



U.S. ARMY

# Western Review

## of Legislative & Regulatory Actions

### Region 8

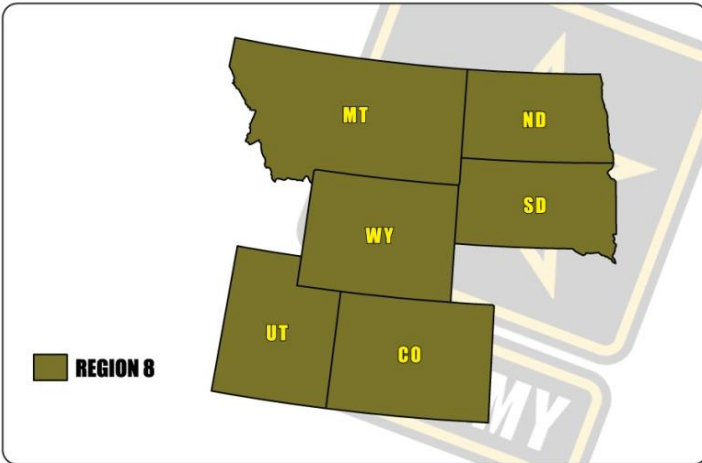
The U.S. Army Regional Environmental & Energy Office

March 2019

The Region 8 *Western Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the six states in Federal Region 8, 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.

The *Review* is published under contract to the U.S. Army Corps of Engineers (USACE). The information in this publication is derived from a variety of sources and is not created by USACE.

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## REPI REPORT TO CONGRESS

The Department of Defense’s Readiness and Environmental Protection Integration Program (REPI) has released its [2019 REPI Report to Congress](#), summarizing the program’s partnership achievements from its enactment in 2002 through Fiscal Year (FY) 2018.

Through FY2018, the REPI Program has combined \$857 million in DOD funds with over \$788 million in non-DOD partner contributions to protect land from encroachment in 106 locations across 33 states. REPI has protected more than 586,000 acres across all military services, including 351,408 acres of Army installations and ranges, to safeguard operating, test, and training assets.

DOD’s ability to conduct realistic live-fire training, weapons system testing, and essential operations is vital to preparing a more lethal and resilient force for combat. To prevent and mitigate increasing encroachment pressures, in 2002 Congress enacted section 2684a of title 10 United States Code. This provision authorizes DOD to engage in a long-term and cooperative strategy to ensure military mission sustainability by limiting incompatible development near installations and ranges.

Pursuant to this authority, the DOD funds cost-sharing agreements with state and local governments and conservation organizations to promote compatible land uses and preserve habitats near or ecologically related to military installations and ranges. The 2684a authority is implemented through the REPI program, which enhances our nation’s National Defense Strategy by protecting key capabilities, assets, and innovations.

In the REEO-Western area of responsibility, the largest REPI projects by acreage for the Army through FY 2018 are:

- Fort Carson, Colorado: 25,661 acres protected
- Fort Huachuca, Arizona: 13,857 acres protected
- U.S. Army Garrison, Hawaii: 13,157 acres protected
- Camp Roberts, California: 4,442 acres protected

# Region 8

For more information or to comment on any state issues in Region 8, contact [Julia Miller](#), Region 8 Program Coordinator (303) 844-0952.



## *AIR*

**COLORADO SIP—REGULATION 3.** The U.S. Environmental Protection Agency (EPA) is proposing to approve revisions to the Colorado State Implementation Plan (SIP) that address Prevention of Significant Deterioration and Nonattainment New Source Review ([84 FR 6732](#)). The revisions incorporate federal requirements. Comments are due 1 APR 19.

**COLORADO SIP—REGULATION 11.** EPA is proposing to approve two revisions to the Colorado SIP ([84 FR 2449](#)). The revisions involve amendments to Regulation 11, Motor Vehicle Inspections Program. The revisions enhance the use of Regulation Number 11's Clean Screen Program, allow self-inspecting vehicle fleets to use the On-Board Diagnostics testing procedure, provide corrections to the Low Emitter Index component of the Clean Screen Program, clarify existing provisions, correct administrative errors, delete obsolete language, establish inspection procedures for when emission control equipment tampering is detected, and make several other minor associated revisions. The final rule was effective 11 MAR 19.

## *WATER*

**STORAGE TANKS.** The Colorado Department of Labor and Employment adopted [amendments](#) to regulations for above and underground storage tanks. The amendments make corrections to financial responsibility exemptions; update citations for referenced codes and standards; update requirements for underground storage tank installers and service technicians; update requirements for installations and periodic inspections; update release reporting requirements; and address reimbursement of costs associated with certain tank removals. The [final rules](#) are effective 2 MAR 19.

**TEMPORARY MODIFICATIONS OF WATER QUALITY STANDARDS.** The Colorado Department of Public Health and Environment (CDPHE) adopted new [temporary modifications and revisions](#) to current temporary modifications of water quality standards expiring on or before 31 DEC 20, and adopted new standards that allow for the deletion of current temporary modifications of water quality standards. The modifications are for multiple segments in:

- Arkansas River Basin—Regulation 32;
- Upper Colorado River and North Platte River Basins—Regulation 33;
- San Juan and Dolores River Basins—Regulation 34,
- Gunnison and Lower Dolores River Basins—Regulation 35;
- Rio Grande Basin—Regulation 36;
- Lower Colorado River Basin—Regulation 37; and
- South Platte, Laramie, Republican, and Smoky Hill River Basins—Regulation 38.

The [final rules](#) are effective 30 JUN 19.

**LEGISLATIVE SESSION: 9 JAN 19 THROUGH 10 MAY 19 (ESTIMATED)**

Colorado Bill Number, Sponsor, and Description	Bill Introduced	Passed 1st House	Passed 2nd House	Status
<b>AIR/CLIMATE CHANGE</b>				
<a href="#">SB 96</a> <i>Senator Kerry Donovan (D)</i> Requires the Department of Public Health and Environment to collect greenhouse gas emissions data from greenhouse gas-emitting entities; report on the data, including a forecast of future emissions; and propose a draft rule to address the emissions by 1 JUL 20.	✓			
<b>ENERGY</b>				
<a href="#">HB 1003</a> <i>Representative Chris Hansen (D)</i> Community Solar Gardens Modernization Act. Increases the maximum size of a community solar garden from 2 to 10 megawatts and removes a restriction on its physical location.	✓			
<b>LAND USE</b>				
<b>NATURAL RESOURCES</b>				
<a href="#">HB 1091</a> <i>Representative Kimmi Lewis (R)</i> Addresses conservation easement transparency. Requires a property owner, prior to creating a conservation easement, to sign a disclosure form acknowledging certain specified consequences and risks of creating the easement on his or her land. Requires the Department of Agriculture to develop a database of conservation easements in the state.	✓			Died
<b>OTHER</b>				
<b>WASTE</b>				
<b>WATER</b>				
<a href="#">HB 1015</a> <i>Representative Jennifer James Arndt (D)</i> Creates the Colorado Water Institute. Authorizes the institute to develop, implement, and coordinate water research programs; operate an education center and statewide clearinghouse; and conduct research and policy analysis.	✓	✓	✓	Enacted



**CLEAN UP**

**RISK-BASED CORRECTIVE ACTION.** The Montana Department of Environmental Quality (MDEQ) adopted [amendments](#) that incorporate by reference the most recent edition of the Montana Risk-based Corrective Action Guidance for Petroleum Releases into various cleanup rules. The guidance was updated in May 2018. Other amendments would update EPA Regional Screening Level Tables (November 2018) that are incorporated by reference. The final rules were [effective](#) 9 FEB 19.

**WATER**

**MONTANA NUMERIC WATER QUALITY STANDARDS.** MDEQ [is proposing](#) to amend Circular DEQ-7, Montana Numeric Water Quality Standards, and adopt by reference the revised circular into Montana groundwater standards. The amendments would set new standards in groundwater for:

- 1,4-dioxane at 3 micrograms per liter (µg/L);
- Perfluorooctanesulfonic acid (PFOS) at 0.07 µg/L;
- Perfluorooctanoic acid (PFOA) at 0.07
- PFOS/PFOA (cumulative) at 0.07 µg/L;
- Iron at 4,000 µg/L;
- Manganese at 100 µg/L; and
- Diallate (a pesticide) at 5.5 µg/L.

Standards for 1,4-dioxane, PFOS, PFOA, and iron are also considered important criteria to the Waste Management and Remediation Division of MDEQ as cleanup endpoints for remedial activities carried out by that division. Standards for 1,4-dioxane, PFOS, and PFOA are included in EPA’s Office of Water Health Advisories. A [public hearing](#) is scheduled for 19 MAR 19. Comments are due 8 APR 19. To view the draft DEQ-7 revisions, click [here](#).

**LEGISLATIVE SESSION: 7 JAN 19 THROUGH 20 APR 19 (ESTIMATED)**

An \* indicates the first time a bill appears in the 2019 *Western Review*.

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<b>AIR/CLIMATE CHANGE</b>				
* <a href="#">SB 190</a> <i>Senator Mike Phillips (D)</i> Establishes targets, reporting, and monitoring for carbon dioxide emissions.	✓			
<b>ENERGY</b>				
<b>LAND USE</b>				
<b>NATURAL RESOURCES</b>				

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<b>OTHER</b>				
<b>WASTE</b>				
<b>WATER</b>				
* <a href="#">HB 625</a> <i>Representative Bill Mercer (R)</i> Eliminates numeric nutrient standards from water quality regulations.	✓	✓		



## **AIR**

**NORTH DAKOTA SIP REVISIONS—TRANSFER OF AUTHORITY.** EPA approved revisions to the North Dakota SIP related to National Ambient Air Quality Standards (NAAQS) and the transfer authority from the North Dakota Department of Health (NDDOH) to the North Dakota Department of Environmental Quality ([84 FR 1610](#)). The final rule is effective 15 MAR 19.

**NORTH DAKOTA TITLE V PERMITTING PROGRAM—TRANSFER OF AUTHORITY.** EPA finalized interim approval of revisions to the North Dakota Title V air permit program and recodification of the state's Title V program under a new title of the North Dakota Administrative Code ([84 FR 3108](#)). EPA also approved revisions to and recodification of the state's programs for implementing and enforcing delegated requirements of Clean Air Act (CAA) Sections 111 and 112, and for carrying out a state Acid Rain Program under sections 401-406 of the CAA as a portion of the operating permits program. The final rule is effective 15 MAR 19.

## **ENERGY**

**ENERGY CONVERSION FACILITY SITING CRITERIA.** The North Dakota Public Service Commission [is proposing](#) to make changes to energy conversion siting criteria. The amendments would specify setback requirements for wind energy conversion facilities. A public hearing was held 13 MAR 19.

## **WATER**

**2018 DRAFT INTEGRATED REPORT.** NDDOH [announced](#) the availability of the draft North Dakota 2018 Integrated Section 305(b) Water Quality Assessment Report and Section 303(b) List of Waters Needing Total Maximum Daily Loads (TMDLs), referred to as the [2018 Integrated Report](#). The draft 2018 Section 303(d) TMDL list includes a list of water bodies not meeting water quality standards that need TMDLs, and a list of water bodies that have been removed from the 2016 list. Comments on the list were due 13 MAR 19.

**LEGISLATIVE SESSION: 3 JAN 19 THROUGH 26 APR 19 (ESTIMATED)**

North Dakota Bill Number, Sponsor, and Description	Bill Introduced	Passed 1st House	Passed 2nd House	Status
<b>AIR/CLIMATE CHANGE</b>				
<b>ENERGY</b>				
<a href="#">HB 1167</a> <i>Representative Jeffrey Magrum (R)</i> Addresses siting of wind turbines. Specifies the minimum distance a wind turbine can be located from a property line, unless a variance has been obtained.	✓			
<a href="#">HB 1238</a> <i>Representative Mark Owens (R)</i> Establishes a fee for alternative energy vehicles. Sets initial and annual registration fees for electric vehicles, or as an alternative, payment of a per mile fee, based on miles traveled.	✓	✓		
<a href="#">SB 2261</a> <i>Senator Jessica K. Unruh (R)</i> Amends the North Dakota Energy Conservation and Transmission Facility Siting Act. Adds new sections that address mitigation of adverse direct and indirect environmental impacts of a proposed site, corridor, route, or facility.	✓	✓		
<a href="#">SB 2322</a> <i>Senator Merrill Piepkorn (D)</i> Addresses net metering. Requires electric companies to make net metering available to customers.	✓			died
<b>LAND USE</b>				
<b>NATURAL RESOURCES</b>				
<b>OTHER</b>				
<a href="#">SB 2107</a> <i>Energy and Natural Resources Committee</i> Addresses certification of environmental laboratories. Repeals and replaces existing rules. Transfers certification authority from the Department of Health to the Department of Environmental Quality.	✓	✓		
<b>WASTE</b>				
<a href="#">SB 2109</a> <i>Energy and Natural Resources Committee</i> Addresses solid and hazardous waste management. Transfers responsibility for permitting to the Department of Environmental Quality. Clarifies certain permit requirements.	✓	✓		
<b>WATER</b>				
<a href="#">HB 1086</a> <i>Energy and Natural Resources Committee</i> Revises the definition of waters of the state.	✓			died
<a href="#">SB 2090</a> <i>Energy and Natural Resources Committee</i> Makes changes to water right permit regulations and fees.	✓	✓		



No significant regulatory activity to report.

**LEGISLATIVE SESSION: 8 JAN 19 THROUGH 29 MAR 19 (ESTIMATED)**

An \* indicates the first time a bill appears in the 2019 *Western Review*.

<i>South Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1<sup>st</sup> House</i>	<i>Passed 2<sup>nd</sup> House</i>	<i>Status</i>
<b>AIR/CLIMATE CHANGE</b>				
<b>ENERGY</b>				
* <a href="#">HB 1226</a> <i>Representative Lee Qualm (R)</i> Increases the distance that certain wind energy systems must be set back from surrounding property.	✓			
<b>LAND USE</b>				
<b>NATURAL RESOURCES</b>				
<a href="#">HB 1153</a> <i>Representative Peri Pourier (D)</i> Revises certain provisions on the protection of historic properties.	✓			
* <a href="#">HB 1221</a> <i>Representative John Lake (R)</i> Designates palmer amaranth as a prohibited noxious weed seed.	✓			
<b>OTHER</b>				
<a href="#">SB 147</a> <i>Senator Arthur Rusch (R)</i> Revises certain restrictions regarding the application of pesticides. Applies to governmental and commercial pesticide applicators.	✓			
<b>WASTE</b>				
<b>WATER</b>				



**AIR**

**REGIONAL HAZE.** The Utah Department of Environmental Quality (UDEQ) [is requesting](#) public comment on the draft 2017 report for Regional Haze—Sulfur Dioxide Milestone. A public hearing was held 5 Mar 19. Comments are due 18 MAR 19. The report is available [here](#).

## **WATER**

**GENERAL PERMIT FOR DISCHARGES FROM SMALL MS4s.** UDEQ [is proposing](#) to modify Utah Pollutant Discharge Elimination System permit UTR090000, General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s). The revisions prohibit the discharge of pollutants for which TMDLs have been established and make changes to implementation dates for small MS4 discharge permits. The draft permit is available [here](#).

**DRINKING WATER—VARIANCES.** UDEQ adopted [amendments](#) that align state rules for drinking water variances with federal requirements. The amendments add clarifying language and a reference to the Federal Code of Regulations (CFR). The rulemaking amends rule R309-100-9, Administration: Drinking Water Program—Variances. The final rule was [effective](#) 15 JAN 19.

**DRINKING WATER—GENERAL REQUIREMENTS.** UDEQ adopted [amendments](#) that move language from rule R309-105 to R309-200, Monitoring and Water Quality: Drinking Water Standards. The rulemaking aligns state rule with federal requirements. The final rule was [effective](#) 15 JAN 19.

**DRINKING WATER—DEFINITIONS.** UDEQ adopted [amendments](#) to definitions used in Utah drinking water rule R309-110, Administration: Definitions. The revisions align state definitions with federal rule by removing the definition of “clean compliance history.” The final rule was [effective](#) 15 JAN 19.

**DRINKING WATER—MONITORING.** UDEQ adopted [amendments](#) that align state rules for monitoring of drinking water with federal requirements. The amendments add missing federal rule language and a reference to the CFR. The rulemaking amends rule R309-200, Monitoring and Water Quality: Drinking Water Standards. The final rule was [effective](#) 15 JAN 19.

**DRINKING WATER—DISINFECTION BYPRODUCTS.** UDEQ adopted [amendments](#) to the disinfection byproducts rule. The amendments add clarifying language intended to align state requirements with federal requirements. The rulemaking amends rule R 309-210-8, Monitoring and Water Quality: Distribution System Monitoring Requirements—Disinfection Byproducts—Stage I Requirements. The final rule was [effective](#) 15 JAN 19.

**DRINKING WATER—TOTAL COLIFORM.** UDEQ adopted [amendments](#) to total coliform requirements in rule R309-211, Monitoring and Water Quality: Distribution System—Total Coliform Requirements. The amendments add clarifying language missed during the Revised Total Coliform Rule adoption in 2016. The final rule was [effective](#) 15 JAN 19.

**DRINKING WATER—RESIDUAL DISINFECTANT.** UDEQ adopted [amendments](#) to Utah rule R309-215-10, Monitoring and Water Quality: Treatment Plant Monitoring Requirements—Residual Disinfectant. The amendments add clarifying language missed during the Revised Total Coliform Rule adoption in 2016. Comments were due 2 JAN 19.

**DRINKING WATER—GROUNDWATER RULE.** UDEQ adopted [amendments](#) that add clarifying language to rule R309-215-16, Monitoring and Water Quality: Treatment Plant Monitoring Requirements—Groundwater Rule. The amendments align state rule with federal requirements. The final rule was [effective](#) 15 JAN 19.

**DRINKING WATER—PUBLIC NOTIFICATION.** UDEQ adopted [amendments](#) that align state requirements for drinking water public notification with federal requirements. The rulemaking amends rule R309-220-4, Monitoring and Water Quality: Public Notification Requirements—General Public Notification Requirements. The final rule was [effective](#) 15 JAN 19.

**DRINKING WATER—REVISED TOTAL COLIFORM.** UDEQ adopted [amendments](#) that align state drinking water rules with the federal Revised Total Coliform Rule. The amendments add clarifying language missed during the Revised Total Coliform Rule adoption in 2016. The rulemaking amends rule R309-225-4, Monitoring and Water Quality: Consumer Confidence Reports—General Requirements. The final rule was [effective](#) 15 JAN 19.



## LEGISLATIVE SESSION: 28 JAN 19 THROUGH 14 MAR 19 (ESTIMATED)

An \* indicates the first time a bill appears in the 2019 *Western Review*.

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<b>AIR/CLIMATE CHANGE</b>				
<a href="#">HB 139</a> <i>Representative Angela Romero (D)</i> Amends provisions related to violations of motor vehicle emission standards.	✓	✓		
* <a href="#">HB 304</a> <i>Representative Joel Briscoe (D)</i> Creates a tax on carbon dioxide emissions.	✓			
<b>ENERGY</b>				
* <a href="#">HB 411</a> <i>Representative Stephen Handy (R)</i> Enacts the Community Renewable Energy Act. Outlines the role and rulemaking authority of the Utah Public Service Commission in approving a community renewable energy program. Establishes procedures concerning rates, customer billing, and renewable energy resource acquisition.	✓			
<a href="#">HCR 2</a> <i>Representative Stephen Handy (R)</i> Supports the development of wind, solar, hydrogen, hydroelectric, and geothermal energy in rural areas of the state. Supports the export of Utah-produced wind, solar, hydrogen, hydroelectric, and geothermal energy to other states.	✓	✓	✓	Enacted
<a href="#">SB 24</a> <i>Senator Keith Grover (R)</i> Amends the state energy policy by promoting certain nuclear power generation technologies, energy development in certain areas, and energy education programs in grades K-12.	✓	✓	✓	To Governor
<b>LAND USE</b>				
<b>NATURAL RESOURCES</b>				
<a href="#">HB 14</a> <i>Representative Steven Eliason (R)</i> Creates the State Monuments Act. Outlines the process for designating a state monument. Assigns responsibilities.	✓	✓	✓	To Governor
<a href="#">HB 155</a> <i>Representative Casey Snider (R)</i> Addresses management of wildland fires. Imposes permit requirements to conduct large prescribed fires, large prescribed pile fires, or a nonfull suppression event.	✓	✓	✓	To Governor
<b>OTHER</b>				
<b>WASTE</b>				
<b>WATER</b>				
<a href="#">HB 31</a> <i>Representative Kim Coleman (R)</i> Regulates municipalities that provide water to customers outside respective political boundaries.	✓	✓		

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<a href="#">HB 32</a> <i>Representative Keven Stratton (R)</i> Amends provisions of Water Quality Board and state agency rulemaking procedures. Provides for review and legislative approval of certain Water Quality Board rules or standards. Requires certain agencies to submit proposed rules to an appropriations subcommittee and interim committee for review before the agency enacts the rules. Addresses development and implementation of total maximum daily loads.	✓	✓	✓	To Governor
<a href="#">HB 143</a> <i>Representative Suzanne Harrison (D)</i> Addresses water conservation plans. Requires water providers or conservation districts to specify actions to reduce per capita water use and provide cost estimates of the specified actions.	✓			
<a href="#">HJR 1</a> <i>Representative Keven Stratton (R)</i> Amends the Utah Constitution to modify a provision relating to municipal water rights and sources of water supply.	✓	✓		
<a href="#">SJR 1</a> <i>Senator Jani Iwamoto (D)</i> Addresses water banking. Requests recommendations on the development and creation of water banks to further the 2017 State Recommended Water Strategy.	✓	✓	✓	Enacted
<a href="#">SB 52</a> <i>Senator Jake Anderegg (R)</i> Addresses the metering of pressurized secondary water, or recycled water suitable for irrigation of landscaping or a garden.	✓			



No significant regulatory activity to report.

**LEGISLATIVE SESSION: 8 JAN 19 THROUGH 28 FEB 19**

<i>Wyoming Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<b>AIR/CLIMATE CHANGE</b>				
<b>ENERGY</b>				
<b>LAND USE</b>				
<a href="#">HB 54</a> <i>Select Federal Natural Resource Management Committee</i> Creates a new federal natural resource policy account and authorizes use of funds in the account to develop and revise comprehensive natural resource management plans prepared by counties.	✓	✓	✓	Enacted
<b>NATURAL RESOURCES</b>				

<i>Wyoming Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<b>OTHER</b>				
<b>WASTE</b>				
<a href="#">SB 35</a> <i>Senator Michael Von Flatern (R)</i> Authorizes the expansion of a solid waste management facility if certain conditions are met.	✓	✓		Failed upon adjournment
<b>WATER</b>				
<a href="#">SB 87</a> <i>Senator Cale Case (R)</i> Addresses temporary instream water use. Limits the use of a water right for instream flow to a specified stream segment.	✓			Failed upon adjournment

# Federal Activity

## AIR

**REGULATION OF HAZARDOUS EMISSIONS FROM COAL- AND OIL-FIRED EGUS.** EPA is proposing a suite of findings and actions related to the regulation of hazardous air pollutant (HAP) emissions from coal- and oil-fired electric utility steam generating units (EGUs) under section 112 of the CAA ([84 FR 2670](#)). First, EPA is proposing to find that it is not appropriate or necessary to regulate HAP emissions from coal- and oil-fired EGUs. If finalized as proposed, this finding would reverse EPA’s prior decision that regulation of these sources is appropriate and necessary. Second, EPA is soliciting comment on whether EPA has the authority or obligation to delist EGUs from CAA section 112(c) and rescind (or rescind without delisting) the National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired EGUs, commonly known as the Mercury and Air Toxics Standards. Third, EPA is proposing, based on a risk analysis, that residual risks due to emissions of air toxics from this source category are acceptable and that the current standards provide an ample margin of safety to protect public health. Fourth, EPA is taking comment on establishing a subcategory for emissions of acid gas HAP from existing EGUs firing eastern bituminous coal refuse. In addition, EPA will hold a public hearing 18 MAR 19 ([84 FR 6739](#)). Comments are due 8 APR 19.

**COMMENT PERIOD EXTENDED FOR PROPOSED AMENDMENTS TO GHG PERFORMANCE STANDARDS FOR EGUS.** EPA is proposing to extend the public comment period for [proposed revisions](#) to standards for greenhouse gas (GHG) emissions from new, modified, and reconstructed stationary EGUs. The proposed revisions amend a prior determination that partial carbon capture and storage is the best system of emission reduction for these sources. The comment period is extended to 18 MAR 19.

**SULFUR DIOXIDE STANDARD RETAINED.** In February, EPA [announced](#) its final decision to retain without change the NAAQS for sulfur dioxide (SO<sub>2</sub>). The decision is based on EPA’s judgment that the current NAAQS protect the public health, with an adequate margin of safety, including the health of at-risk populations with asthma. According to the EPA announcement, SO<sub>2</sub> concentrations in the U.S. fell by more than 85 percent between 1990 and 2017 and more than 60 percent since 2010 as a result of CAA programs and efforts by state, local, and tribal governments as well as technological improvements. For more information about the SO<sub>2</sub> rule, click [here](#).

**ANTI-BACKSLIDING STUDY.** A proposed partial consent decree in *Sierra Club v. Pruitt* would require EPA to undertake an “anti-backsliding” study to determine whether vehicle and engine air pollutant emissions changes resulting from the Renewable Fuel Standard program's renewable fuel volumes adversely impact air quality ([84 FR 5672](#)). Under the terms of the decree, EPA also would either promulgate fuel regulations to implement appropriate measures to mitigate any such adverse impacts or make a determination that such regulations are unnecessary. The decree specifies actions EPA must take if the parties cannot reach an agreement on the follow-up action. Comments are due 22 MAR 19.

**CALIFORNIA CLEAN AIR ACT WAIVER.** In a [joint statement](#), the White House, EPA, and U.S. Department of Transportation announced they will discontinue discussions with the California Air Resources Board regarding the proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule. The administration has indicated it intends to revoke California's waiver to enforce stricter vehicle emissions standards in order to set one national standard for fuel economy.

**INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS.** The Draft Inventory of U.S. GHG Emissions and Sinks: 1990-2017 is available for public review ([84 FR 3444](#)). EPA requests recommendations for improving the overall quality of the inventory report to be finalized in April 2019, as well as subsequent inventory reports. Comments are due 14 MAR 19.

## **COMPLIANCE**

**NATIONAL COMPLIANCE INITIATIVES.** EPA is soliciting public comment and recommendations on the National Compliance Initiatives (NCIs) to be undertaken in fiscal years 2020-2023 ([84 FR 2848](#)). EPA is soliciting input on whether to continue, modify, or conclude the seven active initiatives from the FY 2017-2019 cycle, and whether to add new initiatives for the next set of NCIs. Specifically, EPA is considering whether to:

- Extend three initiatives: (1) Cutting Hazardous Air Pollutants, (2) Reducing Toxic Air Emissions from Hazardous Waste Facilities, and (3) Reducing Risks of Accidental Releases at Industrial and Chemical Facilities;
- Modify two initiatives: (1) transition Keeping Industrial Pollutants Out of the Nation’s Waters to National Pollutant Discharge Elimination System (NPDES) Significant Non-Compliance Reduction, and (2) eliminate the single-sector focus of Ensuring Energy Extraction Activities Comply with Environmental Laws;
- Return two initiatives to the core enforcement program because they have been achieved: (1) Reducing Air Pollution from the Largest Sectors, and (2) Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation’s Waters; and
- Add two new initiatives: (1) Increase Compliance with Drinking Water Standards, and (2) Reduce Children’s Exposure to Lead.

Comments were due 11 MAR 19.

**ANNUAL CIVIL PENALTY ADJUSTMENT.** EPA adopted a final rule adjusting the level of the minimum statutory civil monetary penalty amounts under the statutes EPA administers ([84 FR 2056](#)). The minimum penalty amount has been adjusted for inflation, effective 6 FEB 19.

## **ENERGY**

**PROPOSED REPEAL OF LIGHT BULB EFFICIENCY STANDARDS.** On 19 JAN 17, the U.S. Department of Energy (DOE) published two final rules adopting revised definitions for general service lamps and general service incandescent lamps, effective 1 JAN 20. DOE has since determined that the legal basis underlying those revisions misconstrued existing law. As a result, DOE issued a Notice of Proposed Rulemaking to withdraw the definitions established in the 2017 final rules ([84 FR 3120](#)). A public meeting was held 28 FEB 19. Comments are due 12 APR 19. To view the final rules that DOE is proposing to rescind, click [here](#) and [here](#).

## ***TOXICS***

**PFAS ACTION PLAN.** In February, EPA released an [action plan](#) for per- and polyfluoroalkyl substances (PFAS). The action plan describes EPA's approach to identifying and understanding PFAS, addressing current PFAS contamination, preventing future contamination, and effectively communicating with the public about PFAS. EPA's Action Plan identifies both short-term solutions for addressing these chemicals and long-term strategies that will help provide the tools and technologies states, tribes, and local communities need to provide clean and safe drinking water to their residents and to address PFAS at the source—even before it gets into the water. A summary can be found [here](#).

**PFAS HEALTH EXPOSURE STUDY.** In February, the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) [announced](#) that they have identified communities to be a part of assessments to examine human exposure to PFAS. The communities are near current or former military installations. The assessments are expected to begin in 2019 and continue through 2020 and are laying the groundwork for CDC/ATSDR's future multi-site health study that will look at the relationship between PFAS exposure and health outcomes. View additional details [here](#).

**UPDATE TO CHEMICALS LIST.** In February, EPA [announced](#) it has updated the list of Toxic Substances Control Act (TSCA) Inventory chemicals that are actively being manufactured, processed, and imported in the U.S. As recently as 2018, the TSCA Inventory showed over 86,000 chemicals available for commercial production and use in the U.S. Until EPA's update, it was not known which of these chemicals on the TSCA Inventory were actually in commerce. Under the amended TSCA—The Frank R. Lautenberg Chemical Safety for the 21 Century Act—EPA was required to update the list and designate which chemicals are active or inactive in U.S. commerce. To download the public version of the initial TSCA Inventory or to get more information about the TSCA Inventory Notification Requirements rule, click [here](#).

## ***WASTE***

**LITHIUM-ION BATTERY RECYCLING CENTER.** In February, DOE's Argonne National Laboratory [announced](#) the launch of the [ReCell Center](#), to help the U.S. grow a globally competitive recycling industry and reduce U.S. reliance on foreign sources of battery material. The ReCell Center, DOE's first advanced battery recycling research and development initiative, is a collaboration between Argonne, National Renewable Energy Laboratory, Oak Ridge National Laboratory, and several universities. The center's goal is to create profitable methods to dramatically improve recycling rates and improve national security by reducing a foreign reliance on supplies of critical battery materials such as lithium and cobalt. This will further the president's [Executive Order 13817](#), which identifies the need for "developing critical minerals recycling and reprocessing technologies" as part of a broader strategy to "ensure secure and reliable supplies of critical minerals."

**PHARMACEUTICAL WASTE.** EPA published a final rule that adds regulations for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors ([84 FR 5816](#)). Healthcare facilities (for both humans and animals) and reverse distributors will manage their hazardous waste pharmaceuticals under this new set of sector-specific standards in lieu of the existing hazardous waste generator regulations. Among other things, these new regulations prohibit the disposal of hazardous waste pharmaceuticals in drains and eliminate the dual regulation of EPA hazardous waste pharmaceuticals that are also Drug Enforcement Administration controlled substances. The new rules also maintain the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while ensuring their proper disposal. The new rules codify EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics. The final rule is effective 21 AUG 19.

## ***WATER***

**WATER TRADING POLICY MEMORANDUM.** EPA [announced](#) a [new water trading policy memorandum](#) that will help states, tribes, and stakeholders use market-, incentive-, and community-based programs to reduce excess nutrients and improve water quality in their communities. The new trading memo identifies six market-based principles designed to

encourage creativity and innovation in the development and implementation of programs that reduce pollutants in U.S. waters:

- States, tribes, and stakeholders should consider implementing water quality trading and other market-based programs on a watershed scale;
- EPA encourages the use of adaptive strategies for implementing market-based programs;
- Water quality credits and offsets may be banked for future use;
- EPA encourages simplicity and flexibility in implementing baseline concepts;
- A single project may generate credits for multiple markets; and
- Financing opportunities exist to assist with deployment of nonpoint land use practices.

In conjunction with the memo, EPA also released the document titled, [Next Steps in EPA's Nutrient Engagement](#). A webinar was held 7 MAR 19 to discuss the trading memo and ongoing work to reduce excess nutrients in waterways. For more information about nutrient trading, click [here](#).

**NPDES PROGRAM UPDATES.** EPA finalized certain revisions to NPDES permitting regulations that were [initially proposed](#) in 2016 ([84 FR 3324](#)). The final regulatory changes are minor and will improve and clarify the regulations in the major categories of regulatory definitions, permit applications, and public notice. This final rule also updates EPA contact information and web addresses for electronic databases, updates outdated references to best management practice guidance documents, and deletes a provision that is no longer applicable relating to best practicable waste treatment technology for publicly owned treatment works. The final rules are effective 12 JUN 19.

**WATERS OF THE U.S.** EPA and USACE published a proposed rule defining the scope of waters federally regulated under the Clean Water Act (CWA) ([84 FR 4154](#)). The proposal is the second step in a comprehensive, two-step process intended to review and revise the definition of "waters of the United States" consistent with the [Executive Order 13778](#). This proposed rule is intended to increase CWA program predictability and consistency by increasing clarity as to the scope of "waters of the United States" federally regulated under the Act. This proposed definition revision is also intended to clearly implement the overall objective of the CWA to restore and maintain the quality of the nation's waters while respecting State and tribal authority over their own land and water resources. Comments are due 15 APR 19.

**WATER REUSE ACTION PLAN.** EPA [announced](#) it is developing a Water Reuse Action Plan that will leverage the expertise of industry and government to ensure the effective use of U.S. water resources. The Water Reuse Action Plan will seek to foster water reuse as an important component of integrated water resource management. EPA will facilitate discussions among federal, state, and water sector stakeholders and form new partnerships to develop and deploy the plan. A draft of the plan is scheduled for release and public review in September at the Annual Water Reuse Symposium in San Diego. Ongoing efforts by other federal agencies, such as DOE's Grand Water Security Challenge, and by various non-governmental organizations dedicated to water resources management, will be coordinated and leveraged as part of the overarching strategy to advance water reuse. For more information, including opportunities to engage with EPA on this effort, click [here](#).

**NOTIFICATION OF DATA AVAILABILITY—RESPONSES TO 2018 CLEAN WATER ACT HAZARDOUS SUBSTANCES SURVEY.** EPA is making available for review and comment the data received from respondents of a voluntary survey, 2018 Clean Water Act Hazardous Substances Survey, OMB Control No. 2050-0220 ([84 FR 4741](#)). This data is being made available consistent with the preamble to the [proposed action](#), Clean Water Act Hazardous Substances Spill Prevention, published 25 JUN 18. The data collected through the voluntary survey is available in [Regulations.gov](#) at Docket ID: EPA-HQ-OLEM-2017-0444. Comments were due 8 MAR 19.

# Department of Defense Activity

**PUBLIC PRIVATE PARTNERSHIP PILOT PROGRAM—REQUEST FOR INFORMATION.** The Assistant Secretary of the Army (Civil Works) has directed USACE to establish a Public Private Partnership (P3) pilot program with the goal of demonstrating the viability of new delivery methods that can significantly reduce the cost and time of project delivery ([84 FR 1084](#)). USACE is seeking to identify up to 10 additional P3 pilot projects. For the initial screening criteria, the P3 proposal should: (1) have a construction cost in excess of \$50 million; (2) have non-federal sponsor support; (3) include design, build, finance, operation and maintenance, or some combination, for federally authorized projects; (4) accelerate project delivery; and (5) have the ability to generate revenue or leverage non-federal funding sources.

**HAZARD COMMUNICATION.** DOD updated [Department of Defense Instruction \(DODI\) 6050.05](#), DOD Hazard Communication (HAZCOM) Program. The DODI establishes policy, assigns responsibilities, and provides procedures for the DOD HAZCOM Program, which protects service members and DOD civilian employees who use or produce hazardous chemicals. The DODI, effective 26 FEB 19, cancels and replaces the 2006 version.

**ARMY FUNDED RESEARCHER WINS NOBEL PRIZE.** An Army-funded researcher won the 2018 Nobel Prize in Chemistry for research in new enzyme production leading to the commercial, cost-effective synthesis of biofuels. Professor Frances Arnold is the Linus Pauling professor of chemical engineering, bioengineering, and biochemistry at the California Institute of Technology. Arnold said she considered how to make liquid fuels in remote locations from resources collected from the environment and eventually developed genetically modified organisms that now make jet fuel. The Army provided an investigator grant in the 1990s. The U.S. Army Combat Capabilities Development Command's Army Research Laboratory, through the Army Research Office, started funding the research in 2003 through the Institute for Collaborative Biotechnologies in Santa Barbara, California. An Army announcement is available [here](#).

**MILITARY HOUSING.** Following a 13 FEB 19 [Senate hearing](#) on the current condition of the military housing privatization initiative, the military services announced actions being taken by the [Army](#), [Air Force](#), [Navy and Marine Corps](#) to remedy military housing issues.

**SPACE FORCE.** [Space Policy Directive-4](#), Establishment of the United States Space Force, directs DOD to take actions under existing authority to marshal its space resources to deter and counter threats in space, and to develop a legislative proposal to establish a United States Space Force as a sixth branch of the U.S. Armed Forces within the Department of the Air Force ([84 FR 6049](#)). Under this proposal, the United States Space Force would be authorized to organize, train, and equip military space forces of the U.S. to ensure unfettered access to and freedom to operate in space, and to provide vital capabilities to joint and coalition forces in peacetime and across the spectrum of conflict.

## 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.

**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. ITRC released a 30-minute on-demand training video that provides a 30-minute introductory overview of ITRC's [Quality Considerations for Multiple Aspects of Munitions Response Sites](#) guidance document. The training explains the decision logic used throughout a munitions response (MR) project and assists in developing the quality assurance and quality control activities that ensure quality data and confidence in decisions. The training provides an overview of the MR process and identifies specific quality considerations at critical decision points for MR projects.

**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.

**REPI WEBINAR SERIES FOR 2019.** DOD's REPI Program announced the [2019 REPI Webinar Series schedule](#). The webinars showcase best practices and lessons learned from REPI partnerships nationwide that support military missions and accelerate the pace of conservation. Unless otherwise noted, all webinars begin at 1:00 p.m. Eastern Time.

- 27 MAR 19: [Calling for Sentinel Landscapes Applications: Lessons Learned & Best Practices from the 2017 Cycle](#)
- 5 JUN 19: [Leveraging the New REPI Installation Resiliency Authority](#)
- 10 JUL 19: [How to Obtain Regulatory Relief for Endangered Species without Purchasing a Real Estate Interest](#)
- 28 AUG 19: [REPI and the National Defense Strategy: Rebuilding Readiness by Protecting Key Capabilities](#)
- 9 OCT 19: [Measuring Impacts: Developing Mission Benefit Metrics](#)
- 27 NOV 19: [REPI and the Farm Bill](#)
- 8 JAN 20: [How to Introduce Local Businesses into your REPI Partnership](#)

**25-28 MAR 19, BOSTON MA: ITRC ANNUAL MEETING.** ITRC's 2019 [annual meeting](#) will be held in Boston, Massachusetts. The meeting is open to all and will host team meetings on a variety of issues, including PFAS, 1,4-dioxane, incremental sampling methodology, in situ optimization, advanced site characterization tools, and harmful cyanobacterial blooms. This year's breakfast plenary speakers are Ms. Maureen Sullivan, Deputy Assistant Secretary of Defense for Environment, and Martin Suuberg, Commissioner of the Massachusetts Department of Environmental Protection.

\* indicates the first time a professional development opportunity appears in the *Review* or an update to an existing opportunity.

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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](#).

