



U.S. ARMY

Western Review of Legislative & Regulatory Actions Region 9

The U.S. Army Regional Environmental & Energy Office

January 2019

The *Region 9 Western Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the four states and territories in Federal Region 9, the *Western Review* gives early notice of legislative and regulatory activities relevant to DOD interests. For installations that implement an environmental management system in accordance with ISO 14001 specifications, the content of the *Review* may help them identify emerging requirements.

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ARMY PARTNERSHIP AWARDS

Five installations and two National Guard commands partnered with neighboring organizations this year on projects and services that earned them [recognition](#) from the Pentagon. The 2018 Army Community Partnership Awards acknowledge the Army's need for community bonds that enhance readiness, modernize processes, and improve business reform, according to Jordan Gillis, acting assistant secretary of the Army for Installations, Energy and the Environment. In the West, winners include the following partnership initiatives:

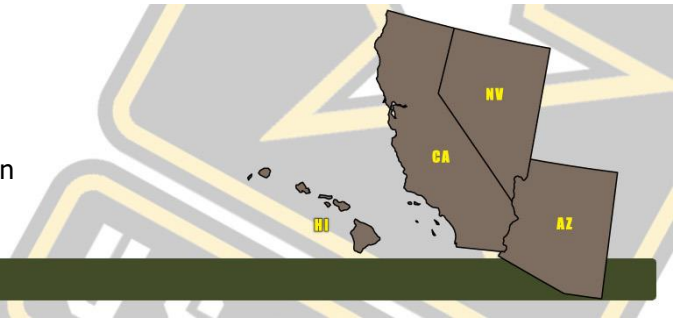
- Fort Carson and El Paso County Colorado, partnered to build the Cheyenne Mountain Shooting Complex Trap and Skeet Range. The complex is operationally self-sufficient through fees paid by both military and civilian users.
- Parks Reserve Forces Training Area in Dublin, California, partnered with a correctional institution to provide federal inmate labor for projects on garrison property.

Other award winners were:

- Fort Detrick and the County of Frederick, Maryland, partnered on a computer-aided dispatch system and integrated the installation into the County Solid Waste Management Plan.
- Fort Polk was recognized for three partnerships that addressed field waste associated with unit training missions; vegetation control, grounds maintenance, and tree-removal services; and custodial services.
- Fort Riley partnered with the City of Manhattan, Kansas, on bulk purchasing of road salt.
- The Wisconsin National Guard and the Department of Military Affairs partnered with private electric utilities to identify opportunities to improve recovery following incidents such as power outages.
- The South Carolina Army National Guard partnered with the SCANA Corporation on several initiatives involving enhanced defense capabilities in the cyber environment.

Region 9

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



MISCELLANEOUS

EXPIRED—EXECUTIVE ORDER LIMITING RULEMAKING. Executive Order 2018-02, *Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies*, expired 31 DEC 18. The order required agencies obtain express approval of the Arizona governor prior to initiating any rulemaking. For more information, click [here](#).

NATURAL RESOURCES

AQUATIC INVASIVE SPECIES LIST. The Arizona Fish and Game Commission [published](#) an updated list of aquatic invasive species found in the state.

AQUATIC INVASIVE SPECIES LOCATIONS. The Arizona Fish and Game Commission [issued](#) a designation of waters or locations in the state where listed aquatic invasive species are suspected or known to be present.

MANDATORY CONDITIONS FOR WATERS WHERE AQUATIC INVASIVE SPECIES ARE PRESENT. The Arizona Fish and Game Commission [issued](#) mandatory conditions on the movement of watercraft, vehicles, conveyances, or other equipment from listed waters where aquatic invasive species are present.

WATER

UNDERGROUND STORAGE TANKS. The Arizona Department of Environmental Quality (ADEQ) [is proposing](#) to amend state underground storage tank (UST) regulations. The amendments would incorporate new federal regulations and develop UST plan review rules to formalize oversight of UST installations. The rulemaking also makes technical corrections. The department will solicit public comment after the formal notice of proposed rulemaking is published.

ASSURED AND ADEQUATE WATER SUPPLY—PINAL ACTIVE MANAGEMENT AREA. ADEQ adopted [amendments](#) to rules governing water rights in the Pinal Active Management Area. The rulemaking amends the extinguishment credit calculation for the extinguishment of grandfathered groundwater rights in the Pinal Active Management Area. The [final rule](#) was effective 1 JAN 19.

GRANDFATHERED WATER RIGHTS MAP. ADEQ [announced](#) that it has developed a new online map that will allow holders of groundwater rights to access geographical data about their water rights. The system was designed to provide a way to determine if a parcel of land has a grandfathered right. The [grandfathered right map](#) will be active mid-January.

LEGISLATIVE SESSION: 14 JAN 19 THROUGH 5 MAY 19 (ESTIMATED)

No significant legislative activities to report.



AIR

SOLID WASTE COLLECTION VEHICLE REGULATION. The California Air Resources Board (CARB) [is proposing](#) to amend the Solid Waste Collection Vehicle (SWCV) Regulation. The amendments would add reporting requirements for SWCVs. Specifically, the proposal would clarify the definition of vehicles subject to the SWCV regulation and would require reporting for all fleets that own or operate SWCVs with 1960 to 2006 model-year diesel engines. The proposed amendments would also expand the scope of the regulation to include diesel-fueled, on-road, single engine heavy cranes with a newly added phase-in schedule to reduce particulate matter (PM) and oxides of nitrogen (NO_x) emissions. Comments are due 22 JAN 19. A public hearing is scheduled for 24 JAN 19. For more information, click [here](#).

LOW EMISSION VEHICLE REGULATION—GREENHOUSE GAS EMISSIONS. CARB adopted [amendments](#) to the Low Emission Vehicle III Greenhouse Gas Emission Regulation. The rulemaking is in response to the [recent proposal](#) by the U.S. Environmental Protection Agency (EPA) to weaken existing Corporate Average Fuel Economy (CAFE) and tailpipe carbon dioxide (CO₂) emissions standards for passenger cars and light trucks. Previously, California standards were aligned with federal CAFE and CO₂ emission standards via a “deemed to comply” option, which allowed compliance with federal requirements as an alternative to compliance with California standards. The proposed rulemaking would clarify that the “deemed to comply” option is only for the federal automobile greenhouse gas regulations adopted 25 OCT 16. The final rule was effective 12 DEC 18. The staff report is available [here](#).

SAN JOAQUIN VALLEY—FINE PARTICULATES. CARB has [requested](#) public input regarding the staff report for the 2018 fine particulate matter (PM_{2.5}) State Implementation Plan (SIP) for the San Joaquin Valley. The plan sets forth the strategy of the San Joaquin Valley Air Pollution Control District and CARB to meet four National Ambient Air Quality Standards (NAAQS) for PM_{2.5} in the valley. Comments are due 22 JAN 19. A hearing is scheduled for 24 JAN 19. A staff report is available [here](#).

SOUTH COAST—ASBESTOS EMISSIONS FROM DEMOLITION/RENOVATION ACTIVITIES. The South Coast Air Quality Management District [is proposing](#) to amend Rule 1403, Asbestos Emissions from Demolition/Renovation Activities. The proposed amendments would clarify which activities are covered by the rule, identify standard and emergency notification procedures, specify information to be included in survey reports, and reinforce minimum sampling requirements for determining whether materials are asbestos-containing. Comments are due 22 JAN 19. A public hearing is scheduled for 1 FEB 19.

SOUTH COAST—HEXAVALENT CHROMIUM EMISSIONS. The South Coast Air Quality Management District adopted [Proposed Amended Rule 1469](#), Hexavalent Chromium Emissions from Electroplating and Chromic Acid Anodizing Operations. The amended rule establishes new requirements for tanks that have the potential to emit hexavalent chromium emissions that previously were not regulated. The rule also establishes requirements for building enclosures to address fugitive emissions. The [final rule](#) was effective 2 NOV 18. For more information, click [here](#).

SOUTH COAST—CORRECTION TO NEW SOURCE REVIEW RULE. The South Coast Air Quality Management District [is considering](#) adoption of Proposed Amended Rule 1325, Federal PM_{2.5} New Source Review Program. The objective of the proposed amended rule is to correct a deficiency identified by EPA. The rule was last amended in 2016 to expand the definition of precursor by adding volatile organic compounds (VOCs) and ammonia to the existing list of PM_{2.5} precursors, which are NO_x and sulfur dioxide (SO₂). However, the definition of regulated New Source Review pollutant was not expanded to add reference to VOCs and ammonia. Proposed Amended Rule 1325 will amend the definition of a regulated New Source Review pollutant to reference PM_{2.5} and its precursors, as defined in the current rule.

CALIFORNIA SIP—INTERSTATE TRANSPORT. EPA approved revisions to the California SIP that address interstate transport ([83 FR 65093](#)). The revisions address the 2008 Ozone NAAQS, the 2006 PM_{2.5} and 2012 PM_{2.5} NAAQS, and the 2010 SO₂ NAAQS. This final rule, effective 18 JAN 19, pertains only to significant contribution to nonattainment and interference with maintenance of the NAAQS in other states.

CALIFORNIA SIP—AIR DISTRICT SIP REVISIONS FOR OZONE. EPA approved revisions to the California SIP that address Nonattainment New Source Review program requirements for the 2008 8-hour Ozone NAAQS in three air districts ([83 FR 64026](#)). The SIP revisions address the South Coast Air Quality Management District, San Joaquin Valley Air Pollution Control District, and Yolo-Solano Air Quality Management District portions of the California SIP. The final rule was effective 14 JAN 19.

CALIFORNIA SIP—ANTELOPE VALLEY. EPA is proposing to approve a revision to the Antelope Valley Air Quality Management District portion of the California SIP ([83 FR 64795](#)). The revision concerns emissions of VOCs from organic liquid loading. EPA is proposing to approve a local rule regulating this emission source. Comments are due 17 JAN 19.

CALIFORNIA SIP—FEATHER RIVER. EPA approved revisions to the Feather River Air Quality Management District portion of the California SIP ([83 FR 66136](#)). The revisions concern emissions of NO_x from natural gas-fired water heaters, small boilers, and process heaters. EPA approved a local rule that regulates these emission sources, effective 25 JAN 19.

CALIFORNIA SIP—SAN JOAQUIN VALLEY FAILURE TO SUBMIT SIP REVISIONS FOR PARTICULATES. EPA has found that California failed to submit complete SIPs required under the Clean Air Act to implement the 1997, 2006, and 2012 NAAQS for PM_{2.5} in the San Joaquin Valley ([83 FR 62720](#)). EPA noted that California submitted substantial portions of each of the required SIP submissions but that the submissions failed to meet EPA's minimum criteria for completeness. The state has 18 months to correct deficiencies in each of the SIP submissions before various sanctions apply. The finding was effective 7 JAN 19.

ENERGY

CALIFORNIA TO REQUIRE SOLAR ON NEW HOMES. California will require solar panels on most new residential housing. The California Building Standards Commission [approved](#) the new building code standards 5 DEC 18. New homes, condos and low-rise apartments will need solar power generation on their rooftops after 1 JAN 20. The only exclusions are for homes that are either blocked by taller objects, like trees and tall buildings, or don't have room for panels. The California Building Standards website is available [here](#). The 2019 California Building Energy Efficiency Standards are available [here](#).

TOXICS

PARA-CHLOROBENZOTRIFLUORIDE. The California Office of Environmental Health Hazard Assessment [extended the public comment period](#) for its [proposal](#) to list para-chlorobenzotrifluoride (PCBTF) as known to the state to cause cancer under Proposition 65. PCBTF is a common solvent in low-VOC paint and ink formulations and is compatible with most solvent-based coating resins. It is also used as an aerosol rust inhibitor. The public comment period was extended to 23 JAN 19.

CALIFORNIA BANS CLASSES OF FLAME RESISTANT MATERIALS. California [Assembly Bill 2998](#) (2018) addresses use of flame retardants in new products or reupholstered furniture. The bill bans whole classes of flame retardants in upholstered furniture, mattresses, and children's products. The covered classes—halogenated, organophosphorous, organonitrogen, and nanoscale flame retardants—may not be present in the product in concentrations above 1,000 parts per million.

WASTE

HAZARDOUS WASTE MANAGEMENT PENALTIES. The California Department of Toxic Substances Control adopted [emergency rules](#) regarding the determination of the initial penalty for deviation from hazardous waste management requirements. The emergency rules increase penalties for violations of hazardous waste management rules. The emergency regulation is [effective](#) 3 JAN 19 and will expire 13 APR 19.

WATER

WATER QUALITY STANDARD FOR SELENIUM. EPA is proposing to establish a federal Clean Water Act (CWA) selenium water quality criterion applicable to California ([83 FR 64059](#)). EPA's rule would amend the California Toxics Rule to include a revised statewide chronic selenium water quality criterion for California fresh waters to protect aquatic life and aquatic-dependent wildlife. The selenium water quality standard is based on EPA's *2016 Final Aquatic Life Ambient Water Quality Criteria for Selenium—Freshwater*. Comments are due 11 FEB 19. Public hearings are scheduled for 29 and 30 JAN 19.

LEGISLATIVE SESSION: 1 JAN 19 THROUGH 13 SEP 19 (ESTIMATED)

No significant legislative activities to report.



NATURAL RESOURCES

ENVIRONMENTAL IMPACT STATEMENT RULES. The Hawaii Department of Health (HDOH) Environmental Health Council is updating Hawaii Administrative Rule (HAR) Chapter 11-200, Environmental Impact Statement (EIS) Rules. The rulemaking would replace HAR 11-200 and replace it with HAR 200.1. In December, the council approved the [final revised rules, with amendments](#). According to the [rule rationale document](#), the rulemaking modernizes the EIS rules to recognize electronic submissions; makes a suite of clarifying changes; revises and updates several requirements; adds new requirements; aligns the rules with statutory requirements; and makes housekeeping corrections. The December 2018 meeting agenda is available [here](#). For more information about the rule update, click [here](#).

WASTE

MEDICAL AND PHARMACEUTICAL WASTE. In December, HDOH released [updated guidance](#) for management of medical and pharmaceutical waste.

UNIVERSAL WASTE. In December, HDOH provided [guidance](#) for management of broken lamps in accordance with updated universal waste rules. The department also provided a [link](#) to EPA's frequently-asked-questions website for solvent-contaminated wipes.

LEGISLATIVE SESSION: 16 JAN 19 THROUGH 3 MAY 19 (ESTIMATED)

No significant legislative activities to report.

Guam Legislative Session: 14 JAN 19 through 31 DEC 20.



No significant regulatory activities to report.

LEGISLATIVE SESSION: 4 FEB 19 THROUGH 4 JUN 19 (ESTIMATED)

No significant legislative activities to report.

Federal Activity

NOTICE DUE TO PARTIAL GOVERNMENT SHUTDOWN. Note that due to the partial government shutdown, information in the following Federal notices could potentially change (hearing dates, comment deadlines, agency links to information, etc.) resulting in unexpected delays, cancellations, or lack of updated information available on some government websites.

AIR

GREENHOUSE GAS PERFORMANCE STANDARDS FOR ELECTRIC GENERATING SOURCES. EPA is proposing to amend several portions of the [2015 rulemaking, *Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units \(EGUs\)* \(83 FR 65424\)](#). Specifically, EPA is proposing to amend its previous determination that the best system of emission reduction (BSER) for newly constructed coal-fired steam EGUs is partial carbon capture and storage. Instead, EPA is proposing to find that the BSER for this source category is the most efficient demonstrated steam cycle—e.g., supercritical steam conditions for large units and subcritical steam conditions for small units—in combination with the best operating practices. In this rulemaking, EPA also proposes to:

- Revise the standard of performance for newly constructed steam generating units as separate standards of performance for large and small steam generating units that reflect EPA’s amended BSER determination;
- Revise the standard of performance for reconstructed steam generating units to be separate standards of performance for reconstructed large and small steam generating units;
- Adopt separate standards of performance for newly constructed and reconstructed coal refuse-fired EGUs; and
- Revise the maximally stringent standards for large modifications of steam generating units.

Comments are due 19 FEB 19.

MERCURY EMISSIONS FROM COAL-FIRED PLANTS. EPA is proposing to revoke its prior determination that it was "appropriate and necessary" to curb releases of mercury, arsenic, and other hazardous air pollutants from coal- and oil-fired power plants. The proposal takes its cue from a 2015 Supreme Court ruling that EPA should have considered compliance costs in making the "appropriate and necessary" determination to proceed with creation of what are formally known as the Mercury and Air Toxics Standards (MATS). Text of the proposed rule is available [here](#).

RISK MANAGEMENT PLANS. The Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act, as published in the Federal Register on [13 JAN 17](#), are in effect ([83 FR 62268](#)). The rule effective date had been postponed three times. The 2017 final amendments improve chemical process safety, assist local emergency authorities in planning for and responding to accidents, and improve public awareness of chemical hazards at regulated sources. The amendments were effective 3 DEC 18.

OZONE NONATTAINMENT AREA SIP REQUIREMENTS. EPA finalized nonattainment area and ozone transport region (OTR) implementation requirements for the 2015 Ozone NAAQS ([83 FR 62998](#)). The final rule addresses a range of nonattainment area and OTR SIP requirements for the 2015 Ozone NAAQS, including attainment demonstrations, reasonable further progress and associated milestone demonstrations, reasonably available control technology, reasonably available control measures, major nonattainment new source review, emissions inventories, the timing of required SIP submissions, and compliance with emission control measures in the SIP. According to EPA, the final rule is largely an update to the implementing regulations previously promulgated for the 2008 Ozone NAAQS. The final rule is effective 4 FEB 19.

CLIMATE CHANGE

ARCTIC REPORT CARD. The National Oceanic and Atmospheric Administration [released](#) its 13th annual Arctic Report Card. The report reflects on a range of land, ice, and ocean observations made throughout the Arctic during the 2018 calendar year. The report card measures the changing climate of the polar region including warmer air and ocean temperatures and declines in sea ice that are driving shifts in animal habitats. According to the report: 1) surface air temperatures in the Arctic continued to warm at twice the rate relative to the rest of the globe—Arctic air temperatures for the past five years (2014-18) have exceeded all previous records since 1900; 2) in 2018 Arctic sea ice remained younger, thinner, and covered less area than in the past; 3) growing atmospheric warmth in the Arctic results in a sluggish and unusually wavy jet stream that coincided with abnormal weather events in both the Arctic and mid-latitudes. Notable extreme weather events coincident with deep waves in the jet stream include the heat wave at the North Pole in autumn 2017, a swarm of severe winter storms in the eastern U.S. in 2018, and the extreme cold outbreak in Europe in March 2018. The report is available for download [here](#).

AGREEMENT FOR PARIS CLIMATE CHANGE ACCORD OF 2015. In December, the 2018 24th Conference of Parties (COP24) to the United Nations Framework Convention on Climate Change was held in Poland. At the COP24 conference, the parties [approved](#) an agreement that charts a path forward for countries to set targets for cutting greenhouse gases under the 2015 Paris climate accord. The agreement reached in Poland also establishes stronger transparency rules for countries in disclosing their emissions. However, questions remain on how to use markets to limit CO₂. The U.N. will meet in 2019 in Chile to continue discussions.

ENERGY

RENEWABLE FUEL STANDARD PROGRAM. EPA has set annual volume requirements for cellulosic biofuel, advanced biofuel, and total renewable fuel that are below the statutory volume targets ([83 FR 63704](#)). EPA has also established the applicable volume of biomass-based diesel for 2020. Entities potentially affected by the final rule are those involved with the production, distribution, and sale of transportation fuels, including gasoline and diesel fuel or renewable fuels such as ethanol, biodiesel, renewable diesel, and biogas. The final rule is effective 11 FEB 19.

REPORT EXPLORES FEDERAL INCENTIVES FOR SMALL MODULAR REACTORS. A new [report](#), funded by the U.S. Department of Energy (DOE), explores how federal incentives could encourage private sector investment in the deployment of small modular reactors. The report examines how subsidies and federal incentives, such as mandates, tax incentives, loans and research grants, stimulated the development of solar plants and wind farms. The report's authors estimate that if a similar federal program were extended to small modular reactors, the payoff could be higher than that used to deploy renewable energy.

POWER PLANT RETIREMENTS REPORT. The U.S. Energy Information Administration released a [report](#) on power plant retirements from 2008-2017. According to the report, nearly all of the utility-scale power plants in the U.S. that were retired between 2008 and 2017 were fueled by fossil fuels. Of the total retired capacity, coal power plants and natural gas steam turbines accounted for the highest percentages. Various factors influence the decision to retire a power plant. For example, the coal power plants retired since 2008 were relatively old and small, averaging 52 years and 105

megawatts (MW), compared with the fleet of coal plants still operating, which are newer and larger. The report also details changes in regional electricity generation over the same time period.

XCEL ENERGY COMMITS TO 100 PERCENT CARBON-FREE ELECTRICITY BY 2050. In December, Xcel Energy, among the largest utilities in the U.S., [announced](#) that it will provide 100 percent carbon-free electricity by 2050, and 80 percent carbon-free electricity by 2030. Xcel serves 3.6 million customers across eight states—Colorado, Michigan, Minnesota, New Mexico, North Dakota, South Dakota, Texas, and Wisconsin. A news report about Xcel’s carbon-free goal is available [here](#).

MISCELLANEOUS

NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM REAUTHORIZATION ACT OF 2017. The [National Earthquake Hazards Reduction Program Reauthorization Act of 2017](#), PL 115-307, has been enacted. The law amends the Earthquake Hazards Reduction Act of 1977 to expand activities under the National Earthquake Hazards Reduction Program by: 1) gathering information on the ability of a community to prepare for, recover from, and adapt to earthquakes; 2) publishing a systematic set of maps of active faults and folds, liquefaction susceptibility, susceptibility for earthquake-induced landslides, and other seismically induced hazards; and 3) continuing the development of the Advanced National Seismic System, including earthquake early warning capabilities.

USGS SPECIAL-ISSUE NEWSLETTER ON ALGAL TOXINS. The U.S. Geological Survey (USGS) released a special edition of its Environmental Health Newsletter focused on [algal toxins](#). USGS scientists are working to answer the following questions:

- What are the environmental drivers of algal toxin production in freshwater and saltwater environments?
- What can be done to predict or mitigate drivers to minimize exposure and health risks?
- How often and by which pathways are humans, pets, livestock, and wildlife exposed to algal toxins?
- What are the algal toxin doses—water concentration and duration of exposure—that lead to harm for humans, pets, livestock, fish, and wildlife?
- If toxins are not produced within an algal bloom, what are the other unwanted effects—taste, odor, fouling, and dissolved oxygen depletion—and how can they be mitigated?

NATURAL RESOURCES

2018 NATIONAL PRESCRIBED FIRE USE SURVEY REPORT. The National Association of State Foresters and the Coalition of Prescribed Fire Councils released the [2018 National Prescribed Fire Use Survey Report](#). The report, compiled every three years, addresses challenges that state agencies navigate in managing fire programs. The 2018 survey results showed 11.3 million acres were treated with prescribed fire in 2017. Eighty percent of the acreage was burned to meet forestry objectives with the balance related to agriculture. Weather, capacity, and air quality/smoke management remain the top three impediments for prescribed fire implementation. Weather outranked all other categories with eight out of every 10 states identifying it among their top three impediments. Only one state chose the wildland-urban interface (WUI) as the number one limitation on the use of prescribed fire, and WUI was the impediment category with the fewest states listing it among the top three impediments. The survey documents for the first time the degree of liability as defined in each state’s prescribed fire statute(s). Five states have no prescribed fire law, and only seven states have the highest degree of liability protection in the form of gross negligence laws.

THREATENED AND ENDANGERED SPECIES

12-MONTH FINDINGS FOR PETITIONS TO LIST 13 SPECIES. The U.S. Fish and Wildlife Service (FWS) announced 12-month findings on petitions to list 13 species as endangered or threatened ([83 FR 65127](#)). FWS has determined that it will not list the Cedar Key mole skink, Florida sandhill crane, Fremont County rockcress, Frisco buckwheat, Ostler’s peppergrass, Frisco clover, MacGillivray’s seaside sparrow, Ozark pyrg, pale blue-eyed grass, San Joaquin Valley giant flower-loving

fly, striped newt, Tinian monarch, and Tippecanoe darter. The finding was made 19 DEC 18. For information about each of the affected species, including its distribution, follow the link to the Federal Register notice.

SONOYTA MUD TURTLE. FWS is proposing to designate critical habitat for the [Sonoyta mud turtle](#) (*Kinosternon sonoriense longifemorale*) (83 FR 62778). In total, approximately 12.28 acres in Pima County, Arizona, located entirely within Organ Pipe Cactus National Monument, fall within the boundaries of the proposed critical habitat designation. Comments are due 22 JAN 19.

FRANCISCAN MANZANITA. FWS released the Draft Recovery Plan for Franciscan Manzanita (*Arctostaphylos franciscana*) (83 FR 66297). The plant species has been known to occur only on the San Francisco peninsula. Comments are due 25 FEB 19.

TOXICS

SIGNIFICANT NEW USE RULES WITHDRAWN. In response to adverse comment, EPA withdrew significant new use rules (SNURs) for 26 chemical substances that were the subject of premanufacture notices under the Toxic Substances Control Act (83 FR 62463). The withdrawal was effective 3 DEC 18. The list of chemicals affected by this action is available [here](#). In a second action, EPA promulgated SNURs for an additional [28 chemicals](#), effective 10 DEC 18.

BERYLLIUM STANDARDS FOR GENERAL INDUSTRY. The Occupational Safety and Health Administration (OSHA) is proposing to modify comprehensive general industry standards for occupational exposure to beryllium and beryllium compounds, as adopted in [January 2017](#) (83 FR 63476). OSHA is proposing clarifications and simplifications to the standards. Comments are due 11 FEB 19.

INTERAGENCY CONSULTATIONS ON PESTICIDE REGISTRATIONS. Under the terms of a proposed agreement, EPA will complete Endangered Species Act (ESA) effects determinations for registration of the pesticides clothianidin and thiamethoxam and, as appropriate, request initiation of any ESA consultations with the FWS that EPA may determine to be necessary as a result of those effects determinations (83 FR 63865). The effects determinations are to be completed by 30 JUN 22. The proposed agreement is in response to a court case claiming that EPA failed to consult with FWS prior to issuing registrations for certain pesticides. Comments on the proposed agreement were due 11 JAN 19.

FEDERAL ACTION PLAN TO REDUCE CHILDHOOD LEAD EXPOSURE. In December, a presidential task force released the [Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts](#). The action plan identifies actions being taken by various federal agencies with regard to childhood exposure to lead.

WASTE

WASTE PHARMACEUTICALS RULE. In December, EPA released the text of the final rule, [Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine](#). The final rule establishes streamlined standards for handling hazardous waste pharmaceuticals to better fit the operations of the healthcare sector. The final rule, which prohibits sewerage of waste pharmaceuticals, is predicted to reduce the amount of waste pharmaceutical entering waterways by 1,644 to 2,300 tons annually. In addition, Federal Drug Administration-approved, over-the-counter nicotine replacement therapies (i.e., nicotine patches, gums and lozenges) will no longer be considered hazardous waste when discarded. The final rule reaffirms EPA's long-standing policy that non-prescription pharmaceuticals and other unsold retail items that have a reasonable expectation of being legitimately used/reused or reclaimed are not solid waste. It also provides regulatory certainty that the Resource Conservation and Recovery Act (RCRA) applies when healthcare facilities send unused, unsaleable prescription hazardous waste pharmaceuticals to reverse distributors to receive manufacturer credit. Simultaneously, the rule incorporates flexibilities to accommodate current reverse distribution business practices to facilitate its implementation. A webinar on the final rule is scheduled for 23 JAN 19.

E-MANIFEST FREQUENTLY ASKED QUESTIONS (FAQS). EPA published new FAQs about the e-Manifest system. The FAQs include questions on use of the e-Manifest system, discrepancy reporting, and rejected wastes. The e-Manifest FAQ page can be found [here](#).

INTERPRETATION OF 'HIGH-LEVEL RADIOACTIVE WASTE.' DOE extended the public comment period for its [proposed interpretation](#) of the term "high-level radioactive waste" (HLW) ([83 FR 62569](#)). DOE is proposing to interpret the term such that some reprocessing wastes may be classified as non-HLW and may be disposed of in accordance with their radiological characteristics. The agency says the change could save the federal government \$40 billion in cleanup costs across the nation's entire nuclear weapons complex, which includes the Hanford Nuclear Reservation in Washington, Savannah River Plant in South Carolina, and Idaho National Laboratory. The comment period was extended to 9 JAN 19.

EUROPEAN UNION MOVES FORWARD ON SINGLE-USE PLASTIC BAN. Officials from European Union member states and the European Parliament are moving forward with a [proposal](#) to reduce marine pollution by banning single-use straws, cutlery, plates, and cotton swabs. After the ban is formally approved, countries will have two years to restrict the use of single-use plastic products, which will also include drink stirrers, balloon sticks, and polystyrene food and beverage containers. Collectively, these products make up over 70 percent of marine litter. A news report is available [here](#). In a related matter, the Australia National Retail Association [reports](#) that single-use plastic bag use in Australia has been reduced by 80 percent over a three-month period. Two major grocery chains eliminated light-weight plastic bags and implemented a fee for heavy-weight plastic bags.

WATER

WATERS OF THE U.S. EPA and USACE have [released](#) the text of a proposed rule to clarify the scope of waters federally regulated under the CWA. The proposed rule would replace the 2015 definition of Waters of the United States; i.e., those waters subject to the CWA, with a narrower definition, based on navigable waters. Under the proposed rule, ephemeral streams, which only flow after rain or snow, and wetlands without continuous surface water connections to waters would not be considered waters of the U.S. According to the U.S. Geological Survey, ephemeral streams make up about 18 percent of waterways nationwide, but they are more common in seven Colorado River Basin states. In Nevada, 85 percent of streams are ephemeral; in New Mexico, 66 percent; and in Arizona, 51 percent. A webcast was held 10 JAN 19. A public hearing for interested parties to present data, views, or information is scheduled for 23 JAN 19 ([83 FR 67174](#)). The agencies will take public comment on the proposal for 60 days following publication in the Federal Register. For more information, click [here](#).

REPORT TO CONGRESS—WATERS OF THE U.S. The Congressional Research Service released a report to Congress titled, [Waters of the United States \(WOTUS\): Current Status of the 2015 Clean Water Rule](#). The report explains although the CWA protects "navigable waters," which it defines as "the waters of the United States, including the territorial seas," the law does not define the term waters of the United States. Therefore, USACE and EPA have defined the term in regulations several times as part of their implementation of the act. The report goes on to explain how Supreme Court rulings have affected agency actions to implement the CWA via the Clean Water Rule.

S. 3760. This bill would narrowly define which wetlands and waterways are covered by the CWA. It defines "waters of the U.S." as only waters that are "navigable in fact" or have permanent, standing, or continuously flowing water. Introduced.

WATER QUALITY CRITERIA—ALUMINUM. EPA announced the availability of final updated Aquatic Life Ambient Water Quality Criteria for Aluminum in Freshwater ([83 FR 65663](#)). Water quality criteria are used by states and authorized tribes to establish water quality standards for specific water bodies under authority of the CWA. The recommended criteria concentrations for aluminum in freshwater to protect aquatic life depends on a site's water chemistry parameters. Rather than a single value, the final 2018 recommended national criteria are now based upon Multiple Linear Regression models for fish and invertebrate species to quantify the effects of these water chemistry parameters on the bioavailability and associated toxicity of aluminum to aquatic organisms. The 1988 criteria values of 87 micrograms per liter (µg/L) for chronic exposure, and 750 µg/L for acute exposure have been replaced with site-specific results, which may range widely.

STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES. All 10 EPA Regional Offices are proposing to modify the 2017 National Pollutant Discharge Elimination System general permit for stormwater discharges from construction activities, also referred to as the 2017 Construction General Permit (CGP) or 2017 CGP ([83 FR 63858](#)). The modifications are intended to clarify the intent of several requirements and ensure consistency with the Construction and Development Effluent Limitations Guidelines and New Source Performance Standards. The proposed modifications, if finalized, would replace several existing conditions in the 2017 CGP and require modification of relevant fact sheet sections, but would not affect any other terms and conditions of the existing permit, including: 1) the eligible coverage area; 2) the number or type of entities eligible to be covered by the permit; or 3) the five-year permit term of the current 2017 CGP. Comments are due 28 JAN 19. Visit the website for [Stormwater Discharges from Construction Activities](#) to learn more or to view the draft proposed permit modifications.

DESALINATION RESEARCH AND DEVELOPMENT INITIATIVE. DOE [announced](#) it is establishing an Energy-Water Desalination Hub to address water security issues in the U.S. The hub, funded with \$100 million, will focus on desalination research and development to provide low-cost alternatives that treat “non-traditional” water sources such as seawater, brackish water, and produced waters for use in municipal and industrial water supplies, or to serve other water resource needs. The DOE Office of Energy Efficiency and Renewable Energy’s Advanced Manufacturing Office will lead the Energy-Water Desalination Hub. DOE will fund one new five-year award, subject to appropriations. The hub team will work to achieve the goals of four technical topic areas: 1) materials research and development; 2) new processes research and development; 3) modeling and simulation tools; and 4) integrated data and analysis. To view the funding application and submission requirements for the Energy-Water Desalination Hub, click [here](#). Concept papers are due 7 FEB 19.

Department of Defense Activity

PRESIDENTIAL MEMORANDUM ESTABLISHING NEW SPACE COMMAND. President Trump issued the memorandum, *Establishment of United States Space Command as a Unified Combatant Command* ([83 FR 65483](#)). The memorandum directs the establishment of the United States Space Command as a functional Unified Combatant Command. The memorandum also directs the Secretary of Defense to recommend officers for nomination and Senate confirmation as Commander and Deputy Commander of the new United States Space Command. In a related action, Defense News [reports](#) that the new Space Force may reside under the Department of the Air Force.

ALTERNATIVES REPORT FOR OPEN BURN/OPEN DETONATION. In December, the National Academies of Sciences, Engineering, and Medicine released a report on alternate technologies to open burning and open detonation (OB/OD). The report is the result of an 18-month study, mandated by the Fiscal Year 2017 National Defense Authorization Act. Key findings of the report include:

- There are no significant technical, safety, or regulatory barriers to deploying alternative technologies for disposal of the vast majority of the conventional waste munitions, and the Army has made progress in implementing some of them.

- Each alternative technology that the study assessed as a potential replacement to the current practice would have lower emissions and fewer environmental and public health impacts and would therefore likely be more acceptable to the public.
- Although the Office of the Product Director for Demilitarization at DOD has a strategic plan for increasing the use of alternative technologies and transitioning away from OB/OD, it lacks a detailed implementation plan. Both the DOD and Army have placed relatively low priority on funding the demilitarization program, including the implementation of additional alternative technologies, as reflected in past budgets.

The committee recommended DOD develop a detailed implementation plan for transitioning from OB/OD to alternative technologies, with appropriate performance metrics, and institutionalize it through the demilitarization program. A news release about the report is available [here](#). A prepublication edition of the report can be viewed [here](#).

2019 REPI CHALLENGE REQUEST FOR PRE-PROPOSALS. The 2019 Readiness and Environmental Protection Integration (REPI) Challenge seeks to leverage public and private funds that enhance installations and ranges that host key capabilities identified in the National Defense Strategy. The 2019 REPI Challenge is open to all eligible partners at DOD installations and will award up to \$15 million by July 2019. All REPI Challenge pre-proposals will be coordinated with the military services and are due 25 JAN 19. Pre-proposals that are approved will then be invited to submit full proposals. Applicants will be notified of their pre-proposal status no later than 22 FEB 19. The 2019 REPI Challenge Request for Pre-Proposals and the downloadable PDF pre-proposal form are available through the U.S. Endowment for Forestry and Communities [website](#). The REPI website is available [here](#).

POSSIBLE PERMANENT BUFFER FOR JOINT BASE ELMENDORF-RICHARDSON. The Eagle River-Chugiak Parks and Recreation Department is in talks with an Oklahoma-based nonprofit that could result in a permanent buffer zone for Joint Base Elmendorf-Richardson. According to its [website](#), the Tulsa-based Compatible Lands Foundation purchases conservation easements “from willing landowners, prohibiting incompatible land uses but allowing open space activities such as farming, ranching, and hunting.” The foundation wants to acquire a conservation easement to prevent development on about 1,300 acres of 1,750-acre Beach Lake Park, which borders Joint Base Elmendorf-Richardson. Municipal officials stressed that the proposal is only in the discussion phase and would require voter approval before it could be finalized. To read a news report about the proposed buffer zone, click [here](#).

PILOT PROJECTS FOR BENEFICIAL USE OF DREDGED MATERIAL. USACE selected 10 proposed projects for beneficial use of dredged material ([83 FR 67239](#)). The 10 projects were selected as having a high likelihood of delivering environmental, economic, and social benefits described in the proposals, and exhibit geographic diversity.

Professional Development

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING. USACE released the [FY 2019 PROSPECT](#) (Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and schedule for details. Environmental courses include, but are not limited to:

- The RCRA Complete (Course Control Number (CCN) 226)
- Environmental Regulations Practical Application Course (CCN 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)

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

NAVY CIVIL ENGINEER CORPS OFFICERS SCHOOL TRAINING. The [Navy Civil Engineer Corps Officers School](#) (CECOS) offers training on environmental management, pollution prevention, environmental compliance, environmental conservation and planning, and environmental restoration. Energy course offerings include Leadership in Energy and Environmental Design, Energy Information Administration, and Energy Technology Information. Click [here](#) for information on course offerings and times. Courses offered by CECOS are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING. The [Air Force Civil Engineer School](#) offers a variety of environmental management courses and seminars, including Interservice Environmental Education Review Board (ISEERB) offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

FEDERAL TRAINING SOURCES

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE). [FedCenter.gov](#) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information, such as:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Access to [environmental assistance](#);
- Access to free, [FedCenter-sponsored courses](#)
- Applicable laws and Executive Orders; and
- [Partnerships](#).

FedCenter also provides member assistance services such as collaboration tools for workgroups, environmental reporting tools, and daily newsletter and subscription services.

REPI WEBINAR SERIES (ONLINE). DOD's REPI program offers [webinars](#) on best practices, tutorials, and knowledge sharing on partnerships that support the military mission and accelerate the pace and rate of land conservation. The [Measuring Impact: Developing Mission Benefit Metrics and Determining Military Value](#) webinar is scheduled for 12 DEC 18.

SERDP AND ESTCP WEBINAR SERIES (ONLINE). DOD's environmental research and development funding programs, the Strategic Environmental and Research and Development Program and the Environmental Security Technology Certification Program ([SERDP and ESTCP](#)), launched a [webinar series](#) to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions on topics targeted for DOD and DOE audiences. Prior presentations are archived for viewing any time. Recently archived webinars are available on demand [here](#).

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

- [Fundamentals: Biobased Products and the BioPreferred® Program](#)
- [Contracting Officer Role in Contractor Reporting of Biobased Product Purchases](#)
- [BioPreferred® Training for USDA Acquisition Community](#)
- [From Awareness to Action: The BioPreferred® Federal Procurement Preference Program](#)
- [Products in Operations, Maintenance, and Cleaning](#)

EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY (ONLINE). Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of [live and archived webinars](#). Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

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

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

FEMP eTRAINING COURSES (ONLINE). The Federal Energy Management Program (FEMP) offers interactive, [eTraining courses](#) to help federal agencies develop core competencies and comply with energy efficiency, renewable energy, water management, and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide to host these comprehensive, FEMP-developed eTraining courses.

ENERGY STAR (ONLINE). EPA's [Energy Star program](#) helps identify and promote energy efficiency in products, homes, and buildings. EPA hosts a [webinar series](#) that covers a range of topics, from how to benchmark in Portfolio Manager to financing energy efficiency improvements to how to engage building occupants.

ITRC TRAINING (ONLINE). The Interstate Technology and Regulatory Council (ITRC) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers [training courses](#) to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents. The schedule of 2019 online training events can be viewed [here](#). Training is provided at no-cost to participants.

GENERAL CONFORMITY TRAINING MODULES (ONLINE). The General Conformity Rule ensures that the actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. EPA's [online conformity training program](#) covers all aspects of the rule and is divided into four modules.

CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES (ONLINE). This U.S. Geological Survey [webinar series](#) was developed to help those engaged in climate science research better understand the range of approaches for developing actionable science. Video recordings with closed captioning are made available one to two weeks after each presentation. Information on upcoming webinars is available from the BioClimate newsletter ([click](#) to subscribe).

NATIONAL CONSERVATION TRAINING CENTER WEBINAR SERIES (ONLINE). This [webinar series](#) is produced by a partnership between the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service. Archived webinars are available [here](#).

COOPERATIVE FEDERALISM WEBINAR (ONLINE). The Environmental Council of the States (ECOS) released a [webinar](#), available on demand, highlighting ECOS' [paper](#) on Cooperative Federalism 2.0 and offering a deeper look into the EPA-state relationship.

MANAGING CLEANUP AT SITES IMPACTED BY 1,4-DIOXANE (ONLINE). This [webinar](#), hosted by SERDP and ESTCP, explains managing cleanup or restoration at sites impacted by 1,4-dioxane. The webinar includes presentations addressing natural attenuation and conceptual site modeling.

***4-5 MAR 19, GAITHERSBURG, MD (AND ONLINE): WORKSHOP ON COMPUTATIONAL MODELS FOR LARGE OUTDOOR FIRES.** The National Institute of Standards and Technology will host a [workshop](#) 4-5 MAR 19 to discuss the current state of measurement science gaps in implementing computational tools to model large scale outdoor fires, such as those found in the wildland and wildland-urban interface communities. Portions of the workshop will be available via web broadcasting.

***4-8 MAR 19, DENVER, CO: NATIONAL MILITARY FISH AND WILDLIFE ASSOCIATION (NMFVA) MEETING.** NMFVA will hold its annual [training workshop](#) and meeting in conjunction with the Wildlife Management Institute 84th North American Wildlife and Natural Resources Conference. See the meeting website for a draft agenda, training courses available, and event details.

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How the Regional Offices Work for You

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

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

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

To be added to the *Western Review* distribution list, email the [Regulatory Affairs Specialist](#).

