



# Central Review of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

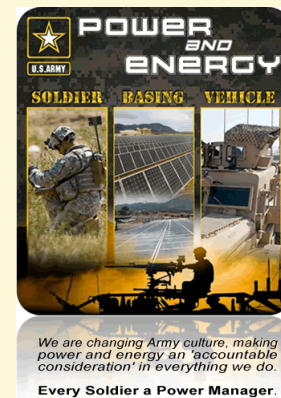
February 2015

**THE CENTRAL 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 Review monitors and targets proposed and final regulations and legislation that may affect Army or DOD operations. Find out more about the Army Regional Environmental and Energy Offices [here](#). Click [here](#) to browse back issues of the Central Review. To read back issues of other Regional Office Reviews, click on a region of the REEO website's U.S. map and then select "Publications."

## ARMY POWER AND ENERGY

The Army is enhancing mission effectiveness through power and energy advancements. Senior Army leaders have identified Army power and energy as an Army priority. Energy goals and metrics have been incorporated into the Army Campaign Plan, the capstone document that sets priorities for Army leaders.

The Army views Power and Energy from these lines of effort:



- [Soldier Power](#)
- Basing Power
  - [Installation Basing](#)
  - [Contingency Basing](#)
- Vehicle Power
  - [Tactical](#)
  - [Non-Tactical](#)

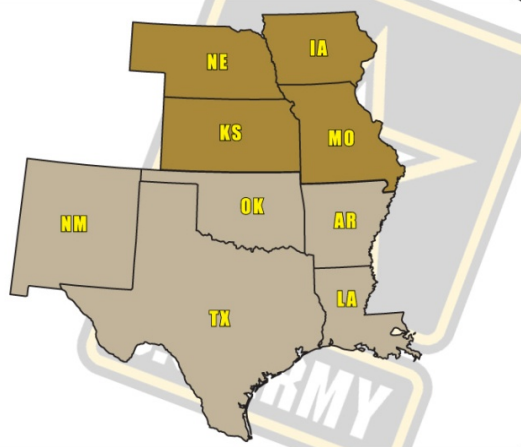
- [Operational Energy](#)  
The energy and associated systems, information, and processes required to train, move, and sustain forces and systems for military operations.

- [Net Zero](#)  
The cornerstone of the Army strategy for sustainability and energy security, based on the principles of integrated design.

- [Energy Initiatives](#)  
To strengthen energy security, support our energy goals and optimize available resources, we need private-sector know-how, entrepreneurship and participation.

**[Army leadership wants your power and energy ideas, comments, and observations.](#)**

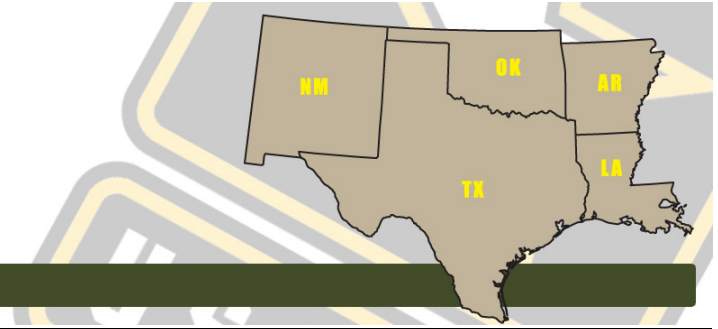
Visit the [ASA\(IE&E\) Website](#) to learn more about Army Power and Energy programs and initiatives.



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# Region 6



**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 convened 12 Jan 15 and adjourns 12 Mar 15.**

*Nothing significant to report during this period.*



**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 13 Apr 15 and adjourns 11 Jun 15.**

## PROPOSED RULE

(NEW) [AMBIENT AIR QUALITY STANDARDS - PM10](#) (33:III.711). This rule is identical to federal regulations found in 40 C.F.R. 50, which are applicable in Louisiana. The rule updates the National Ambient Air Quality Standards (NAAQS) language for particulate matter (PM10). The Clean Air Act (CAA) directs EPA to propose and promulgate primary and secondary NAAQS. This rule is necessary to maintain equivalency with the federal regulations and/or standards which enable Louisiana to carry out its duty required by the provisions of the CAA and State Implementation Plan (SIP) to implement, maintain and enforce the NAAQS in each affected region within the state. The basis and rationale for this rule are to update the NAAQS language to mirror federal regulations as the language applies to Louisiana affected sources. A hearing is scheduled for and comments are due 25 Feb 15. POC: [Deidra Johnson](#).

(NEW) [INTEGRATED ECOSYSTEM RESTORATION AND HURRICANE PROTECTION IN COASTAL LOUISIANA - 2016 DRAFT ANNUAL PLAN](#). The Coastal Protection and Restoration Authority has invited comment on the draft 2016 Annual Plan. Hearing dates are 9-11 Feb 15, and comments are due 18 Mar 15.



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**Legislature convenes 20 Jan 15 and adjourns 21 Mar 15.**

**PROPOSED LEGISLATION**

(NEW) **HB 94** creates a deduction from gross tax receipts on goods and services provided to the Department of Defense (DOD) related to directed energy and satellites. Receipts from 1 Jul 15 through 30 Jun 25 from the sale by a qualified contractor of qualified research and development services and qualified directed energy and satellite-related inputs may be deducted from gross receipts when sold pursuant to a contract with the DOD. The purposes of the deduction allowed in this section are to promote new and sophisticated technology, enhance the viability of directed energy and satellite projects, attract new projects and employers to New Mexico and increase high-technology employment opportunities in New Mexico. Sponsor: Larry Larrañaga.

(NEW) **HB 109** would amend a section of the public utility act to provide for a process to approve the location of power transmission lines. The bill would provide for the supervision and control by the New Mexico Public Regulation Commission (NMPRC) of the location within the state of new plants, facilities, and transmission lines for the generation and transmission of electricity for sale to the public. The bill's author writes that "it is in the public interest to consider any adverse effect upon the environment and upon the quality of life of the people of the state that may occur due to plants, facilities and transmission lines needed to supply present and future electrical services. It is recognized that such plants, facilities and transmission lines will be needed to meet growing demands for electric services and cannot be built without in some way affecting the physical environment where these plants, facilities and transmission lines are located." Sponsor: Representative William McCamley (D). **REEO-C COMMENT:** If enacted, this would require the establishment of transmission corridors within NM. Generation or transmission would not be approved outside of these corridors.

(NEW) **HB 111** is an act relating to utilities, which provides for shared renewable energy facilities to qualify as distributed generation facilities, and requires investor-owned utilities to allow construction, connection and operation of shared renewable energy facilities within their operating territories. This would also allow individuals to obtain electricity from local, renewable energy distributed generation facilities, regardless of differences in income, owner, or renter status or specific locale. Representative Roberto J. Gonzales (D).

(NEW) **HB 116** would enact a new section of the public utility act to provide for a public utility or a generation and transmission cooperative to have first right to construct, own, and maintain certain transmission facilities in a regional transmission organization. Representative Cathrynn N. Brown (R).

(NEW) **HB 186** amends the pesticide control act to provide for public notification of pesticide applications to public buildings and grounds. Sponsor: Representative Matthew McQueen (D).

(NEW) **HB 265** provides right to de novo review for expedited determination of water rights, provides for district court venue selection, and provides for appeals, among other provisions. Sponsor: Representative Paul C. Bandy (R).

(NEW) **SB 242** (Companion to **HB 242**) increases the amount of electricity that may be produced by qualified energy generators that will be eligible for the renewable energy production tax credit, extends the date that a qualified energy generator must first produce electricity to qualify for the renewable energy production tax credit, decreases the amount of credit per kilowatt-hour for certain taxable years, limits the period for which a taxpayer may claim the renewable energy production tax credit, and makes geothermal energy a qualified energy source. Sponsor: Senator Phil A. Griego (D).

(NEW) **SB 369** revises the appointment authority and makeup of the Office of Military Base Planning and Support and the Military Base Planning Commission. Sponsor: Senator William Burt (R).

(NEW) [SB 374](#) enacts the Uniform Environmental Covenants Act, and provides for covenants restricting use of real property subject to environmental remediation. Sponsor: Senator Daniel Ivey-Soto (D).



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**Legislature convenes 2 Feb 15 and adjourns 29 May 15.**

### PROPOSED LEGISLATION

(NEW) [HB 1068](#) eliminates permit requirement to kill feral swine at night, authorizes the removal of feral swine under certain circumstances, authorizes the use of certain light devices except during deer season, requires a registration process, and provides a time period for valid registration. Sponsor: Representative Bobby Cleveland (R).

(NEW) [HB 1394](#) amends the Oklahoma Wind Energy Development Act by adding a requirement to submit certain notifications to the Corporation Commission, requiring notification prior to commencement of construction of wind energy facilities to certain entities in a certain manner, specifying contents of public notification, providing for codification, and providing an effective date. Sponsor: Representative Casey Murdock (R).

(NEW) [HB 1405](#) modifies the fee for disposal of liquid waste, clarifies the type of underground injection well used for disposal, updates statutory language, and establishes total annual fee for disposal of drinking water treatment residuals in certain injection wells.

(NEW) [HB 1606](#) amends the Weed Free Hay Certification Act, which requires certain entities to prevent certain weeds from going to seed. It shall be the duty of every landowner in each county to treat, control, or eradicate all Canada, musk, or Scotch thistles growing on the landowner's land every year to prevent these thistles from going to seed. Sponsor: Representative Ben Sherrer (D).

(NEW) [HJR 1013](#) is a Joint Resolution opposing the proposed Environmental Protection Agency and Army Corps of Engineers rule defining waters of the United States. Sponsor: Representative Jerry McPeak (D).

(NEW) [SB 190](#) is an act relating to extreme fire danger and open burning. The act, among other things, outlines burning prohibitions during emergency drought conditions and adds the State Fire Marshal as a gubernatorial advisor. Sponsor: Senator Ron Justice (R).

(NEW) [SB 194](#) is an act relating to prohibiting the transfer of water from certain areas to protect tourism and the recreation industry. The Oklahoma Water Resources Board shall not issue any permit for the unnatural transfer of groundwater or surface water originating in or flowing through any portion of water within McCurtain County or issue any permit for groundwater or surface water outside of McCurtain County that would affect the natural amount and flow of waters originating in or flowing through McCurtain County. Sponsor: Senator Joseph Silk (R).

(NEW) [SB 225](#) is an act relating to waters and water rights. The act creates the Regional Water Development Act, states Legislative findings promoting the development of regional water projects, authorizes the Oklahoma Water Resources Board to assist development of regional water plans and projects, states the purpose of regional water plans and projects, authorizes the Oklahoma Water Resources Board to promulgate rules, and provides for codification. Sponsor: Senator Larry Boggs (R).

(NEW) [SB 308](#) is an act relating to state agency administrative rules. The bill requires certain publications on agency websites, deletes deadlines for certain duties, modifies the time by which an agency is required to make certain

responses, states requirements for waiver requests, deletes provisions relating to function of certain committees, grants Legislature authority to amend proposed and effective agency rules, and provides procedures. Sponsor: Senator Nathan Dahm (R).

(NEW) [SB 351](#) adds steam export capacity to the state's renewable energy standards' goals. Sponsor: Senator Dan Newberry (R).

(NEW) [SB 354](#) creates the Regional Water Planning Act. The act creates districts for Regional Water Planning Councils, outlines duties and functions of councils, provides for appointment of members, requires a certain number of meetings, requires an annual report by a certain date, and requires councils to develop a water plan that is submitted to the Oklahoma Water Resources Board for review. Sponsor: Senator Eddie Fields (R).

(NEW) [SB 355](#) amends the Oklahoma Wind Energy Development Act by modifying legislative findings concerning prudent wind energy development, clarifies definitions, deletes exception for wind energy facilities on an owner's property, requires the owner of a wind energy facility to post a bond with the Secretary of State and specifying purposes and amount, and requires financial security sufficient to cover the entire cost of decommissioning of the wind energy facility. Sponsor: Senator Marty Quinn (R).

(NEW) [SB 419](#) amends the Combined Pesticide Law license, permit, and registration requirements; clarifies statutory language; removes reexamination requirements; modifies fees; and requires certain allocations. Sponsor: Senator Ron Justice (R).

(NEW) [SB 482](#) amends hazardous waste disposal laws related to hazardous waste disposal permitting, and authorizes temporary staging of hazardous waste in a certain manner. Sponsor: Senator Bryce Marlatt (R).



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**Legislature convened 13 Jan 15 and adjourns 1 Jun 15.**

### PROPOSED LEGISLATION

(NEW) [HB 655](#) relates to the storage and recovery of water in aquifers including authorization and fees by modifying the Texas Water Code in several areas. An aquifer storage and recovery project means a project involving the injection of water into a geologic formation for subsequent recovery and beneficial use. Sponsor: Representative Lyle Larson (R).

(NEW) [HB 706](#) relates to the procedure for claiming an exemption from ad valorem taxation of property on which a solar or wind-powered energy device is installed or constructed. Sponsor: Representative Jessica Christina Farrar (D).

(NEW) [HB 787](#) (COMPANION [HB 1133](#), [HB 1161](#)) changes rules governing the Texas Military Preparedness Commission (TMPC). Changes include leadership and office designation, and sunset provisions, and modify the definition of a Defense Community. Sponsor: Representative Rick Miller (R).

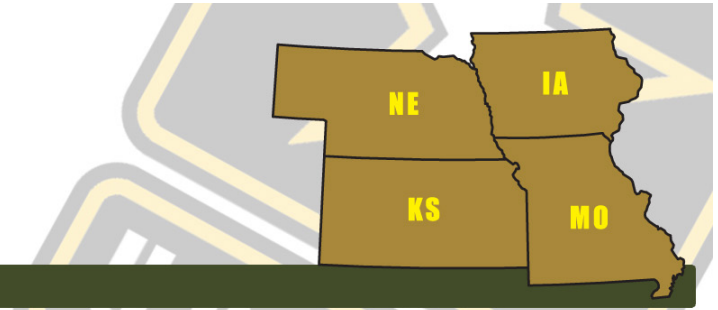
(NEW) [HB 893](#) grants certain local government's general zoning authority around certain military facilities. Without adequate development regulations, the area around certain military facilities will tend to become congested and to be used in ways that interfere with the proper use of the area as a safe and secure location for the continuation of the military's mission. Sponsor: Representative Rick Miller (R).

(NEW) [HB 1042](#) designates the site of the proposed Ringgold reservoir to be located on the Little Wichita River in Clay County approximately one-half mile upstream from its confluence with the Red River, as having unique value for the



construction of a dam and reservoir and further determines that the reservoir is necessary to meet water supply needs. The act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, of the Texas Constitution. If the act does not receive the vote necessary for immediate effect, the act takes effect 1 Sep 15. Sponsor: Representative James Frank (R).

# Region 7



**NOTICE:** Request command and installation staff contact the Army Regional Environmental and Energy Office for the Central Region (REEO-C) 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 convened 12 Jan 15 and adjourns 2 May 15.**

*Nothing significant to report during this period.*



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**Legislature convened 12 Jan 15 and adjourns ~10 Jun 15.**

## PROPOSED LEGISLATION

(NEW) [HB 2014](#) authorizes the Kansas Water Office, with approval of the Kansas Water Authority, to establish the clean drinking water fees by rules and regulations, and imposing a cap on such fees. Sponsor: Representative Tom Sloan (R).

(NEW) [HB 2036](#) would allow any electric customer to purchase electricity directly from a renewable energy supplier (via a third-party Power Purchase Agreement (PPA)) after giving the local certificated electric supplier 180 days' notice. The Kansas Corporation Commission would be authorized to approve tariffs for a utility from a renewable energy supplier to a renewable energy customer. Those tariffs would include all transmission, distribution, and standby rates, customer charges, and any ancillary charges. Any renewable energy credits created by the renewable energy supplier providing electricity over a certificated utility's electric lines would be credited to the utility. Sponsor: Committee on Vision 2020.

(NEW) [HB 2037](#) among other things would allow any tax exempt locality to purchase electricity generated by a renewable energy facility from a renewable energy generator (via a third-party PPA). The tax-exempt locality would be required to provide the utility serving the locality notice of intent to install a renewable energy facility at least 90 days prior to energizing the facility. A renewable energy facility could not exceed the tax exempt locality's baseline annual

usage over the prior three years or the anticipated load if new construction had been completed within the prior three years. Tax-exempt localities would be required to enter into a contract with the utility, according to specific terms and conditions outlined in the bill. Sponsor: House Vision 2020 Committee.

(NEW) [HB 2061](#) amends the powers and duties of the Kansas Department of Agriculture Division of Conservation and the State Conservation Commission. Amendments will enable the Kansas Department of Agriculture to be a third-party holder of perpetual conservation easements associated with watershed mitigation projects that are part of a Section 404 permitting action. Sponsor: Committee on Agriculture and Natural Resources.

(NEW) [HB 2177](#). Kansas Statutes Annotated (K.S.A.) 65-34,167 would be amended to read as follows: Remedial alternatives shall be based on the actual risk to human health and the environment currently posed by contaminants on the property, considering the following factors:

(a) The present and proposed future uses of the property and surrounding properties;

(b) The ability of the contaminants to move in a form and manner which would result in exposure to humans and the surrounding environment at levels which exceed applicable state standards and guidelines or ~~the results of a risk analysis if such standards and guidelines are not available~~ *which exceed acceptable contaminant concentrations as determined by a risk analysis that evaluates the property and surrounding properties as a whole*; and

(c) The potential risks associated with proposed cleanup alternatives and the reliability and economic and technical feasibility of such alternatives.

Sponsor: Committee on Energy and Environment.

(NEW) [HB 2193](#) creates the Risk Management Program Act. Among other things, for a site to be eligible to participate in the risk management program, the Environmental Secretary shall make a finding that the site is subject to an agreement or order under the authority of the Secretary's Bureau of Environmental Remediation; and poses a low risk to human health and the environment. In making eligibility determinations, the Secretary shall have authority to consider such additional factors as deemed relevant. Any changes in site conditions or property use that results in a change in the risks posed by the site shall make a site ineligible for acceptance or continued participation in the risk management program.

Sponsor: Committee on Energy and Environment.



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**Legislature convened 7 Jan 15 and adjourns 30 May 15.**

### PROPOSED LEGISLATION

(NEW) [HB 481](#) changes the laws regarding the Net Metering and Easy Connection Act. The bill removes the requirement that a customer-generator has to have an electrical generating system with a capacity of not more than 100 kilowatts, and specifies that the qualified electric energy generation unit of a customer-generator is intended not to exceed 100% of its own energy requirement. Currently, the unit is intended primarily to offset part or all of the customer-generator's own electrical energy requirements. Sponsor: Representative T.J. Berry (R).

(NEW) [HB 505](#) creates the Plastic Bag Reduction Act. Beginning 1 Jan 16, no retail establishment shall use, distribute, or sell, any single-use, disposable, non-recyclable plastic carryout bags to its customers. This shall not apply to any produce bag or product bag. A retail establishment may sell or distribute carryout bags to customers at the point of sale; however, such bags shall be recyclable, reusable, compostable, or biodegradable. The recyclable bag shall include the chasing arrows recycling symbol or the term "recyclable," consistent with the Federal Trade Commission guidelines. Sponsor: Representative Mary Nichols (D).

(NEW) [SB 225](#). Currently, when certain permits or licenses are issued, renewed, denied, suspended, or revoked by the Department of Natural Resources, the decision is often appealable to the commission with appropriate jurisdiction within the Department, including the Hazardous Waste Management Commission, the Safe Drinking Water Commission, the Air Conservation Commission, the Clean Water Commission, and the Missouri Mining Commission. Under this act, when certain permits or licenses are issued, renewed, denied, suspended, or revoked by the Department, any aggrieved party may appeal such decision by filing a petition with the Administrative Hearing Commission within 30 days. The Administrative Hearing Commission may consider certain factors regarding the permit decision as set forth in this act. Under this act, the Administrative Hearing Commission would then make a recommendation to the commission with appropriate jurisdiction within the Department regarding the permit or license. The commission with appropriate jurisdiction shall then issue the final decision, and such decision shall be subject to judicial review except the Administrative Hearing Commission shall issue the final decision for all permits relating to solid waste. Sponsor: Senator Gary Romine (R).

(NEW) [SB 285](#) (Companion [HB 92](#)) modifies the definition of "waters of the state" by removing the words "and includes waters of the United States lying within the state" in relation to the provisions of law relating to hazardous substance cleanup and the Missouri Clean Water Law. Sponsor: Senator Mike Kehoe (R).

(NEW) [HB 722](#) requires all merchants to provide customers with a choice between paper and plastic bags. Sponsor: Representative Dan Shaul (R).



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### PROPOSED LEGISLATION

(NEW) [LB 19](#) changes provisions relating to laboratory certification under the Nebraska Safe Drinking Water Safety Act. The director of Health and Human Services shall certify and enter into authorization agreements with laboratories to perform tests on water that is intended for human consumption. The director shall establish, through rules and regulations, standards for certification. Sponsor: Senator Bob Krist (I).

(NEW) [LB 28](#) adopts the Radon Resistant New Construction Act. Beginning 1 Jan 18, new construction in Nebraska shall include radon resistant new construction. The Nebraska Department of Health and Human Services (DHHS) shall adopt and promulgate rules and regulations that establish the minimum standards for radon resistant new construction. In setting such minimum standards, the DHHS shall consider the recommendations of the Radon Resistant Building Codes Task Force. Sponsor: Senator Bob Krist (I).

(NEW) [LB 117](#) changes provisions relating to energy financing contracts. The act redefines terms; changes provisions relating to energy financing contracts between energy service companies and governmental units; and harmonizes provisions. Sponsor: Senator Ken Haar (I).

(NEW) [LB 142](#) creates the Aquatic Invasive Species Program. Funds identified to support the program may be used to monitor and sample waters of the state for aquatic invasive species; to hire personnel; to purchase equipment to inspect and decontaminate conveyances; to provide additional enforcement, education, and research relating to aquatic invasive species; and to conduct aquatic invasive species projects as needed. The owner of a vessel shall also pay established fees. Senator Ken Schilz (I).

(NEW) [LB 174](#) redefines nonpoint source control systems under the Wastewater Treatment Facilities Construction Assistance Act by adding projects that establish methods, measures, structures, or practices to protect, remediate, or enhance any waters of the state or aquatic habitat that are impacted by natural or anthropogenic nonpoint sources of pollution. Types of projects include, but are not limited to, projects that minimize or control runoff or leaching from



activities in urban, construction, or rural areas, erosion of sediment, atmospheric deposition, or similar causes or hydromodification projects. Sponsor: Senator Ken Schilz (I).

(NEW) [LB 469](#) provides powers and duties to the Department of Environmental Quality (DEQ) relating to the development of a state plan for regulating carbon dioxide emissions. DEQ shall not develop a state plan for regulating carbon dioxide emissions from covered electric generating units until after the department has prepared an impacts report and held a public hearing to obtain input on what should be included in the state plan. Sponsor: Senator Jim Smith (I).

(NEW) [LB 544](#) adopts the Community Gardens Act. This act sets out the rules for a state agency or municipality having title to vacant public land to permit community organizations to use such lands for community garden purposes. Sponsor: Senator Burke J. Harr (I).

(NEW) [LB 583](#). The State Energy Office shall develop and adopt an integrated state energy plan on or before 31 Dec 15, and review such plan periodically as the office deems necessary. The office may organize technical and working committees of individuals representing public and nonpublic entities with expertise in energy development and responsibilities to Nebraska residents as consumers of energy to assist in the creation and subsequent updates of the plan. Sponsor: Senator Ken Schilz (I).

## Department of Defense Activity

[DOD SEEKS PROPOSALS FOR INNOVATIVE ENVIRONMENTAL TECHNOLOGY DEMONSTRATIONS](#). The Department of Defense (DOD), through the Environmental Security Technology Certification Program (ESTCP), supports the demonstration of technologies that address priority DOD environmental requirements. The goal of ESTCP is to promote the transfer of innovative environmental technologies through demonstrations that collect the data needed for regulatory and DOD end-user acceptance. Projects conduct formal demonstrations at DOD facilities and sites in operational settings to document and validate improved performance and cost savings. ESTCP is seeking proposals for innovative environmental technology demonstrations as candidates for funding beginning in FY 2016. This solicitation requests pre-proposals via Calls for Proposals to federal organizations and via a Broad Agency Announcement (BAA) for Private Sector organizations. Pre-proposals are due by 12 Mar 15.

[ARMY RELEASES VISION AND STRATEGY FOR INSTALLATIONS, ENERGY AND ENVIRONMENT THROUGH 2025](#). The Office of the Assistant Secretary of the Army for Installations, Energy and Environment, or OASA (IE&E), released the Army's vision and strategy through 2025 to help meet future challenges and succeed in future operating environments. OASA (IE&E) Strategy 2025 serves to guide and shape the Army's future and current actions related to Installations, Energy and Environment, as well as provide the strategic roadmap to achieve its vision.

## Federal Activity

### *AIR*

**NATIONAL AMBIENT AIR QUALITY STANDARDS FOR LEAD.** EPA is proposing to retain, without revision, the primary and secondary national ambient air quality standards for lead ([80 FR 277](#)). Based on its review, EPA concluded that available evidence supports retaining the current primary and secondary standards of 0.15 µg/m<sup>3</sup> (as a three-month average in total suspended particles) without revision. [Deirdre Murphy](#), (919) 541-0729.

**COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS.** EPA is reconsidering four provisions of the February 2013 final new source performance standards (NSPS) and emission guidelines (EG) for commercial and industrial solid waste incineration (CISWI) units. EPA is requesting comment on:

- definition of "CEMS Data During Startup and Shutdown Periods";

- PM Limit for the Waste-burning Kiln Subcategory;
- fuel variability factor (FVF) for Coal-burning Energy Recovery Units; and
- definition of Kiln.

Comments are due by 9 Mar 15. POC: [Toni Jones](#), (919) 541-0316.

**NESHAP FOR MAJOR SOURCES: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS.** EPA is requesting comment on three issues raised by petitions to the finalized amendments to the 31 Jan 13 national emission standards for the control of hazardous air pollutants (NESHAP) from new and existing industrial, commercial, and institutional boilers and process heaters at major sources of HAP ([80 FR 3089](#)). The three issues under consideration are:

- startup and shutdown provisions;
- CO limits based on a minimum CO level of 130 ppm; and
- use of PM CPMS including consequences of exceeding the operating parameter.

Additional information is available [here](#). Comments are due by 9 Mar 15. POC: [Jim Eddinger](#), (919) 541-5426.

**NESHAP FOR AREA SOURCES: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS.** EPA is requesting comment on five issues raised in the petitions for reconsideration regarding the finalized amendments to the NESHAP for Area Sources: Industrial, Commercial, and Institutional Boilers ([80 FR 2871](#)). EPA is seeking comment on:

- definitions of startup and shutdown;
- alternative particulate matter standard for new oil-fired boilers that combust low-sulfur oil;
- establishment of a subcategory and separate requirements for limited-use boilers;
- establishment of a provision that eliminates further performance testing for particulate matter for certain boilers based on their initial compliance test.
- establishment of a provision that eliminates further fuel sampling for mercury for certain coal-fired boilers based on their initial compliance demonstration.

Comments are due by 9 Mar 15. POC: [Mary Johnson](#), (919) 541-5025.

## *HAZARDOUS MATERIALS*

**MAILING STANDARDS FOR LITHIUM BATTERIES.** The U.S. Postal Service (USPS) will revise standards for the mailing of lithium batteries ([80 FR 3996](#)). The USPS will continue to allow mailings of lithium metal or lithium-ion batteries packaged with the equipment they operate, and lithium-ion batteries packaged without equipment (individual batteries) in domestic air transportation. In these instances, mailpieces must not contain more than eight lithium cells or two batteries. Cells and batteries must be within the applicable USPS limitations for lithium metal content or watt-hour rating, and mailpieces must bear markings and be accompanied by documentation.

**HAZARDOUS MATERIALS: HARMONIZATION WITH INTERNATIONAL STANDARDS.** This amends the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements ([80 FR 1075](#)). Changes include:

- requiring a "CARGO AIRCRAFT ONLY" label on packages containing small lithium metal batteries not packed in or with equipment;
- modifying the list of marine pollutants in Appendix B to Sec. 172.101;
- adding minimum sizes for the OVERPACK and SALVAGE markings;
- revising and adding vessel stowage codes listed in column 10B of the HMT and segregation requirements in Sec. 176.83; and
- adsorbed gases: Adopting new entries into the HMR; adding a definition; authorizing packaging; and adding safety requirements including quantity limitations and filling limits.

POC: Steven Webb, (202) 366-8553.

**HAZARDOUS MATERIALS: MISCELLANEOUS AMENDMENTS.** This rule amendment proposes to make miscellaneous amendments to the Hazardous Materials Regulations, including ([80 FR 3787](#)):

- removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances and explosives;
- incorporating requirements for trailers of manifolded acetylene cylinders;
- providing requirements to allow for shipments of damaged wet electric batteries; and
- revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms.

Comments are due by 24 Mar 15. POC: Neal Suchak, (202) 366-8553.

## **NEPA**

**FLUORESCENT LAMP BALLASTS.** DOE is proposing several clarifications to energy conservation standards and test procedures for fluorescent lamp ballasts ([80 FR 404](#)). Modifications include:

- modifications to the organization of 10 CFR 430.32(m) to clarify the applicability of the standards and exemptions;
- deleting standards that are no longer applicable and consolidating 10 CFR 430.32(m);
- clarifying definitions relating to ballast luminous efficiency (BLE) standards;
- removing the outdated test procedure for ballast efficacy factor (BEF) at Appendix Q and redesignating the test procedure for BLE at Appendix Q1 as Appendix Q;
- adding testing clarifications to redesignated Appendix Q and modifying redesignated Appendix Q to clarify the reference lamp pairings for testing;
- clarifications to redesignated Appendix Q for test setup and measurement and providing rounding instructions for BLE;
- general changes to definitions, language, and corrections to the text; and
- revising the laboratory accreditation language at 10 CFR 430.25.

POC: [Lucy deButts](#), (202) 287-1604.

## **TOXICS**

**LEAD-BASED PAINT CERTIFICATION AND ACCREDITATION REQUIREMENTS.** EPA is proposing minor revisions to the Lead Renovation, Repair, and Painting (RRP) finalized on 22 Apr 08 and the Lead-based Paint (LBP) Activities rule finalized 29 Aug 96 ([80 FR 1873](#)). EPA is proposing to:

- remove jurisdiction-specific certification and accreditation requirements under the LBP Activities program. Currently, this program requires that training providers, firms and individuals seek certification in each jurisdiction (e.g., a state) where the organization or person wants to work;
- eliminate the requirement that the renovator refresher training have a hands-on component; and
- add clarifying language to the requirements for training providers under both the RRP and LBP Activities programs.

Comments are due by Feb 15. POC: [Marc Edmonds](#), (202) 566-0758.

**EPA RELEASES 2013 TOXICS RELEASE INVENTORY (TRI).** The [TRI report](#) is available in a new interactive, web-based format that features analyses and interactive maps showing data at a state, county, city, and zip code level.

## **THREATENED AND ENDANGERED SPECIES**

**ENDANGERED STATUS FOR THE MEXICAN WOLF.** The Fish and Wildlife Service has issued a final rule listing the Mexican wolf (*Canis lupus baileyi*) as an endangered subspecies ([80 FR 2487](#)). FWS proposed on 13 Jun 13 to delist the gray wolf and maintain protections for the Mexican wolf by listing it as an endangered subspecies. At the end of 2013, a single wild population of a minimum of 83 Mexican wolves (31 Dec 13, population count) inhabited the United States in central Arizona and New Mexico. FWS is conducting a reintroduction effort for the Mexican wolf. Revisions to the geographic boundaries of the Mexican Wolf Experimental Population Area (MWEPA) are described in a separate [announcement](#). POC: Sherry Barrett, (505) 761-4704.

**LISTING THE NORTHERN LONG-EARED BAT.** The Fish and Wildlife Service is proposing to create a species-specific rule that provides measures that are necessary and advisable to provide for the conservation of the northern long-eared bat (*Myotis septentrionalis*) ([80 FR 2371](#)). A species-specific rule modifies the standard protections for threatened species with tailored prohibitions and exceptions. In addition, FWS is reopening of the public comment period on the 2 Oct 13 proposed rule to list the northern long-eared bat as endangered. The northern long-eared bat is found from Maine to North Carolina on the Atlantic Coast, westward to eastern Oklahoma and north through the Dakotas, into eastern Montana and Wyoming. Comments are due by 17 Mar 15. POC: Tony Sullins, (612) 725-3548.

## **WASTE**

**DEFINITION OF SOLID WASTE.** EPA has issued a final rule that revises several recycling-related provisions associated with hazardous secondary materials excluded from the definition of solid waste when reclaimed ([80 FR 1693](#)). The purpose of these revisions is to minimize the possibility of risk to human health and the environment from discarded hazardous secondary material. These revisions affect certain types of hazardous secondary materials that are currently conditionally excluded from the definition of solid waste when reclaimed. Changes include:

- modifying the exclusion for hazardous secondary materials that are legitimately reclaimed under the control of the generator -- adding additional recordkeeping, emergency preparedness, and a definition of "contained";
- Providing for recognition of a "verified recycler of hazardous secondary materials" who has obtained a solid waste variance. Generators recycling hazardous secondary materials must now send their materials to either a permitted reclamation facility or to a verified recycler;
- a remanufacturing exclusion for certain higher-value solvents transferred for "remanufacturing" back into commercial grade solvent;
- additional provisions related to documenting the legitimacy of recycling;
- Revisions to solid waste variances and non-waste determinations -- facilities must reapply after ten years; and re-notify every two years with updated information, and other changes.

This final rule is effective on July 13, 2015. POC: [Tracy Atagi](#), (703) 308-8672).

## **WATER**

**EPA'S CONNECTIVITY OF STREAMS AND WETLANDS TO DOWNSTREAM WATERS.** EPA has issued a final report titled [Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence](#). The report summarizes current understanding about the connectivity and mechanisms by which streams and wetlands, singly or in aggregate, affect the physical, chemical, and biological integrity of downstream waters. Additional information is available in this [fact sheet](#). This report informs development of a rule proposed by EPA and the U.S. Army Corps of Engineers to clarify the definition of [waters of the United States](#) under the Clean Water Act.

**NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN.** EPA is proposing amendments to rules governing the use of dispersants, other chemical and biological agents, and other spill mitigating substances when responding to oil discharges into waters of the United States ([80 FR 3379](#)). The proposal includes amendments to the requirements for the authorities, notifications, monitoring, and data reporting. The proposed amendments establish monitoring requirements for underwater application of dispersants, dispersants used for an extended period of time, and dispersants used in cases of major oil discharges. Manufacturers would be required to provide more detailed product application materials, ecological toxicity data, and human health and safety information, including more detailed instructions for product application in the field. EPA is proposing a requirement for the submitter to identify products that have met and can be labeled Design for the Environment certified. These requirements are anticipated to encourage the development of safer and more effective spill mitigating products, and would better target the use of these products to reduce the risks to human health and the environment. Additionally, the proposed amendments are intended to ensure that On-Scene Coordinators (OSCs), Regional Response Teams (RRTs), and Area Committees (AC) have sufficient information to support agent preauthorization or authorization of use decisions. Comments are due by 22 Apr 15. POC: [Gregory Wilson](#), (202) 564-7989.

# Professional Development

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER** - [FedCenter.gov](http://FedCenter.gov) is federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information with a wide variety of information in:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Regulatory Watch for information on new or changed laws or regulations;
- P2 opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Environmental [conferences](#), meetings, [training](#), and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.

FedCenter also provides member assistance services such as:

- Collaboration tools for workgroups,
- Environmental reporting tools, and
- Daily newsletter and subscription services.

**5 MARCH, COLUMBIA, MO:** [REGFORM 2015 MISSOURI AIR COMPLIANCE SEMINAR](#). [Regulatory Environmental Group for Missouri](#), Missouri Department of Natural Resources, and EPA staff will address emerging state and federal air issues affecting stakeholders in Missouri. A focus session will also cover the role of EPA in permit approvals in delegated states, boiler Maximum Achievable Control Technology (MACT) reconsiderations, how Missouri monitoring network data affect permit applications, and an analysis of the pros and cons of setting up your own monitoring station.

**13-14 MAY, OVERLAND PARK, KS:** [MIDWEST ENVIRONMENTAL COMPLIANCE CONFERENCE](#). This conference will provide a regional perspective on the RCRA, Air and Wastewater compliance issues you care about every day, including enforcement and policy/regulation changes.

## *VARIOUS DATES AND TIMES ONLINE*

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS.** The Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules are available on the [US Army Environmental Command \(AEC\) website](#).

**[STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM \(SERDP\) AND ENVIRONMENTAL SECURITY TECHNOLOGY CERTIFICATION PROGRAM \(ESTCP\) WEBINAR SERIES](#).** Designed to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding, live 90-minute webinars will be offered every two weeks on Thursdays from 12:00 PM EST. Most webinars will feature two 30-minute presentations and interactive Q&A sessions on topics for DoD and DOE audiences.

**AIR FORCE INSTITUTE OF TECHNOLOGY (AFIT) TRAINING COURSE, [QUALIFIED RECYCLING PROGRAM MANAGEMENT](#)** presents an understanding of DoD requirements for operating a Qualified Recycling Program (QRP). Course emphasizes principles and techniques to assist students in implementing a sound QRP and focuses on learning what products can be recycled, products prohibited from recycling, QRP regulations, necessary processing equipment, collection and sorting methods to maximize returns, working with the Defense Reutilization and Marketing Office, establishing contracts, recording transactions, DoD recordkeeping, and estimating future budgets.



## ***ANYTIME ONLINE***

**[AN INTRODUCTION TO THE REGIONAL ENVIRONMENTAL AND ENERGY OFFICES.](#)** REEO-S presents a 45-minute webinar to provide an overview of what REEOs do, how we operate, and how we can help you.

**[EPA TMDL AND NPDES PERMIT TRAINING.](#)** EPA developed three web-based training modules on topics related to Total Maximum Daily Loads (TMDLs) and NPDES permitting. The presentations are intended for TMDL developers and NPDES permitting staff to gain a better understanding of TMDL implementation through NPDES permits. Each module is offered as a recorded presentation that enables participants to review the material on demand in a self-paced environment. The modules are also available as unrecorded PowerPoint presentations with slides and scripts. Each recorded session is approximately two hours long.

- Module 1: Understanding TMDLs: A Primer for NPDES Permit Writers
- Module 2: Understanding WLA (wasteload allocation) Implementation in Permits: A Primer for TMDL Developers
- Module 3: Understanding TMDLs with Stormwater Sources and the NPDES Stormwater Permitting Process

**[DISTRIBUTED-SCALE RENEWABLE ENERGY PROJECTS: FROM PLANNING TO PROJECT CLOSEOUT](#)** focuses on planning and implementation of distributed-scale renewable energy projects smaller than 10 megawatts. Course is hosted on the Whole Building Design Guide (WBDG) learning management system and outlines a detailed 10-step process from technology screening to project closeout. Explored are online tools and resources available for the selection of cost-effective renewable energy projects on federal sites.

**[GOLEARN.](#)** GoLearn provides government employees and military personnel with web-based learning and development courses, and other products and services. Site registration is required, including a nominal fee for federal users.

**[NATIONAL CONFERENCE OF STATE LEGISLATURES \(NCSL\) E-LEARNING.](#)** NCSL e-Learning features experts on public policy issues and provides professional development opportunities for members, state legislators, state legislative staff, and the public. Visit [Multimedia Library](#) for a collection of video and audio files from previous NCSL meetings and webinars.

**[ACHIEVING ENERGY SECURITY IN FEDERAL FACILITIES.](#)** Achieving Energy Security in Federal Facilities builds competency in protecting critical missions by integrating energy security measures into all aspects of operations. Employ critical principles to increase energy security, such as diversity, redundancy, reducing demand, planning, and emergency management. Consider technologies that support energy security and develop an understanding of key issues related to short- and long-term energy disruptions, including storage and maintenance issues.

**[AIR FORCE CIVIL ENGINEERING SCHOOL SEMINARS.](#)** The Air Force Civil Engineering School offers a variety of free online seminars on hazardous waste management, hazardous materials management, stormwater management, and more.

**[AVERT TUTORIAL.](#)** EPA launched its new on-demand training on how to use its Avoided Emissions and generation tool (AVERT). AVERT estimates the potential of energy efficiency/renewable energy (EE/RE) programs to displace electricity system-related SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions in the continental United States. The tool can be used to evaluate county, state and regional level emissions displaced by energy efficiency and renewable energy programs without the need to specialized resources or electricity system expertise.

**[FEMP TRAINING SEARCH TOOL.](#)** FEMP recently launched the FEMP Training Search, a web tool that lists free training opportunities to help agencies meet federal energy, water, and sustainability laws and requirements. The new search tool provides options to easily find and select training offerings by topic area, topic series, course format and type, and by level of difficulty—introductory (101), intermediate (201), and advanced (301).

# Internet Resources

## **Region 6 Regulatory & Legislative Internet Sites**

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

## **Region 7 Regulatory & Legislative Internet Sites**

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

## **Other Federal Agencies Internet Sites**

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

# Staff Directory

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Region 6 Army REC	816-389-2415
Regulatory Affairs Specialist	816-389-2434
Air Force AR/LA/OK REC	214-767-4650, ext 4652
Air Force NM/TX REC	214-767-4650, ext 4669
Navy REC (AR/KS/LA/MO/OK/TX)	904-542-6853
Navy REC (IA/NE)	360-315-5400
Navy REC (NM)	619-532-2303

## How the Regional Offices Work for You

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 Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues before they become laws and regulations. The REEOs 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 here](#).**

**Customer's Corner:** Please send any comments, questions, lessons learned, best practices, subscription requests, etc. to [Jim Mayer](#).