AND INDUSTRIAL PUMPS (78 FR 7304). DOE released a Framework Document to explain relevant issues, analyses, and processes it anticipates using when considering new energy conservation standards for commercial and industrial pumps. Comments due 18 Mar 13. DOE POC: Charles Llenza, (202) 586-2192.

GREEN BUILDING CERTIFICATION SYSTEMS FOR FEDERAL GOVERNMENT. GSA requests comment on possible approaches to certification of green federal buildings including new construction, major renovations, and existing buildings (78 FR 8145). In a study released May 12, GSA and others reviewed three certification systems: Green Building Initiative's Green Globes (2010), U.S. Green Building Council's Leadership in Energy and Environmental Design (2009), and International Living Building Institute's Living Building Challenge (2011). Study concluded none of the existing green building certification systems as designed meets all of the federal government's needs for high performance building metrics and conformity assessment. Comments due 5 Apr 13. GSA POC: Bryan Steverson, (202) 501-6115.

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

HAZARDOUS CHEMICALS

PIPELINE SAFETY - ACCIDENT AND INCIDENT NOTIFICATION TIME LIMIT. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is giving notice of intent to issue a proposed rule establishing specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the National Response Center (78 FR 6402). The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 requires such notification at the earliest practicable moment following confirmed discovery of an accident or incident and not later than one hour following time of such confirmed discovery. PHMSA is required to make these revisions by 1 Jul 13. DOT POC: Cameron Satterthwaite, (202) 366-1319.

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THREATENED & ENDANGERED SPECIES

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

- Establishment of a Nonessential Experimental Population of the North American Wolverine in CO, WY, and **NM**;
- A special rule to apply specific prohibitions necessary to protect the wolverine, such as prohibiting take of any wolverine in the contiguous U.S. when associated with or related to trapping, hunting, shooting, collection, capturing, pursuing, wounding, killing, and trade; and
- A finding that critical habitat can not be determined at this time.

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

FIVE-YEAR STATUS REVIEWS OF OCELOT & MEXICAN SPOTTED OWL IN THE SOUTHWEST REGION. USFWS initiated five-year status reviews of the endangered ocelot and threatened Mexican spotted owl (78 FR 8576). USFWS requested latest scientific and commercial data for review. Comments due 8 Apr 13. USFWS POC: Steve Spangle (602) 242-0210.

LISTING AS ENDANGERED AND DESIGNATION OF CRITICAL HABITAT FOR SIX WEST TEXAS AQUATIC INVERTEBRATE SPECIES. USFWS announced re-opening the public comment period on proposed endangered status and designation of critical habitat for six west **TX** aquatic invertebrate species (78 FR 8096). Comments due 22 Mar 13. FWS POC: Adam Zerrenner, (512) 490-0057.

WATER

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

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

OTHER

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

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National Conferences and Symposia

NONE

Regional Meetings

27-29 AUG 13, Topeka, KS 2013 Kansas Environmental Conference**.** This 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 invited to attend.

Professional Development

25-28 MAR 13, Myrtle Beach, SC Coastal Geotools. This conference series focuses on the technical information needs of the nation's coastal programs. It will focus on building the Digital Coast, a Web platform . providing access to geospatial data, tools, and technical training.

1-4 APR 13, Los Angeles, CA 2013 National Association Of Environmental Professionals (NAEP). NAEP and the CA Association of Environmental Professionals (AEP) will jointly host their annual meetings. Conference theme is "Walk-the-Talk," highlighting best efforts by private- and public-sector environmental professionals in areas of regulations, analyses, project construction, and project operations. Focus will be on highlighting work of environmental professionals that achieves spirit of NEPA and CA Environmental Quality Act, while balancing the needs of economic development, quality of life, and conservation and protection of the environment.

11-13 APR 13, Washington, DC Reclaim + Remake Symposium. Conference brings together the most innovative practices in education and research for current and future reuse and recycling of material resources in the built environment.

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

8-10 MAY 13, Chicago, IL International Society Of Sustainability Professionals Conference._Conference is structured around stories from the field featuring presentations of on-the-ground implementation from organizations worldwide; emerging strategies for building business cases, engaging employees and developing cultures of sustainability; and sustainability tools that will demonstrate latest sustainability assessments, reporting standards and more.

10-13 JUN 13, New Orleans, LA Environment, Energy Security & Sustainability Symposium and Exhibition. E2S2 is focused on providing participants with critical information and interaction on the challenges of national security departments and agencies regarding environmental, energy security, and sustainability issues such as acquisition, environmental management, environmental restoration, emerging technologies, partnerships, finance and budgeting, technology, climate change and adaption, sustainable design and construction, stormwater, BRAC, unexploded ordnance recovery, grids and infrastructure security, and contingency base energy. E2S2 provides an opportunity to share ideas and create partnerships to meet and achieve environmental, energy security, and sustainability objectives across government and industry.

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VARIOUS DATES AND TIMES ONLINE

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

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS. U.S. Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules are available on **US ARMY ENVIRONMENTAL COMMAND (AEC) WEBSITE.**

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

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

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

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

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

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

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

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In Aug 12, REEO-Western began hosting roundtable discussions with Colorado installation environmental and media managers at a central location. The roundtables give the group the chance to compare notes without having to travel overnight, and shine a light on installation challenges that might not have come up in a phone call.

These partnerships are an invaluable tool in assisting the Army to achieve its energy and environmental goals and become ever more important in an era of budget tightening, when partners find they can leverage resources to help one another. Partnering can dramatically improve working relationships between agencies and organizations sharing a common environmental goal. The result can be a solution better than could be achieved by organizations acting alone. Above all, by creating a joint solution to problems all organizations have a commitment to successful implementation. For more information about regional partnerships, contact the Regional Environmental Coordinator in your region (see Staff Directory below), or visit http://www.asaie.army.mil/Public/InfraAnalysis/REEO/News.html and http://www.asaie.army.mil/Public/InfraAnalysis/REEO/Central/partnerships.html.

Customer's Corner: Please send any comments, questions, lessons learned, best practices etc to Dennis Takade.

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Internet Resources

Region 6 Regulatory & Legislative Internet Sites

USEPA Region 6	http://epa.gov/region6/index.htm
Arkansas Dept of Environmental Quality (ADEQ)	http://www.adeq.state.ar.us
Arkansas General Assembly	http://www.arkleg.state.ar.us/
Louisiana Department of Environmental Quality (LDEQ)	http://www.deq.state.la.us/
Louisiana Legislature	http://www.legis.state.la.us/
New Mexico Environment Department (NMED)	http://www.nmenv.state.nm.us/
New Mexico Legislature	http://www.nmlegis.gov/lcs/
Oklahoma Department of Environmental Quality (ODEQ)	http://www.deq.state.ok.us
Oklahoma Legislature	http://www.lsb.state.ok.us/
Texas Commission on Environmental Quality (TCEQ)	http://www.tceq.state.tx.us/
Texas Legislature	http://www.capitol.state.tx.us/

Region 7 Regulatory & Legislative Internet Sites

USEPA Region 7	http://www.epa.gov/region7/index.htm
Iowa Department of Natural Resources (IDNR)	http://www.iowadnr.com/
Iowa General Assembly	http://www.legis.iowa.gov/index.aspx
Kansas Department of Health and Environment (KDHE)	http://www.kdhe.state.ks.us
Kansas Legislature	http://kslegislature.org/li/
Missouri Department of Natural Resources (MDNR)	http://www.dnr.mo.gov/index.html
Missouri General Assembly	http://www.moga.mo.gov/
Nebraska Department of Environmental Quality (NDEQ)	http://www.deq.state.ne.us
Nebraska Legislature	http://nebraskalegislature.gov/

Other Federal Agencies Internet Sites

Department of the Interior, Bureau of Land Management State Offices	
Eastern States AR, LA, MO, IA	http://www.blm.gov/es/st/en.html
NM, KS, OK, TX	http://www.blm.gov/nm/st/en.html
WY, NE	http://www.blm.gov/wy/st/en.html
U.S. Geological Survey Central Region	
All Region 6 and 7 states	http://www.cr.usgs.gov/
DOE Office of Environmental Management	
All states	http://www.em.doe.gov/pages/emhome.aspx
U.S. Fish and Wildlife Service	
Southwest Region NM, TX, OK	http://www.fws.gov/southwest/
Mountain – Prairie Region KS, NE	http://www.fws.gov/mountain-prairie/
Midwest Region IA, MO	http://www.fws.gov/midwest/
Southeast Region AR, LA	http://www.fws.gov/southeast/

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How the Regional Offices Work for You

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

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

For further information please visit the Army's Regional Environmental and Energy Offices' website.

Want to comment on a rule or bill in the Review?
Please contact your Regional Environmental Coordinator listed above.

Acronyms used in this document can be found at:
http://www.asaie.army.mil/Public/InfraAnalysis/REEO/Central/docs/acronyms.doc

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