

Central Region Review



U.S. Army Environmental Center
Central Regional Office
Kansas City, Missouri



★ MAY 2004 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in federal Regions 6 and 7. The *REVIEW* is prepared by Versar, Inc., in support of the Central Regional Environmental Office, to assist you in your compliance efforts. Current and past issues of this *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please e-mail CREO.regulatory.specialist@usace.army.mil or call (816) 983-3327 if you have any questions or suggestions, or if you would like to subscribe to the *REVIEW*.

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Notice: AELC Call for FY06 Army Environmental Legislative Proposals. The US Army annually prepares and submits to the Office of the Secretary of Defense (OSD) a slate of proposals to address a wide variety of issues or concerns, including environmental, for subsequent submittal to OMB and to the Congress. In late 2002, the **Army Environmental Legislative Committee (AELC)** was established to, among other things, streamline the process for the Army's development of environmental and related legislative proposals for submittal to OSD.

The AELC is now soliciting input, Army-wide, for environmental legislative concepts/proposals for submittal to OSD for inclusion for the FY06 Defense Authorization and Appropriation Bills. For concepts to be considered at this stage in the process, they do not have to be fully fleshed out or in the form of a fully drafted legislative proposal. A summary of the legislative proposal concept and how it would help from an operational, environmental or cost basis should be included. The AELC will select the environmental concepts that the Army will pursue and will provide the necessary technical and legal support to ensure that each concept is developed into a format consistent with DoD guidance for the submittal of legislative proposals. All proposals should be sent to the points of contact (POC's) at the end of this message NLT **May 17, 2004**.

The format shown below should be used for recommendations for environmental legislative concepts/proposals:

- POC: Organization, POC, phone number and email address.
- LAW BEING MODIFIED: Name and section numbers (if new, so state)
- SYNOPSIS: One paragraph summary including the reason for legislation, and its operational and cost impacts, as well as any associated adverse environmental impacts.
- PROPOSED LEGISLATIVE LANGUAGE: If possible, include the legislative language desired. If proposed language is not provided, describe the recommended changes conceptually.
- JUSTIFICATION: Concise rationale that will “sell” the request in the following subparagraphs:
 - Background: History of the “problem”.
 - Problem: Give examples of how the absence of this legislation hinders the performance of our mission.
 - Expected Improvement:
- PROS: Bullet list of the major pros for the proposal.
- CONS: Bullet list of the major cons for the proposal.

Proposals should be submitted to the **US Army Environmental Center**, which serves as secretary and provides staff support to the **AELC**. The POC phone numbers are **(410) 436-1220** or **(410) 436-1660** respectively. Please call these numbers for information regarding where to send the proposal and any other information. The proposals must be received **NLT May 17, 2004**.

We need your input to enhance the effectiveness of the Army's Environmental Legislative and Regulatory Analysis and Monitoring Program for states, which this publication supports. Should some regulation or legislation identified in this publication impact activities at your installation either positively or negatively, please contact your **Army REC** at the number listed above with your comments and concerns. **Thanks for helping us help you!**

Electronic Version of the Central Region Review: The CREO encourages its readers to sign-up for the e-mail version of the Central Region Review. Simply provide your e-mail address to: CREO.regulatory.specialist@usace.army.mil who will put you on the e-mail distribution list.

The list of **Acronyms and Abbreviations** is listed on the AEC web site and DENIX. The address for each site can be found on the last page of this document.

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REGION 6 STATE ACTIVITY

Regulatory & Legislative Web Sites	
Arkansas Department of Environmental Quality (ADEQ)	http://www.adeq.state.ar.us
Arkansas General Assembly	http://www.arkleg.state.ar.us/
Louisiana Department of Environmental Quality (LDEQ)	http://www.deq.state.la.us
Louisiana Legislature	http://www.legis.state.la.us/
New Mexico Environment Department (NMED)	http://www.nmenv.state.nm.us/
New Mexico Legislature	http://legis.state.nm.us/
Oklahoma Department of Environmental Quality (ODEQ)	http://www.deq.state.ok.us
Oklahoma Legislature	http://www.lsb.state.ok.us/
Texas Commission on Environmental Quality (TCEQ)	http://www.tnrcc.state.tx.us
Texas Legislature	http://www.capitol.state.tx.us/

Region 6 Homeland Security Information. FEMA Region VI (Denton, TX), Ron Castleman, Regional Director, (940) 898-5399. Web page: <http://www.fema.gov/regions/vi/>

Note: State of Arkansas Legislature is not in regular session for 2004.

No significant regulatory or legislative activity during this reporting period.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

Arkansas Homeland Security Information. Arkansas Department of Emergency Management, N. Wayne Ruthven, Director; David Maxwell, Deputy Director, (501) 730-9750 (main switchboard). Web page: http://www.state.ar.us/government_hs.php.

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STATE OF LOUISIANA PROPOSED LEGISLATION

(NEW) **Louisiana H.C.R. 80 - Land Use.** This bill approves the Coastal Wetlands Conservation and Restoration Plan for Fiscal Year 2004-2005. H.C.R. 80 was introduced and referred to Committee on Natural Resources on 7 April 2004. Prospects for consideration are favorable. The sponsor is a member of the majority party and committee sources indicate concurrent resolutions are usually received favorably. Governor Kathleen Blanco's legislative priorities are economic stimulation, ethics legislation and health care reform. The Senate President and Speaker of the House have agreed to make these three issues their top priorities. Sources also indicate that non-fiscal bills are less likely to receive serious consideration this session. The document can be viewed at http://www.legis.state.la.us/leg_docs/04RS/CVT9/OUT/0000KXU9.PDF. Sponsor: Representative Wilfred Pierre (D)

(NEW) **Louisiana S.B. 310 - Takings, Eminent Domain.** This bill authorizes the Department of Natural Resources to expropriate by a declaration of taking for coastal wetlands conservation, management, preservation, enhancement, creation and restoration purposes. Provides that when the state Department of Natural Resources cannot amicably acquire property needed for coastal wetlands conservation, management, preservation, enhancement, creation and restoration purposes, it may acquire the same by expropriation and may acquire the property prior to judgment in the trial court fixing the amount of compensation due to the owner of the property. S.B. 310 defines "property" as any type of interest in immovable property, including ownerships, servitudes, right-of-way, and other rights in or to immovable property. The bill was prefiled 18 March 2004 and referred to Committee on Natural Resources 22 March. Prospects of this bill for consideration are unfavorable. The sponsor is a member of the Senate minority party and is not a member of the Committee of referral. The document can be viewed at http://www.legis.state.la.us/leg_docs/04RS/CVT1/OUT/0000L3IR.PDF. Sponsor: Senator Reggie Paul Dupre (D)

(NEW) **Louisiana S.B. 560 - Underground Storage Tanks.** Bill 560 provides for the protection and cleanup of any soils in the proximity of an underground storage tank. It removes requirements for substantial compliance and provides that if the owner is found to be in violation of certain regulations, the owner is subject to certain monetary fines. Provides for additional members to be added to the Underground Storage Tank Fund Advisory Board. The bill was prefiled 19 March 2004 and referred to Committee on Environmental Quality on 23 March. Prospects for consideration are uncertain. The sponsor is a member of the Senate majority party and is Chair of the Committee of referral. To view the bill, please go to: http://www.legis.state.la.us/leg_docs/04RS/CVT7/OUT/0000L5Z3.PDF. Sponsor: Senator Heulette "Clo" Fontenot (R)

STATE OF LOUISIANA FINAL RULES

(UPDATE) **LA Department Of Environmental Quality Renewed Emergency Rule: Remediation of Sites with Contaminated Media - WS084E2 (LAC 33:V.Chapter 109).** The Department has renewed an emergency regulation to remove a regulatory hurdle that deters site remediation. Prior to this emergency ruling, the existing regulation caused contaminated environmental media to retain the description of having RCRA-listed waste "contained-in", therefore slowing the remediation of the site or possibly halting it completely due to administration and disposal issues. The rule will also result in simplification of the waste handling process by reducing administrative

requirements and providing greater consistency with non-RCRA waste handling requirements and practices. The Department has renewed the emergency rule again, effective 6 April 2004. The rule will remain in effect for a maximum of 120 days or until a final rule is promulgated. The text of the rule is available online at <http://www.state.la.us/osr/emr/0404EMR023.htm>. For additional information, please contact John Rogers at (225) 765-0168.

(UPDATE) LA Department Of Environmental Quality Final Action: Designation Of Parishes As Non-attainment Areas For 8-Hour Ozone Standard. The Department has designated non-attainment areas under the 8-hour ozone National Ambient Air Quality Standards (NAAQS). The following parishes are indicated by air quality monitoring as not meeting the standard: Ascension, Bossier, Caddo, Calcasieu, East Baton Rouge, Iberville, Jefferson, Lafourche, Livingston, and West Baton Rouge. In addition, the Department may include the following parishes in non-attainment areas because their emissions contribute to exceedances in the other parishes: Orleans, Plaquemines St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne, and Webster. The Department submitted its recommendations of non-attainment areas to EPA by 15 July 2003. Staff reports that EPA approved the recommendations in December 2003. For additional information, please contact Teri Lanoue at (225) 219-3181.

(NEW) LA Department Of Natural Resources Final Emergency Rule And Proposed Permanent Regulation Published 20 March 2004: Procedures For The Designation Or Removal Of Areas As Critical Ground Water Areas (LAC 43:VI.Chapters 1-29). The Department has adopted an emergency rule and is proposing permanent amendments to the regulations that set out the procedures for the designation of critical ground water areas. This proposal will move the regulations from Title 33 to Title 43 of the Louisiana Administrative Code. The amendments will add new definitions to the regulation as well as alter the description of who may apply for a designation to a well owner "that is significantly and adversely affected as a result of the movement of salt water front, water level decline, or subsidence in or from the aquifer drawn on by such well..." Also, the amendments will now allow for the removal or modification of a critical ground water area designation as well as the addition of such a designation. The proposed regulations add new sections that add a right of appeal from Critical Ground Water Area Designation orders. Prior to the adoption of this rulemaking as a permanent rule, the Department has adopted it as an emergency rule. The proposed regulation is on pages 583 to 588 of the 20 March 2004 LA Register, available at <http://www.doa.state.la.us/osr/reg/0403/0403noi.pdf>. The Department adopted an emergency rule effective 22 March 2004. For additional information, please contact Anthony Duplechin at (225) 342-8244.

(NEW) LA Department Of Agriculture And Forestry Emergency Regulation: Prohibition Of Application Of Certain Pesticides In Designated Parishes Between 03/15/04 And 09/15/04 (LAC 7:XXIII.143). The Department has adopted an emergency regulation that prohibits the application of certain pesticides by commercial applicators between March 15 and September 15 in designated parishes. The prohibited pesticides are listed in LAC 7:XXIII.143.B and the prohibited parishes are: Avoyelles, Bossier, Caddo, Caldwell, Catahoula, Claiborne (Ward 4), Concordia, DeSoto (Ward 7), East Carroll, Evangeline (Ward 1, 3 and 5), Franklin, Grant, Iberville (Ward 9), LaSalle, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Landry, St. Martin (Ward 5), Tensas, Union, West Carroll, West Baton Rouge (Wards 5, 6 and 7), and Winn (Ward 7). The emergency regulation is available at <http://www.doa.state.la.us/osr/emr/0404EMR003.htm>. The rule is effective 15 March 2004 and will expire 15 September 2004. For additional information, please contact at David Seals (225) 925-3760.

STATE OF LOUISIANA PROPOSED RULES

(UPDATE) LA Department Of Environmental Quality Proposed Regulation: Non-attainment New Source Review Procedures -- AQ 235 (LAC 33:III.504). The Department has proposed a rule change to clarify the internal offset ratio that facilities must meet in serious and severe ozone non-attainment areas. This is because the Baton Rouge Non-attainment Area is being reclassified from serious to severe as a result of failure to reach ozone attainment levels as mandated by the Clean Air Act. The regulation amends section 504 to state that for applications completed on or after June 23, 2003, the provisions for severe ozone non-attainment areas shall apply to VOC and NO_x increases. The regulations were on hold but have now been submitted to the Legislative Oversight Committees for review. Staff reports that the regulations should be final by the end of June 2004. The text of the regulation is available at <http://www.deq.state.la.us/planning/regs/pdf/AQ235pro.pdf>. For additional information, please contact Lynn Willbanks at (225) 765-0399.

(UPDATE) LA Department Of Environmental Quality Proposed Regulation: Incorporation Of Federal Reportable Quantity Pollutant List For Unauthorized Discharges (33:I.3931). The Department is proposing a revision to 33:I.3931 that incorporates by reference 40 CFR 117.3 and 40 CFR 302.4, 1 July 2003. This will incorporate the federal reportable pollutant quantity list for notification of unauthorized discharges. A public hearing was held 26 March 2004. Written comments were due 26 March. The Department forwarded this proposal to the Legislative Oversight Committee for review on 5 April 2004. *For additional information, please contact Judith Schuerman at (225) 219-3550.*

(UPDATE) LA Department Of Environmental Quality Proposed Regulation Published 12/20/03: Toxicity Equivalency (TEQ) Concept In Dioxin Criteria - WQ052 (33 LAC IX.1113). The Department has proposed a rule to incorporate the toxicity equivalency (TEQ) concept for dioxin exposure in water quality standards by using toxicity equivalency factors (TEFs). The Department believes using TEFs will allow a more accurate estimate human health risks associated with exposure to dioxin and dioxin-like compounds. The TEQ concept is used to estimate the risks associated with exposure to chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans (CDD/CDF), as well as 2,3,7,8-TCDD. This procedure uses a set of derived TEFs to convert the concentration of any CDD/CDF congener into an equivalent concentration of 2,3,7,8-TCDD. Current recommendations from both the Environmental Protection Agency (USEPA) and the World Health Organization (WHO) incorporate the TEQ concept as a better estimate of risk than using dioxin. USEPA is encouraging states to adopt the TEQ guidelines proposed by WHO. The Department held a hearing on the proposal 26 January 2004. Comments were accepted until 2 February. Staff reports that the Department is currently reviewing and responding to comments and that there is no timeline for the rest of the rulemaking process but that they hope to have the rule finalized by the end of 2004. *For additional information, please contact David Hughes at (225) 219-3590.*

(UPDATE) LA Department Of Environmental Quality Proposed Regulation: LPDES - Incorporation By Reference Of Federal Standards For Pollutant Analysis And Effluent Guidelines And Standards (33 LAC IX.2301, 4901 and 4903). The Department is proposing a revision to 33:IX.2301, 4901 and 4903 which will incorporate by reference 40 CFR 136, 1 July 2003 and 40 CFR Chapter I, Subchapter N, Parts 401 and 405-471, 1 July 2003. This revision updates the Louisiana Pollutant Discharge Elimination System Program (LPDES) requirements by incorporating federal guidelines establishing test procedures for the analysis of pollutants and establishing effluent guidelines and standards. A public hearing was held 26 March 2004. Written comments were also due on that day. The Department forwarded this proposal to the Legislative Oversight Committee for review on 5 April 2004. *For additional information, please contact Judith Schuerman at (225) 219-3550.*

(NEW) LA Department Of Environmental Quality Proposed Regulation: Addition Of A New Fee Number To The Air Quality Control Programs Fee Schedule Listing (AQ243) (LAC 33:III.223). The Department has proposed a minor amendment to LAC 33:III.223, Fee Schedule Listing. The proposed amendment will add a new fee number to distinguish between Title V and Non-Title V facilities that currently report under the existing Fee Number 2300 for criteria pollutant fees. Non-Title V facilities will continue to report under fee number 2300 and Title V facilities will report under new fee number 2310. There are no new fees or fee changes associated with this proposed rulemaking. The Department will hold a hearing 25 May 2004. Comments are due 1 June. The text of the regulation is available at <http://www.deq.state.la.us/planning/regs/pdf/AQ243pro.pdf>. *For additional information, please contact Judith Schuerman at (225) 219-3550.*

(NEW) LA Department Of Environmental Quality Proposed Regulation: Clarification Of Criteria And Assessment Methods For Designated Uses Of Water Bodies For Recreation And Drinking Water Supply (WQ053) (LAC 33:IX.107, 1105, 1111, 1113, and 1123). The Department has proposed amendments to clarify criteria and assessment methods for designated uses of water bodies for primary and secondary contact recreation and drinking water supply. The amendments will add a distinction between primary and secondary contact recreation as designated uses for surface water quality standards. The amendments will also add drinking water supply as a designated use for surface water quality standards and will increase the percentage of water samples that are allowed to exceed a fecal coliform density of 400/100mL on a monthly basis for primary contact recreation from 10 to 25. Additionally, the amendments will increase the percentage of water samples that are allowed to exceed a fecal coliform density of 2,000/100 mL on a monthly basis for secondary contact recreation from 10 to 25. The amendments will also change method of measuring fecal coliform content for drinking water supply use from an arithmetic mean method to a standard that requires that no more than 30 percent of samples collected on a monthly basis will exceed a fecal coliform density of 2,000/100 mL. The Department will hold a public hearing 25 May 2004. Written comments are due 1 June. The text of the regulation is available at <http://www.deq.state.la.us/planning/regs/pdf/WQ053pro.pdf>. *For additional information, please contact Judith Schuerman at (225) 219-3550.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) LA Department Of Environmental Quality Final SIP Revisions: Amendments To Contingency Plans For Several Parishes. The Department has amended the State Implementation Plans (SIPs) with regard to the following areas: Beauregard Parish, Grant Parish, Lafayette Parish, Orleans Consolidated Metropolitan Statistical Area, and St. Mary Parish. The contingency plan for each area was revised to identify that the triggering event that will cause the implementation of contingency measures will be an actual monitored ozone violation of the National Ambient Air Quality Standards (NAAQS) and not determined to be attributable to transport. USEPA approved the revisions, effective 20 June 2003. *For additional information, please contact Teri Lanoue at (225) 219-3181.*

(UPDATE) LA Department Of Environmental Quality Final TMDLs: TMDL Development For Lead And Associated Allocations In Calcasieu River, Sixmile Creek, Bundick Creek, Bundick Lake, Beckwith Creek, Bear Head Creek, Fish Creek. The Department adopted TMDL standards for lead and associated allocations in Calcasieu River, Sixmile Creek, Bundick Creek, Bundick Lake, Beckwith Creek, Bear Head Creek, Fish Creek. The TMDLs are based on the water quality assessment data compiled for the waterbodies. Staff reports that lead TMDL for the Upper Calcasieu was approved by USEPA on 31 May 2002 and the remaining TMDLs were approved by USEPA 19 December 2003. The documents can be accessed at <http://www.deq.state.la.us/technology/tmdl/Calcasieu-River-Lead.pdf>
<http://www.deq.state.la.us/technology/tmdl/East-West-Forks-of-6Mile-Creek-Lead.pdf>
<http://www.deq.state.la.us/technology/tmdl/Bundicks-Creek-Lake-Lead.pdf>
<http://www.deq.state.la.us/technology/tmdl/Beckwith-Creek-Lead.pdf>
<http://www.deq.state.la.us/technology/tmdl/Bear-Head-creek-lead.pdf>
<http://www.deq.state.la.us/technology/tmdl/Fish-Creek-Lead.pdf>. *For additional information, please contact: Emelise Cormier at (225) 765-0355.*

(UPDATE) LA Department Of Environmental Quality Advanced Notice Published 20 April 2002: Collection Of Data For The Regional Haze Plan. The Department has published an advanced notice of collection of data for the Regional Haze Program. Pursuant to the Clean Air Act of 1990, the State must evaluate certain older, large emission units and determine whether these units require the installation of the best emission controls available as part of strategies for meeting the goals of the Regional Haze Program. This requirement, known as the Best Available Retrofit Technology (BART) requirement, applies to emission units (individually or in combination with other such units) built roughly between 1962 and 1977 that have the potential to emit 250 tons per year or more of any visibility-impairing pollutant and must fall into one of 26 source categories. The applicable pollutants are ammonia, nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and volatile organic compounds (VOCs). The Department will begin a comprehensive query of the Emissions Inventory System (EIS) database to provide preliminary identification of emissions units that are potential BART sources. Staff reports that the Department has a long-standing emissions inventory. Louisiana is a member of the Central Regional Air Planning Association (CENRAP), which is an organization that identifies regional haze and visibility issues and develops strategies to address them. CENRAP also includes the states and tribal areas of Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, and Arkansas. The Implementation and Control Strategies Workgroup of CENRAP has developed a template SIP for the member states. Staff reports that if the Department goes forward with a Regional Haze Plan, it is very likely that the Department would use the workgroup template. Staff reports that the Department is still determining whether Louisiana will be required to formulate a Regional Haze Program because there is only one Class I area in Louisiana and it is unique because it is an island and more information is required to determine whether there are any sources in Louisiana which would contribute to regional haze. Staff reports that sufficient data is still not available to determine whether Louisiana would be required to formulate a Regional Haze Program. Staff reports that the Department is now waiting to see what changes EPA will make to its Regional Haze rules before proceeding. Those changes are to be finalized in April 2005. The workgroup SIP template is available at <http://www.cenrap.org/Workgroups/ICS/Documents/SIP%20Templates/CENRAP%20LASIP.pdf>. *For additional information, please contact James J. Orgeron at (225) 219-3550.*

Now Available On-Line – Louisiana Environmental Update, Winter 2004, Volume 4, No. 1. This issue of LDEQ's newsletter publication introduces Dr. Mike McDaniel, the incoming Secretary and other members of the executive staff. The publication can be found at <http://www.deq.state.la.us/news/pdf/DEQUPDATEWINTER.pdf>.

Louisiana Homeland Security Information. Louisiana Office of Homeland Security & Emergency Preparedness, MG Bennett C. Landreneau, Director; LTC William J. Doran III, Division Chief - Operations & Homeland Security, (225) 925-7344. Web page: <http://www.ohsep.louisiana.gov/agencyrelated/aboutagency.htm>.

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NEW MEXICO

Legislative/Regulatory Activity

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) NM Environment Department Water Quality Planning Draft Report: 2004 Integrated 303(d)/305(b) List Of Assessed Surface Waters. The Department has drafted a 2004 Integrated Clean Water Act 303(d)/305(b) List of Assessed Surface Waters. The list identifies waterbodies throughout the state that have been found to violate the surface water quality standards and are therefore considered "impaired" or "water quality limited." Once waterbodies are included on this list, the Department is then required to develop a TMDL to establish quantified goals for water quality conditions that may then determine what actions are needed to restore or protect the health of the waterbody. The Department presentation of the 2004 draft list at the 13 April 2004 meeting of the Water Quality Control Commission and opens a 30-day public comment period at the meeting. The draft 2004 report is available at <http://www.nmenv.state.nm.us/wqcc/303d-305b/2004/2ndDraft/DRAFT2004-2006Integrated303d-305bList.pdf>. For additional information, please contact at Lynette Guevara at (505) 827-2904.

(UPDATE) NM Environment Department Withdrawn Regulation: Amendment Of The Requirements For Obtaining An Air Quality Operating Permit (20.2.70.300). The Department has withdrawn amendments to NMAC 20.2.70. The amendments would have affected requirements for obtaining an air quality-operating permit. Air quality operating permits are required for major sources of air pollution; that is, those sources that emit 100 tons per year or more of an air pollutant, or 10 tons per year of any one hazardous air pollutant, or 25 tons per year of any combination of hazardous air pollutants. The amendments would have related to the following issues: (1) Whether and how New Mexico Ambient Air Quality Standards (NMAAQs) and the National Ambient Air Quality Standards (NAAQS) would continue to be included in operating permits as applicable requirements; (2) To what extent would modeling be required for new permit applications and renewals, and; (3) In cases where modeling shows that emissions from a major source will result in ambient impacts in excess of NMAAQs, what would be required in a compliance plan. Staff reports that this regulation has been withdrawn. For additional information, please contact: Rita Trujillo at (505) 955-8024.

New Mexico Homeland Security Information. New Mexico Office of Homeland Security, Annette Sobel, Director and Brigadier General, NMANG (annette.sobel@state.nm.us); Chris Berkheimer, Deputy Director (Chris.berkheimer@state.nm.us), (505) 476-0267. Web page: <http://www.governor.state.nm.us/homelandsecurity/index.html>.

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OKLAHOMA

Legislative/Regulatory Activity

STATE OF OKLAHOMA PROPOSED LEGISLATION

(UPDATE) Oklahoma H.B. 1874 – Asbestos. This bill prohibits asbestos abatement rules from being more stringent than federal standards. H.B. 1874 passed House 3 March and was referred to Senate Business and Labor Committee 9 March. The bill was reported from Committee 15 March and passed Senate 24 March 2004. Prospects for Governor Brad Henry (D) to sign this bill are favorable because the bill passed both chambers without opposition. Moreover, sources in the Governor's office indicate that the Governor supports this legislation. The document can be viewed at http://www.lsb.state.ok.us/2003-04HB/HB1874_int.rtf. Sponsor: Representative Ron Langmacher (D)

(UPDATE) Oklahoma H.B. 1875 – Groundwater. The current version of this bill (1 April) requires the Oklahoma Water Resources Board to assess the potential for appropriate land management practices to enhance recharge of the groundwater. Estimates the amount of enhanced recharge associated with those management practices when the Board conducts hydrological studies. The bill passed the House on 8 March 2004 and was

amended and reported from Senate Energy, Environment and Communications Committee on 1 April. The bill was amended on floor and passed Senate on 7 April 2004. The bill passed both chambers with little opposition. Sources in the sponsor's office indicate that the bill only affects studies of the Arbuckle-Simpson Aquifer in southern Oklahoma. The bill can be found at http://www2.lsb.state.ok.us/2003-04HB/HB1875_cs.rtf. Sponsor: Representative Ron Langmacher (D)

(UPDATE) **Oklahoma H.B. 1876 - Air Permitting.** H.B. 1876 makes minor technical amendments to the Environmental Quality Board rulemaking authority concerning air contaminants and provides that the Board is the only authority that may set limits below which a source of air contaminants may be exempted from the requirement to obtain a permit or to pay any fee. The bill passed the House on 3 March 2004 and Senate on 6 April. The bill was sent to the Governor on 7 April 2004. Prospects for Governor Brad Henry (D) to sign this bill are favorable. The bill passed both chambers without opposition. Committee sources indicate that the bill makes minor changes to existing statute and is not expected to generate opposition by the Governor. http://www.lsb.state.ok.us/2003-04HB/HB1876_int.rtf. Sponsor: Representative Ron Langmacher (D)

(UPDATE) **Oklahoma H.B. 2472 - Noise Pollution.** H.B. 2472 clarifies language that prohibits certain uses of land hazardous to aircraft operation. The bill passed the House on 18 February 2004. The bill was referred to the Senate Veterans, Military and Public Safety Committee on 17 March. Prospects for Senate consideration are favorable. The bill passed the House unanimously. Committee sources indicate that this bill is uncontroversial and just clarifies an existing statute. The full document can be viewed at http://www.lsb.state.ok.us/2003-04HB/HB2472_int.rtf. Sponsor: Representative David Braddock (D)

AEC CREO Comment: The Army/DoD has submitted Comments and alternative language regarding H.B. 2472. More changes to the language of the bill are expected. CREO has been and will continue to track this legislative proposal.

STATE OF OKLAHOMA FINAL RULE

(UPDATE) **OK Department Of Environmental Quality Final Regulation: Addition Of A New Permit Exempt Category For Low Emission Facilities; New Open Burning Regulations (OAC 252:100-5, 7, 13 and 33).** The Department has adopted revisions to 252:100, Subchapters 5, 7 and 13. Revisions to Subchapters 5 and 7 establish a new permit exempt facility category for facilities with actual emissions of each regulated pollutant of 40 tons per year or less and with potential emissions less than the Part 70 and Prevention of Significant Deterioration (PSD) threshold levels. The revisions also eliminate annual operating fees for permit exempt facilities. In addition, the revisions add a "special inventories" category to the rules that allows the Department Director to request a special inventory emission from the owner or operator of a facility that emits or has the potential to emit any regulated air pollutant. Finally, the revisions add a certification requirement for emission inventories. The revisions to Subchapters 5 and 7 may be seen online at [http://www.deq.state.ok.us/AQDnew/proposedrules/jan04/PerExmp\(12-15-03\)web.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jan04/PerExmp(12-15-03)web.pdf). Revisions to Subchapter 13, Open Burning, clarify the scope of exemptions that allow open burning for purposes of fire training. Amendments to Section 9 of that subchapter exempt hydrocarbon flares from the prohibition against burning between sunset and sunrise. The revisions to Subchapter 13 may be seen online at <http://www.deq.state.ok.us/AQDnew/proposedrules/jan04/SC%2013%20Rule.pdf>. The Department has also replaced an existing emergency rule with a permanent rule to exempt glass-melting furnaces that utilize BACT from the requirements of Subchapter 33 or otherwise set a new standard for glass-melting furnaces that is attainable. The Department also has revised the definition of "new fuel-burning equipment" to reflect that direct-fired fuel-burning equipment did not become subject to Subchapter 33 until 1977. The final Subchapter 33 regulation may be seen online at [http://www.deq.state.ok.us/AQDnew/proposedrules/jul03/33\(6-16-03\)web.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jul03/33(6-16-03)web.pdf). After Hearings and Environmental Quality Board approval of Subchapters 5, 7 and 13, these rules were submitted for gubernatorial and legislative review. The amendments were adopted and are effective 11 June 2004. *For additional information, please contact Joyce Sheedy at (405) 702-4100.*

Oklahoma Homeland Security Information. Oklahoma Office of Homeland Security, Bob A. Ricks, Director; CPT Kerry Pettingill, Deputy Director, (405) 425-7296. Web page: <http://www.youoklahoma.com/agencies/contact.php?page=191>. Web page: <http://www.youoklahoma.com/homelandsecurity/>

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Note: The Texas legislature is not in regular session in 2004.

STATE OF TEXAS FINAL RULE

(UPDATE) **TX Commission For Environmental Quality Final Regulation: Offset Certifications, New Source Review Permit Processes, And Extensions For Construction (30 TAC 116, §§116.12, 116.114 - 116.116, 116.143, 116.150, 116.313, 116.315, 116.715; and new §§116.120, 116.170, 116.172).** The Commission has adopted rule amendments to ensure the timely submission of updated and additional information used to process NSR applications. The Commission is proposing that applicants that do not supply requested and necessary information for the processing of a permit application will have their application voided. The amendments: (1) require that an emission offset would have to be certified under the current rules for emission credits in order to qualify as a reduction to emissions external to a facility; (2) require the voiding of an application for a permit or permit amendment in the event of deficient information supplied with the application; (3) allow for an additional 18-month extension to begin construction of a project in the case of delays caused by litigation or for other unspecified reasons if the permit holder has spent 15% of the cost of the project toward construction; (4) require a permit application fee before an application will be processed or begin any time constraints required of the commission; and (5) require an application for permit renewal to be submitted at least six months but no earlier than 18 months prior to the permit expiration date. The rules were final, effective 24 September 2003. *For additional information, please contact Clifton Wise at (512) 239-2263.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) **TX Commission On Environmental Quality Proposed Report: Water Quality Inventory And 303(D) List.** The Commission has submitted portions of its 2004 Draft Water Quality Inventory and 303(d) List report for public comment. The Commission is soliciting comments on: (1) any new information contained in its 2004 Assessments of Individual Water Bodies; (2) categories assigned to parameters where new information has caused the category to change; (3) guidance changes indicated as new and not implemented previous to 2004; and (4) TMDL ranking. The draft is available online at http://www.tnrcc.state.tx.us/water/quality/04_twqi303d/04_index.html. *For additional information, please contact Patrick Roques at (512) 239-4604.*

(UPDATE) **TX Commission On Environmental Quality Final Plan: January 2004 Update To Water Quality Management Plan.** The Commission has finalized the January 2004 update of the Water Quality Management Plan (WQMP). The WQMP is developed and promulgated in accordance with the requirements of the Federal Clean Water Act (CWA), Chapter 208. The update includes: (1) projected effluent limits of indicated domestic dischargers useful for water quality management planning in future permit actions; (2) service area populations for listed wastewater treatment facilities; and (3) designated management agency information. Written comments were due 8 March 2004. The January 2004 update to the WQMP is final. The update should be submitted to USEPA for approval by the end of April 2004. The update is available online at http://www.tnrcc.state.tx.us/permitting/waterperm/wqmp/jan_04_final.pdf. *For additional information, please contact Nancy Vignali at (512) 239-1303.*

(UPDATE) **TX Natural Resources Conservation Commission Departmental Discussion: Amendments To Rules Governing Petroleum Storage Tanks (30 TAC 334.2, 334.49, 334.302, 334.306, 334.307, 334.308, 334.309, 334.310, 334.313, 334.314, 334.322, 334.533 and 334.560).** The Commission is discussing amendments to the Petroleum Storage Tank (PST) rules. The amendments will concern: (1) definitional changes; (2) registration for Underground Storage Tanks (USTs) and UST Systems; (3) certification for USTs and UST Systems; (4) reporting and record Keeping; (5) corrosion protection; (6) permanent removal from service; (7) general conditions and limitations regarding reimbursements; (8) application requirements; (9) technical information; (10) costs; (11) eligibility requirements; (12) fund payment reports; (13) audits; and (14) notices of overpayment. The Commission was scheduled to vote 7 April 2004 on whether to approve this rulemaking for publication in the TX Register. There is currently a public hearing scheduled for 15 May 2004. The text can be found at http://www.tnrcc.state.tx.us/permitting/r_e/reimb/stake_reimb.html#rules. *For additional information, please contact Michael Bame at (512) 239-5658.*

(UPDATE) **TX Commission On Environmental Quality Final Review: Re-Adoption Of Risk Reduction Program Rules Without Changes After Quadrennial Review (30 TAC 350).** The Commission has completed a quadrennial review of its Risk Reduction Program (TRRP). The TRRP most commonly regulates the cleanup and management of hazardous wastes and substances, referred to as chemicals of concern (COCs), which are released into the environment from regulated commercial and industrial facilities, and on the closure of waste management facility components (e.g., tanks, container storage areas, surface impoundments). Staff reports that the TRRP was re-adopted without changes in the fall of 2003 after completion of the quadrennial review. For additional information, please contact Chet Clark at (512) 239-2268.

Texas Homeland Security Information. Texas Division of Emergency Management, Jack Colley, State Coordinator (512) 424-2443 (jack.colley@txdps.state.tx.us); Steve Vaughn, Asst State Coordinator (steve.vaughn@txdps.state.tx.us), (512) 424-2434. Web page: <http://www.txdps.state.tx.us/dem/>.

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REGION 7 STATE ACTIVITY

Regulatory & Legislative Web Sites	
Iowa Department of Natural Resources (IDNR)	http://www.state.ia.us/dnr/
Iowa General Assembly	http://www.legis.state.ia.us/
Kansas Department of Health and Environment (KDHE)	http://www.kdhe.state.ks.us
Kansas Legislature	http://www.kslegislature.org/cgi-bin/index.cgi
Missouri Department of Natural Resources (MDNR)	http://www.dnr.state.mo.us/homednr.htm
Missouri General Assembly	http://www.moga.state.mo.us/
Nebraska Department of Environmental Quality (NDEQ)	http://www.deq.state.ne.us
Nebraska Legislature	http://www.unicam.state.ne.us/

Region 7 Homeland Security Information. FEMA Region VII (Kansas City), Dick Hainje, Director, (816) 283-7061. Web page: <http://www.fema.gov/regions/vii/index.shtm..>

IOWA Legislative/Regulatory Activity

The Iowa legislature adjourned on 20 April 2004.

STATE OF IOWA PROPOSED LEGISLATION

The following legislation had been reported in the Central Region Review but “died upon adjournment” or vetoed by the Governor on 20 April 2004:

Iowa H.F. 257 - Disposal Requirements

Iowa H.F. 258 - Land Use, Growth Management

Iowa H.F. 413 - Wetlands

Iowa H.F. 435 - Mercury, Air Quality

Iowa H.F. 488 - Land Use, Growth Management

Iowa H.F. 2331 - Lead Abatement

Iowa S.F. 2230 - Hazardous Waste, Voluntary Remediation

(UPDATE) **Iowa H.F. 348 - Underground Storage Tanks.** This bill requires the State Fire Marshal to consider an above ground petroleum storage tank with a capacity or a storage use other than that given in the applicable national standards to be in substantial compliance if a professional engineer certifies that the standards have been met. It also requires that the installation be approved by local governments. Prospects for passage are unfavorable. This was formerly introduced as H.S.B. 133. Historically, Committee sponsored legislation is favorably received in the Legislature. This measure imposes new fees and it is unlikely to be heard in Committee at this time. Legislative sources indicate there is a lack of support or interest for the measure. Since this measure has been referred to the Appropriations committee, it does not have to abide by committee reporting deadlines. This document can be accessed at <http://www.legis.state.ia.us/GA/80GA/Legislation/HF/00000/HF00027/Current.html>. Sponsor: House State Government Committee

(NEW) **Iowa H.F. 2526 - Lead Abatement.** H.F. 2526 provides that the Department of Public Health shall adopt rules setting forth voluntary lead hazard remediation standards and further provides that the Department shall adopt a registry of facilities that are in compliance with the lead hazard mediation standards. The bill was introduced to the House Ways and Means Committee 9 March 2004 and referred to Subcommittee 23 March 2004. Prospects for consideration are uncertain. Committee sources indicate that bills sponsored by a committee are usually received favorably by the full Chamber. Committee deadlines do not apply to Ways and Means bills. The document can be accessed at http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&frame=1&hbill=HF2526%20%20%20%20%20%20%20&ch_am=House. Sponsor: House Committee on Environmental Protection

STATE OF IOWA FINAL RULE

(UPDATE) **IA Department Of Natural Resources Final Regulation Published 14 April 2004: Amendment To Chapter 61, Water Quality Standards (Chapter 61 & 62).** The Department adopted an amendment to the water quality standards. The changes include the following: (1) numerical water quality criteria for chloride for the protection of aquatic life and general uses are being established; (2) the current total dissolved solids (TDS) numerical criterion of 750 mg/l is being replaced with a site-specific approach for establishing discharge limits for dissolved solids; (3) the current B(LW) Lakes and Wetlands use designation will be replaced with separate designations for each of the two types of water bodies – lakes and wetlands; (4) several lakes and wetlands will be added to the rule–referenced document “Surface Water Classification”; (5) all the waterbodies currently designated as Class B(WW) warmwater and Class B(CW) coldwater and those being redesignated as Class B(L) lakes in the rule–referenced document “Surface Water Classification” will be designated as Class A2 secondary contact recreational waters; (6) several streams will be added as Class B(LR) streams, two Class B(WW) streams will be redesignated as B(LR) streams, and corrections to stream locations will be made in the rule–referenced document “Surface Water Classification”; (7) the rule–referenced document “Protected Flows for Selected Stream Segments” will be amended to add several streams and correct the locations and protected flows of several other streams for consistency with the document “Surface Water Classification”. At the 15 March 2004 meeting, the Environmental Protection Commission acted to terminate rule-making efforts for chloride and TDS that appeared as Items 3 and 4 in the Notice of Intended Action. In addition, the EPC made recommendations to: (1) Sample and monitor chloride and TDS for adequate data to make an informed decision including the possible costs and returns associated with clean and healthy water; (2) Monitor aquatic ecosystem impacts through biological surveys, particularly where aquatic life may be impacted as a result of current effluent levels of cations and anions; (3) Coordinate with and utilize fisheries personnel where possible; (4) Utilize the USEPA to make sure options being considered are consistent with the Federal Clean Water Act including court directives; (5) Review stream classifications to be sure that the uses of streams are properly classified; (6) Sponsor a workshop with help from USEPA and Iowa scientists on alternative solutions to hard water, solutions for managing effluent during low flow conditions, new technology in waste treatment, and health considerations of effluent when reentering the drinking water supply; (7) Continue consideration of site-specific WET tests but with maximum standards to protect aquatic ecosystems, livestock and wildlife watering and other uses in current rules. The Commission held a special electronic public meeting 12 April 2004 to vote on whether or not to rescind the 15 March 2004 decision to disapprove the rule. The Commission adopted the rules with recommendations. The rule is effective 19 May 2004. Document text can be viewed at <http://www.iowadnr.com/epc/04apr12/1.pdf>. For additional information, please contact Ralph Turkle at (515) 281-7025.

STATE OF IOWA PROPOSED RULES

(UPDATE) IA Department Of Natural Resources Proposed Regulation: Water Quality Standards (567 IAC 61). The Department is proposing a rulemaking to amend the cold water aquatic life use designation and to adopt a protocol for assessing and designating water bodies for cold water aquatic life uses. The Environmental Protection Commission (EPC) approved a Notice of Intended Action regarding proposed rulemaking to amend the State's cold water aquatic life use designation and to adopt a protocol for assessing and designating water bodies for cold water aquatic life uses at its meeting 15 March 2004. The proposed amendments were published on 14 April and public hearings will be held on 4, 5, 11 and 14 May. Written comments are due 28 May 2004. *For additional information, please contact Chuck Corell at (515) 281-8448.*

(UPDATE) IA Department Of Natural Resources Proposed Regulation: Amendment To Tax Certification Of Pollution Control Or Recycling Property (567 IAC 11). The Department is proposing amendments to the tax certification of pollution control or recycling property. These amendments reflect the expansion of the property tax exemption to include property used to process waste wood products. The amendments provide examples of recycling property typically considered eligible as well as recycling property typically considered ineligible for the tax exemption. A public hearing was scheduled for 8 April with written comments due on 8 April. The Administrative Rules Review Committee would then review the rule on 12 April 2004. Document text can be viewed at <http://www.legis.state.ia.us/Rules/Current/Bulletin/ACB040317.html>. *For additional information, please contact Jeff Geerts (515) 281-8176.*

(UPDATE) IA Department Of Natural Resources Proposed Regulation: PSD Permit Streamlining (Ch. 20, 22). The Department is proposing ways to streamline the prevention of significant deterioration (PSD) permit process. PSD requires that any new or expanding facility located in areas not meeting the existing air quality standards are limited in their emissions, and such facilities are often required to install best available technology. The rulemaking will establish, consolidate and modify several definitions. The Department received permission from the Environmental Protection Commission 17 November 2003 to proceed with the rulemaking. A public hearing was held on 8 January 2004 in Urbandale and a second public hearing was held on 9 January in Davenport. The public comment period on the proposed rules closed on 16 January. The Rules Review Commission discussed the rule at their meeting 8 March. Additional public hearings were held 1 April (Urbandale) and 2 April (Davenport). Another public hearing is scheduled for 2 June (Cedar Rapids) and comments are due 11 June 2004. *For additional information, please contact Dave Phelps at (515) 281-8189.*

(UPDATE) IA Department Of Natural Resources Proposed Regulation: Land Recycling Program And Response Action Standards (567 IAC 137). The Department is considering modifications to the land recycling program and response action standards. The rulemaking will change the requirements for establishing risk-based standards. The Department has not yet convened a technical advisory committee (TAC). Staff report they are still negotiating details involving rule modifications with USEPA as part of the negotiation of a Memorandum of Agreement (MOA) regarding the Iowa Land Recycling Program and revisions were introduced at the 16 February 2004 Environmental Protection Commission meeting. A Notice of Intended Action for these revisions was introduced at the 15 March 2004 EPC meeting. The proposed amendments will be published on 14 April and a public hearing will be held on 5 May 2004. *For additional information, please contact Bob Drustrup at (515) 281-8900.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) IA Department Of Natural Resources Departmental Discussion: 2004 303(d) List. The Department is drafting their 2004 303(d) list of impaired waters. Under section 303(d), states, territories, and authorized tribes are required to develop lists of impaired waters. These impaired waters do not meet water quality standards that states, territories, and authorized tribes have set for them, even after point sources of pollution have installed the minimum required levels of pollution control technology. The law requires that these jurisdictions establish priority rankings for waters on the lists and develop TMDLs for these waters. *For additional information, please contact Chris Van Gorp (515) 281-4791.*

(UPDATE) IA Department Of Natural Resources Final Regulation Published 17 March 2004: Commercial And Industrial Solid Waste Incineration Emissions Guidelines (567 IAC 23). The Department adopted a rulemaking to establish emission guidelines and compliance schedules for the control of emissions from commercial and industrial solid waste incinerators (CISWI). The regulation adopts by reference

Subpart III of 40 CFR Part 62. Subpart III establishes emission requirements and compliance schedules for the control of emissions from commercial and industrial solid waste incineration (CISWI) units that commenced construction on or before 30 November 1999 and are not covered under an approved state plan. The rulemaking was approved at the Environmental Protection Commission meeting 16 February 2004. The rule was filed 26 February and is effective 21 April 2004. *For additional information, please contact Jim McGraw at (515) 242-5167.*

Iowa Homeland Security Information. Iowa Homeland Security, Emergency Management Division, Ellen M. Gordon, Administrator and Iowa Homeland Security Advisor, (515) 281-3231. Web page: <http://www.iowahomelandsecurity.org/>.

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KANSAS

Legislative/Regulatory Activity

STATE OF KANSAS PROPOSED LEGISLATION

The following bills were reported previously in the Central Region Review but failed to meet the consideration deadline of 27 March 2004:

Kansas H.B. 2246 - Solid Waste

Kansas H.B. 2248 - Lead Abatement

Kansas H.B. 2251 - Solid Waste, Taxation

Kansas H.B. 2484 – Groundwater

Kansas H.B. 2607 - Solid Waste

STATE OF KANSAS PROPOSED RULE

(UPDATE) **KS Department Of Health And Environment Proposed Regulation: Amendment To Inventory Report Rule.** The Department adopted a rulemaking to amend the inventory reporting rule. The amendments include an increase in fees, changing the submission date of class II inventories to 1 April, and minor housekeeping changes. A public hearing was held 31 January 2004 and comments were accepted until 31 January 2004. Staff reports the rulemaking was adopted and is awaiting final publication. Staff reports the rule was delayed by external review and should be progressing to publication by Mid-April 2004. *For additional information, please contact Tom Gross at (785) 296-1692.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) **KS Department Of Health And Environment Departmental Discussion: Adoption Of Updated Federal Standards.** The Department is discussing adopting the federal update to the clean air standards. The Department expected to begin the formal rulemaking by March 2004. Staff reports that they expect to release the draft rule for external review prior to public notice and hearing by May 2004. *For additional information, please contact Tom Gross at (785) 296-1692.*

(UPDATE) **KS Department Of Health And Environment Departmental Discussion: 2004 303(d) List.** The Department has proposed the 2004 303(d) list. Section 303(d) of the Clean Water Act requires that States develop a list of water bodies needing additional work beyond existing controls to achieve or maintain water quality standards. This Section 303(d) list is meant to identify waters that require Total Maximum Daily Loads (TMDLs) because technology-based effluent limitations, more stringent State or local effluent limitations, and other pollution control requirements such as best management practices, are not stringent enough to implement applicable water quality standards. The draft list was issued 30 January 2004 and the Department held hearings on 24 February (Garden City), 25 February (Wichita) and 26 February (Topeka). Comments were accepted until 15 March 2004. Staff

is making final corrections before submitting the list to USEPA. *For additional information, please contact Tom Stiles at (785) 296-6170.*

Kansas Homeland Security Information. Kansas Emergency Management and Homeland Security, MG Tod M. Bunting, Director and Kansas Adjutant General, (785) 274-1911. Web page: <http://www.accesskansas.org/kdem/>.

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MISSOURI

Legislative/Regulatory Activity

STATE OF MISSOURI PROPOSED LEGISLATION

(UPDATE) **Missouri H.B. 1277 - Hazardous Waste.** This bill requires the Hazardous Waste Management Commission to convene a task force, beginning 1 July 2004, to consider proposals for restructuring the fees paid by hazardous waste generators and hazardous waste facilities. The task force will also consider options for expanding the fee structure to more fairly apportion the cost of services provided among all those that benefit from those services. This allows Missouri treatment, storage, and disposal facilities that receive hazardous material from out-of-state generators to submit registration information to the Department of Natural Resources. Prospects for Senate consideration are favorable. The bill passed the House unanimously, indicating bipartisan support. Supporters of the bill include the Missouri Department of Natural Resources, the Chlorine Council of Missouri, and BP Amoco. The committee of referral has yet to review the bill. The bill can be accessed at <http://www.house.state.mo.us/bills041/biltxt/intro/HB12771.htm>. Sponsor: Representative Merrill Townley (R)

(UPDATE) **Missouri H.B. 1432 – Fuels.** Missouri H.B. 1432 requires all diesel fuel sold or offered for sale in the state of Missouri on or after 1 July 2006, to contain at least 2% biodiesel fuel oil by volume. The bill was introduced and read first time on 9 February 2004, read a second time on 10 February and referred to the Agriculture Committee on 26 February 2004. Prospects for consideration are favorable. The committee has voted the bill as "Do Pass with Amendments." Historically, the legislature adopts bills reported favorably from a standing committee. The sponsor is a member of the minority party, but a member of the committee of referral. The document can be viewed at <http://www.house.state.mo.us/bills041/biltxt/intro/HB14321.htm>. Sponsor: Representative James Whorton (D)

(UPDATE) **Missouri H.B. 1609 - Mercury, Persistent Bioaccumulative Toxic (PBT), Heavy Metals.** This bill requires entities emitting more than 30 lbs. of mercury per year to pay a fine. The bill was introduced and read first time 2 March 2004 and read a second time 3 March and referred to the Conservation and Natural Resources Committee 11 March. A hearing was held on 31 March but was continued until 7 April 2004 because there was not enough time to consider this bill and others scheduled to be heard last week. Prospects for consideration are uncertain. The sponsor is a member of the minority party and not a member of the committee of referral. Co-sponsors Representative Belinda Harris (D) and Representative Mike Sager (D) are members of the committee of referral. To view this bill, please go to: <http://www.house.state.mo.us/bills041/biltxt/intro/HB16091.htm>. Sponsor: Representative Barbara Fraser (D)

(NEW) **Missouri H.B. 1719 - Inspection And Maintenance Programs.** This bill requires, on or before 1 January 2005, the Air Conservation Commission to suspend the operation of any motor vehicle emissions inspection program and institute a decentralized emission inspection program based on current safety inspection standards. The bill was introduced and read first time on 6 April and read second time on 7 April 2004. Prospects for consideration are uncertain as the bill has yet to be referred to a committee. The sponsor is a member of the majority party. The document can be found at <http://www.house.state.mo.us/bills041/biltxt/intro/HB17191.htm>. Sponsor: Representative Jim Lembke (R)

(NEW) **Missouri H.B. 1724 - Aboveground Storage Tanks, Underground Storage Tanks.** H.B. 1724 allows local regulation of fuel storage tanks. The bill was introduced and read first time on 7 April and read a second time on 8 April 2004. Prospects for consideration are uncertain at this time since it has yet to be referred to a committee. The sponsor is a member of the majority party. The document can be found at <http://www.house.state.mo.us/bills041/biltxt/intro/HB17241.htm>. Sponsor: Representative Bryan Pratt (R)

(UPDATE) **Missouri S.B. 739 - Environmental Administrative Procedures.** The current version (17 March) requires a regulatory impact report for all rules of hazardous waste, soil and water, petroleum storage tank insurers, land reclamation, safe drinking water, air conservation, and clean water commissions and funds. After pre-

filing and hearings/referrals, a hearing was held on 24 February 2004. The bill was substituted and reported favorably on 11 March. It was amended on the floor and passed the House on 17 March. Senate refuses concurrence and requests the House to recede or grant a conference on 18 March. The House granted a conference on 29 March that was subsequently held on 30 March. A hearing was held and conference committee report and substitute submitted on 31 March. A conference committee report and substitute #2 was submitted on 6 April. The bill is "In Conference" as of 13 April 2004. Prospects for consideration are uncertain. The House passed the bill with amendments and the Senate refused concurrence. A conference committee has been adjourned. The bill can be found at <http://www.senate.mo.gov/04info/billtext/hcs/sb739.htm>. Sponsor: Senator David Klindt (R)

(UPDATE) **Missouri S.B. 901 - Underground Storage Tanks.** This bill outlines the Missouri Department of Natural Resources' (Department) responsibilities regarding clean up operations of underground storage tanks; allows for the commencement of a civil action against a non-compliant owner/operator(s) and assess an administrative penalty; provides the authority for the Department to adopt more stringent State regulations than those furnished by the federal government; and, changes the jurisdiction over underground storage tanks from the Clean Water Commission to the Missouri Hazardous Waste Management Commission. The bill passed the Senate on 30 March and referred to the House Conservation and Natural Resources Committee 1 April 2004. A hearing was held and the committee voted "Do Pass" on 7 April. Prospects for House consideration are favorable. The bill passed the Senate unanimously, indicating bipartisan support. The entire bill can be viewed at <http://www.senate.mo.gov/04info/billtext/intro/sb901.htm>. Sponsor: Senator Wayne Goode (D)

(UPDATE) **Missouri S.B. 1040 - Hazardous Waste.** The current version (24 February 2004) of this bill creates a joint committee appointed by the Speaker of the House and President Pro Tem of the Senate to examine the present hazardous waste fee structure and ultimately make a recommendation to the Governor and the General Assembly regarding how to more fairly apportion the cost of services provided among those that benefit from the services by 31 December 2004. The bill allows Missouri's treatment storage and disposal facilities receiving hazardous waste from out-of-state generators to submit registration describing type and quantity of hazardous waste received from out-of-state generators and fee information to the Department of Natural Resources (Department) and extends the hazardous waste fee until 30 June 2006, except that the Department shall collect this fee for any hazardous waste generated prior to such date. Effective immediately. Prospects for House consideration are favorable. The bill passed the Senate unanimously, indicating bipartisan support. The text can be accessed at <http://www.senate.mo.gov/04info/billtext/perf/sb1040.htm>. Sponsor: Senator John Griesheimer (R)

STATE OF MISSOURI FINAL RULES

(UPDATE) **MO Department Of Natural Resources Final List And Proposed Methodology: Development of 2002 303(d) List And Methodology.** The Department has adopted the 2002 section 303(d) list, identifying waters that have insufficient water quality treatment requirements and do not meet all applicable water quality standards. The Department has now proposed a new listing methodology document describing in detail how the Department plans to evaluate data to determine whether or not a stream or lake should be placed on the list. During review of the proposed 2002 303(d) List, the Missouri Clean Water Commission directed staff to develop a rulemaking to codify the methodology prior to promulgating the 303(d) List as rule. The methodology used for developing the 303(d) List must be submitted to EPA. This rulemaking will allow staff to meet the directive of the Missouri Clean Water Commission to codify the existing methodology. The Department has held public meetings and developed fact sheets for the public. The Department requested parties to recommend waters for the year 2002 section 303(d) list and/or comments on the preliminary draft of a document that describes how waters are selected for the list. Staff report that the 10 March 2004 meeting ended with issues outstanding on the rule. In order to resolve the issues, the Commission scheduled a conference call to discuss the rule further on 5 April 2004. The text can be accessed at <http://www.sos.mo.gov/adrules/moreg/previous/2003/v28n24/v28n24b.pdf> (page 2240). For additional information, please contact John Ford at (573) 751-7428.

(UPDATE) **MO Department Of Natural Resources Final Regulation: Gasoline Delivery VOC Emissions Control (Citation: 10 CSR 010-02.260).** The Department has adopted an amendment to add vapor line requirements to perform proper vapor recovery during fuel delivery at gasoline stations. These requirements were inadvertently omitted when the rule 10 CSR 010-02.260 was promulgated. The rule restricts volatile organic compound (VOC) emissions from the handling of petroleum liquids in the Kansas City metropolitan area that contribute to the formation of ozone in order to protect the environment. The rule received legislative approval 2 February 2004 and was filed with the Secretary of State the same day.

The Department adopted the rule with an effective date of 30 April 2004. The text of the proposal can be found at <http://www.sos.mo.gov/adrules/moreg/current/2003/v28n18/v28n18a.pdf>. For additional information, please contact Ben Elmore at (573) 751-4817.

STATE OF MISSOURI PROPOSED RULE

(UPDATE) **MO Department Of Natural Resources Proposed Regulations: Review Of The Aboveground And Underground Storage Tank Regulations (10 CSR 100-2.010, 3.010, 4.010)**. The Department has adopted revisions to Division 100, Chapters 2 and 4 containing regulations governing the Petroleum Storage Tank Insurance Fund. The revisions to Chapter 2 add two definitions, including what constitutes "in use" and "out of use." In addition, revisions to chapter 4 allow insured UST owners to continue their liability protection after they sell their underground tanks or when they take them out of use and no longer need pollution liability protection for a leak. It creates the opportunity to purchase an "extended reporting period" and eliminates the past practice of transferring insurance policies from owner to owner. The proposed rule was published 1 December 2003. The Department accepted comments until 31 December 2003. There was no hearing scheduled. The final rule was published in the 1 April 2003 issue of the MO Register. The rule will become effective 30 days after publication in the Code of State Regulations. Staff anticipates that the rule will become effective at the end of May 2004. For additional information, please contact Tim Eiken at (573) 751-6822.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **MO Department Of Natural Resources Departmental Discussion: Risk-Based Remediation For Tanks (10 CSR 20-7.040)**. The Department is discussing a rulemaking that would establish risk-based remediation for tanks. This potential rulemaking is tied in with a larger potential rulemaking for risk-based groundwater clean up projects that is also in a discussion phase within the Department. Staff reports that a rule may be proposed by the end of spring 2004. For additional information, please contact John Madras at (573) 751-1123.

(NEW) **MO Department Of Natural Resources Departmental Discussion: Designation Of The Kansas City Area As A Non-Attainment Area**. The Department is discussing the possibility of making a recommendation to EPA that the Kansas City area be designated as a non-attainment area under the 8-hour ozone standard. The Department anticipates that the results of ozone monitoring in the Kansas City area will warrant the recommendation for non-attainment designation. Staff report that the Department anticipates a designation process will begin in summer 2004. For additional information, please contact John Rustige at (573) 751-4817.

(UPDATE) **MO Department Of Natural Resources Departmental Discussion: MO SIP Revised NAAQS Plan, Ozone And PM_{2.5}**. The Department is discussing regulations and SIP amendments to adopt the new and revised federal standards for ozone and PM_{2.5} using 12 criteria for determining the appropriate non-attainment boundaries. The Department has prepared an unofficial table of areas that would not be in compliance with the ozone standard. Some parts of the St. Louis and Kansas City area may be in non-attainment. The Department will begin drafting its SIP after April 2004. The SIP is expected to be due sometime between 2005 and 2007. Staff reports that the Department submitted the recommendations for establishing geographical non-attainment boundaries for ozone and PM_{2.5} to EPA. The recommendations for ozone were submitted in December 2003 and staff expects a response from EPA very soon. The PM_{2.5} recommendations were submitted in early March 2004 and EPA has until December 2004 to respond to those recommendations. For additional information, please contact John Rustige at (573) 751-4817.

(UPDATE) **MO Department Of Natural Resources Departmental Discussion: Risk-Based Remediation Of Groundwater (10 CSR 20-7.040)**. The Department is discussing a rule to codify the criteria and standards to be used in risk-based groundwater cleanup projects, as authorized in section 644.143 RSMo. This rule is intended to complement federal and state laws and regulations. Any person conducting a groundwater cleanup under the authority of any state environmental statute would follow the process contained in this rule. Staff reports that a draft guidance document on risk-based groundwater cleanup projects is expected to be available for public review in April 2004. After comments are received on the document, stakeholders will likely meet in June 2004 to discuss how to proceed. Staff does not expect a rule proposal until at least fall 2004. For additional information, please contact John Madras (573) 751-1123.

(UPDATE) **MO Department Of Natural Resources Departmental Discussion: 2003 Triennial Review Of Water Quality Standards.** The Department is working on a 2003 triennial review of Missouri's water quality standards. During the triennial review, amendment of all of the state's water quality standards is considered. The Department is discussing: (1) the addition of whole-body contact recreation use to all classified waters in the state; (2) removal of the high flow exemption for fecal coliform bacteria; (3) adoption of the total recoverable method to measure compliance with drinking water standards; (4) adoption of the 1999 USEPA ammonia criteria; (5) development of dissolved oxygen standards based on waterbody type; and (6) permitting issues in national outstanding resource waters. The Department received EPA's formal approval letter reviewing previous triennial reviews in September 2000. The triennial reviews had not been approved by USEPA since 1992. Staff reports that they are now working on the 2003 triennial review and are in the process of drafting a document that should be available for public review in July 2004. *For additional information, please contact Stacia Bax (573) 526-1445.*

Missouri Homeland Security Information. Missouri Office of Homeland Security, Tim Daniel, Director; Center for Emergency Response and Terrorism, Pam Walker, Director, (573) 522-3007. Web page: <http://www.homelandsecurity.mo.gov/>. Web page: <http://ready.missouri.gov/>.

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NEBRASKA

Legislative/Regulatory Activity

The Nebraska legislature adjourned on 15 April 2004.

STATE OF NEBRASKA FINAL LEGISLATION

(UPDATE) **Nebraska L.B. 449 - Air Quality, Air.** The final version (11 March 2004) states that beginning 1 January 2005, each application for an air quality construction permit required by rules and regulations must be accompanied by an application fee. Governor Mike Johanns signed the bill on 19 March 2004. The document can be viewed at http://www.unicam.state.ne.us/pdf/FINAL_LB449_1.pdf. Sponsor: Senator Ed Schrock (I)

(UPDATE) **Nebraska L.B. 962 - Groundwater, Surface Water, Water Use.** This bill amends the administration of surface and ground water rights and establishes a process for the Department of Natural Resources to determine if a river basin is over-appropriated. The bill also mandates that the Department of Natural Resources and affected natural resources districts develop an integrated management plans for over-appropriated basins among other things. This will be the major water bill for the 2004 legislative session. Sources expect broad support from the Legislature. The measure was reported from Committee by a vote of 8-0. L.B. 962 implements the changes in Nebraska's water policy that were recommended by the Water Policy Task Force, which met for a period of 18 months. The Governor approved this legislation on 15 April 2004. The bill can be accessed at http://www.unicam.state.ne.us/pdf/INTRO_LB962.pdf. Sponsor: Natural Resources Committee

STATE OF NEBRASKA PROPOSED LEGISLATION

The following legislation had been reported in the Central Region Review but "died upon adjournment" on 15 April 2004:

Nebraska L.B. 301 - Electronic Waste, Pollution Prevention

Nebraska L.B. 822 - Environmental Justice

Nebraska L.B. 1042 - Water Use, Water

Nebraska L.B. 1122 - Environmental Administrative Procedures, Voluntary Remediation

Nebraska L.B. 1172 - Ground Water, Water Use, Transportation Of Water

Nebraska L.B. 1173 - Water Use, Groundwater

Nebraska L.B. 1195 - Land Use

(UPDATE) **Nebraska L.B. 923 - Voluntary Remediation.** L.B. 932 amends the Remedial Action Plan Monitoring Act (RAPMA) to provide additional benefits to participants in the state's voluntary cleanup program and to the public. It incorporates minimum criteria for acceptable state voluntary cleanup programs by providing opportunities for public participation and ensuring enforceability of cleanup agreements and clarifies the types of revenue to be credited to the Remedial Action Plan Monitoring Fund and appropriate uses of this revenue by the Department of Environmental Quality. The bill was introduced 7 January 2004 and referred to the Natural Resources Committee 8 January 2004. Prospects for consideration are diminishing. Legislative sources indicate that this measure will most likely not be heard prior to the 15 April adjournment date. The bill can be viewed at: http://www.unicam.state.ne.us/pdf/INTRO_LB923.pdf. Sponsor: Senator Ed Schrock (I)

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

Nebraska Department of Environmental Quality (NDEQ) Annual Report to the Legislature, 2003.

The NDEQ's 2003 Annual Report to the Legislature, and the 2003 Nebraska Groundwater Quality Monitoring Report are available online. Go to: <http://www.deq.state.ne.us/>, scroll down to "Agency report, Groundwater report available on line" and click on the links to view pdf versions of the reports using Adobe Acrobat Reader.

Notice Availability of Nebraska's Draft 2004 Surface Water Quality Integrated Report. This notice announces the availability of the draft 2004 Surface Water Quality Integrated Report and the opportunity for public comment. When final, the Nebraska Department of Environmental Quality will submit the 2004 Integrated Report to EPA Region 7 for review and approval/disapproval as required by the Clean Water Act. Via this notice, the Department is providing a means for public participation in the completion of the list and is hereby soliciting comments. All comments received on or before the close of business 12 March 2004 will be considered and the proposed list possibly revised. The draft Integrated Report will be available for public viewing on the Department Internet site (<http://www.deq.state.ne.us/>) under the **What's New About NDEQ** category or at the NDEQ offices. To receive a copy of the draft list, please call (402) 471-3382 or fax (402) 471-2909 (TDD call operator at 711).

Recycling Directory Now Available Online. The 2003-2004 Nebraska Recycling Resource Directory is now available on line. The Directory provides a wide array of useful recycling information, including recycling locations by county. Hard copies of the directory can also be obtained from NDEQ by sending an e-mail request to: moreinfo@ndeq.state.ne.us or by accessing: <http://www.deq.state.ne.us/> and following the link for Recycling Directory.

Nebraska Homeland Security Information. Nebraska Emergency Management Agency (NEMA) MG Roger P. Lempke, Director and State Adjutant General (roger.lempke@nema.state.ne.us); Al Berndt, Assistant Director, (402) 471-7410 (al.berndt@nema.state.ne.us). Web page: <http://www.nebema.org/>.

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FEDERAL ACTIONS

EPA FINAL RULES

Final Action on Construction and Development Effluent Guideline. EPA issued a final action that relies on a broad range of existing programs and regulations at the federal, state and local level to control stormwater runoff from construction sites in lieu of a new national effluent guideline. EPA recognizes that stormwater runoff threatens water quality but believes existing authorities and tools, supplemented by additional guidance, workshops, and resources provide a more effective and flexible approach. Almost every state and many local governments already implement requirements that are equivalent to or more stringent than those contained in a regulation proposed in 2002. All 50 states require sediment and erosion control measures at sites during construction. In addition, in 2003 new National Pollutant Discharge Elimination Systems regulations went into effect for stormwater discharges from construction sites that are one to five acres in size (larger sites were regulated previously). Over 5000 municipalities are also developing or upgrading their programs to control stormwater runoff from construction sites. These new requirements along with other federal, state and local programs will yield significant environmental improvements by controlling polluted runoff from construction sites. In addition, about 16 billion pounds of sediment will be prevented

from entering the nation's waters each year due to these new stormwater regulations. Information about this action is available at <http://www.epa.gov/guide/construction>. Information about existing programs, requirements, and EPA support for state and local stormwater programs are available at <http://www.epa.gov/npdes/stormwater>. For more information, please contact the Media Manager at (410) 436-7068.

New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana. The Louisiana Department of Environmental Quality (LDEQ) has submitted updated regulations for receiving delegation of EPA authority for implementation and enforcement of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources). These regulations apply to certain NSPS promulgated by EPA at 40 CFR part 60, as amended through 1 July 2002; and certain NESHAPs promulgated by EPA, as amended through 1 July 2002, for both 40 CFR part 61 and 63 standards. The delegation of authority under this notice does not apply to sources located in Indian Country. EPA is providing notice that it has approved delegation of certain NSPS to LDEQ, and taking direct final action to approve the delegation of certain NESHAPs to LDEQ. This rule is effective on 25 May 2004, without further notice, unless EPA receives adverse comment by 26 April 2004. For more information, please contact the Media Manager at (410) 436-1205.

Approval of the Clean Air Act Section 112(l) Program for Hazardous Air Pollutants and Delegation of Authority to the State of Louisiana. The Louisiana Department of Environmental Quality (LDEQ) has submitted updated regulations for receiving delegation of EPA authority for implementation and enforcement of National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources). These regulations apply to certain NESHAPs promulgated by EPA, as amended through 1 July 2002. The delegation of authority under this notice does not apply to sources located in Indian Country. EPA is providing notice that proposes to approve the delegation of certain NESHAPs to LDEQ. For more information, please contact the Media Manager at (410) 436-1205.

Accidental Release Prevention Requirements: Risk Management Program Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements. The Environmental Protection Agency (EPA) is making several changes to the reporting requirements of its chemical accident prevention regulations under section 112(r) of the Clean Air Act. The final rule requires that, beginning 21 June 2004, chemical facilities subject to the accident prevention regulations submit information on any significant chemical accidents and any changes to emergency contact information on a more timely basis than previously required. The rule also immediately removes the regulatory requirement for covered facilities to include in the executive summaries of their risk management plans (RMPs) a brief description of the off-site consequence analysis (OCA) for their facilities. In addition, the final rule also requires that, beginning 21 June 2004, covered facilities include three new pieces of information in their RMPs: the e-mail address for the facility emergency contact, the name, address and telephone number of the contractor who prepared the RMP, and the purpose of any RMP submission that changes or otherwise affects an earlier RMP submission. The rule also clarifies that the deadline for updating RMPs that were submitted before or on 21 June 1999, is 21 June 2004, except for those facilities required to update their RMPs as a result of changes at the facility. Finally, EPA is making several related and other revisions to the format for submitting RMPs (RMP*Submit), including expanding the list of options for possible accident causes to include uncontrolled chemical reactions. The modifications promulgated today seek to improve the accident prevention and reporting programs of covered facilities, and to assist federal, state, and local RMP implementation in light of new homeland security concerns. For more information, please contact the Media Manager at (410) 436-1213.

National Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products. This action promulgates national emission standards for hazardous air pollutants (NESHAP) for plastic parts and products surface coating operations located at major sources of hazardous air pollutants (HAP). The final rule implements section 112(d) of the Clean Air Act (CAA) by requiring these operations to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The final rule will protect air quality and promote the public health by reducing emissions of HAP from facilities in the plastic parts and products surface coating source category. The organic HAP emitted by these operations includes methyl ethyl ketone (MEK), methyl isobutyl ketone (MIBK), toluene, ethylene glycol monobutyl ether (EGBE) and other glycol ethers, and xylenes. Exposure to these substances has been demonstrated to cause adverse health effects such as irritation of the lung, skin, and mucous membranes, and effects on the central nervous system, liver, and heart. In general, these findings have only been shown with concentrations higher than those typically in the ambient air. The final standards are

expected to reduce nationwide organic HAP emissions from major sources in this source category by approximately 80 percent. Full text document location is: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-9.htm>. For more information, please contact the Media Manager at (410) 436-1205.

EPA PROPOSED RULES

National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.

The EPA is proposing to amend the list of categories of sources that was developed pursuant to section 112(c)(1) of the Clean Air Act (CAA) by deleting four subcategories from the Stationary Combustion Turbines source category. Final maximum achievable control technology (MACT) standards creating the following subcategories were published on 5 March 2004: lean premix gas-fired stationary combustion turbines, diffusion flame gas-fired stationary combustion turbines, emergency stationary combustion turbines, and stationary combustion turbines located on the North Slope of Alaska. This action is being taken in part to respond to a petition submitted by the Gas Turbine Association (GTA) and in part upon the EPA Administrator's own motion. Petitions to remove a source category from the source category list are permitted under section 112(c)(9) of the CAA. The proposed rule is based on EPA's evaluation of available information concerning the potential hazards from exposure to hazardous air pollutants (HAP) emitted from the four subcategories and includes a detailed rationale for removing the subcategories from the source category list. We request comment on the proposed rule. Although the proposed rule would delete certain subcategories from the Stationary Combustion Turbines source category, the MACT standards for the subcategories will take effect upon publication of the standards. Because the MACT standards require immediate compliance by new sources, some sources in the subcategories which we are proposing to delist may need to make immediate expenditures on emission controls which will not be required if we adopt a final rule to delete the subcategories. In view of our initial determination that the statutory criteria for delisting have been met for the subcategories, we consider it inappropriate and contrary to statutory intent to mandate such expenditures until after a final determination has been made whether or not the subcategories should be delisted. Accordingly, we are publishing elsewhere in this Federal Register a proposal to stay the effectiveness of the MACT standards for new sources in the subcategories during the pendency of the rule to delete the subcategories. The full text document location is: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-7776.htm>. For more information, please contact the Media Manager at (410) 436-1213.

Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Analysis and Sampling Procedures.

EPA is proposing changes to analysis and sampling procedures in wastewater regulations. These changes include proposal of vendor-developed methods; new EPA and voluntary consensus standard bodies (VCSB) methods; updated versions of currently approved methods; revised method modification and analytical requirements; withdrawal of certain outdated methods; and changes to sample collection, preservation, and holding time requirements. EPA also is proposing changes to drinking water analysis and monitoring. These changes include proposal of vendor-developed methods; new EPA and VCSB methods; and updated VCSB methods. The addition of new and updated methods to the wastewater and drinking water regulations will provide increased flexibility to the regulated community and laboratories in the election of analytical methods. Finally, EPA is soliciting comment on the guidance document EPA Microbiological Alternate Test Procedure (ATP) Protocol for Drinking Water, Ambient Water, and Wastewater Monitoring Methods. The full text can be viewed at <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-6427.htm>. For more information, please contact the Media Manager(s) at either (410) 436-7068 or (410) 436-1203.

National Emission Standards for Hazardous Air Pollutants: Proposed Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II).

This action proposes national emission standards for hazardous air pollutants (NESHAP) for hazardous waste combustors. These combustors include hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters, and hydrochloric acid production furnaces, known collectively as hazardous waste combustors (HWCs). EPA has identified these HWCs as major sources of hazardous air pollutant (HAP) emissions. These proposed standards will, when final, implement section 112(d) of the Clean Air Act (CAA) by requiring hazardous waste combustors to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). This action also presents EPA's tentative decision regarding the 28 February 2002, petition for rulemaking submitted by the Cement Kiln Recycling Coalition to the Administrator, relating to EPA's implementation of the so-called omnibus permitting authority under section 3005(c) of

the Resource Conservation and Recovery Act (RCRA), which requires that each permit issued under RCRA contain such terms and conditions as are determined necessary to protect human health and the environment. In that petition, the Cement Kiln Recycling Coalition requests that we repeal the existing site-specific risk assessment policy and technical guidance for hazardous waste combustors and that we promulgate the policy and guidance as rules in accordance with the Administrative Procedure Act if we continue to believe that site-specific risk assessments may be necessary. The full document can be reviewed at <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-7858.htm>. For more information, please contact the Media Manager at (410) 436-1205.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

AFCEE Technology Transfer Announces New PBM Web Page. Performance-based Management (PBM) is an overall approach to reducing overall cost and time to complete. It is a holistic and systematic results-based assessment of restoration programs to expedite site closure. PBM benefits include:

- **Institutionalizing DERP results-based-focus** into day-to-day implementation of response actions;
- **Clearly identifying** environmental problem and evaluating the adequacy of the proposed solutions;
- **Establishing a completion strategy** - clarifying the response objective and the intended outcome;
- **Shifting the focus onto results-basis** rather than steps completed;
- **Promoting establishing a realistic exit strategy** while emphasizing smarter, faster ways to achieve site characterization and response complete;
- **Promoting implementation of innovative alternate contracting and implementing RPO** to optimize the installation's restoration program; and
- **Accelerating site closure.**

The site can be found at <http://www.afcee.brooks.af.mil/products/techtrans/pbm/default.asp>.

EPA Announces Priority Chemicals for Reduction. EPA announced five priority chemicals used by the Federal government that are targeted for reduction in accordance with Executive Order 13148 "Greening the Government Through Leadership in Environmental Management." The E.O. directs EPA to develop a list of priority chemicals used by the federal government that may result in significant harm to human health or the environment and that have known, readily available, less harmful substitutes for identified applications and purposes. Federal agencies are to develop and support goals to reduce the usage of these chemicals by 50 percent by December 31, 2006. For additional information, please go to the following link: <http://www.ofee.gov/wpr/chemical.htm>.

EPA Issues Designations On 8-Hour Ground Level Ozone Health Standards. EPA has determined that areas of 31 states do not meet new health standards for ground-level ozone. States and communities must now submit plans for how they will reduce ozone levels. A *designation* is the term EPA uses to describe the air quality in a given area for any of six common pollutants known as *criteria pollutants*. Those pollutants include ground-level ozone. EPA designates an area as *non-attainment* if it has violated, or has contributed to violations of the national 8-hour ozone standard over a three-year period. EPA also may designate an area as *attainment/unclassifiable*, if it has either monitored air quality data show that area is has not violated the ozone standard over a three-year period, or if there is not enough information to determine the air quality in the area. The 8-Hour Ozone designation description can be found at <http://www.epa.gov/ozonedesignations/>. State designation links for Regions 6 and 7 can be found at <http://www.epa.gov/ozonedesignations/statedesig.htm>.

EPA Guidance Updates RCRA Cleanup, Groundwater Protection Corrective Actions. The EPA has updated its interpretation of policies on groundwater protection and cleanup for corrective action required under the Resource Conservation and Recovery Act. The latest Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action focuses on cleanup goals, the role of groundwater use, point of compliance, source control, and monitored natural attenuation. Topics included in the publication's overall groundwater protection and cleanup strategy emphasize a "phased-in, results-based approach" to cleaning up contaminated groundwater. The publication recommends that groundwater cleanups generally be implemented in terms of short-term protection goals, intermediate performance goals, and final cleanup goals. The Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action (EPA 530-R-01-015) is available at <http://www.epa.gov/epaoswer/hazwaste/ca/resource/guidance/gw/gwhandbk/gwhb041404.pdf>.

New Partnership Plans to Cut Chemical Releases in Workplaces, Communities. EPA signed an agreement on 30 March 2004 with the Occupational Safety and Health Administration (OSHA) and other chemical and safety groups establishing the Reactive Chemical Hazards Alliance to help reduce accidental chemical releases. The cooperating members will work to provide those involved in the manufacture, distribution, use and storage of chemicals with information, guidance, and access to training resources on the hazards of chemicals. Under this agreement, the members aim to: (1) increase awareness of the need to identify and manage chemical reactive hazards (CRH) among those who manufacture, distribute, use and store chemicals; (2) provide management information, methods and tools on chemical reactivity hazards to a variety of audiences in meaningful and useful forms; and (3) gain experience in the use of methods and tools to continuously improve identification and management of CRH. Specifically, the members will develop and disseminate information through print and electronic media and the internet, and make the CCPS' publication, " Essential Practices for Managing Chemical Reactivity Hazards," available through web sites and other outreach media. EPA, the American Chemistry Council, the Center for Chemical Process Safety (CCPS), the National Association for Chemical Distributors, the Chlorine Institute, the Synthetic Organic Chemical Manufacturers Association, and the Mary Kay O'Connor Process Safety Center of Texas A&M University are working on this collaborative effort. More information about the Reactive Chemical Hazards Alliance is available at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=10762.

Availability of Report: In Situ Thermal Treatment of Chlorinated Solvents: Fundamentals and Field Applications (EPA 542-R-04-010). This report was published by the EPA Office of Superfund Remediation and Technology Innovation. It contains information about the use of in situ thermal treatment technologies to treat chlorinated solvents in source zones containing free-phase contamination or high concentrations of contaminants that are either sorbed to soil or dissolved in groundwater in the saturated or unsaturated zone. As a technology overview document, the information can serve as a starting point for identifying options for chlorinated solvent remediation. However, decisions about the use of a particular technology will depend on site-specific factors and may require treatability studies (March 2004, 145 pages). The document can be downloaded at <http://clu-in.org/techpubs.htm>. For hard copies, please call (800) 490-9198 or (513) 489-8190 or fax request to (513) 489-8695.

New Version of AQUATOX Is Available. EPA's Office of Water has released an enhanced version of AQUATOX, a user-friendly simulation model for aquatic ecosystems. It will help users evaluate and illustrate the causal links between the chemical and physical environment and the living systems that inhabit our waters. AQUATOX can predict the fate of pollutants and their effects on the ecosystem. While it's been available for several years, the enhanced Release 2 allows a more complete and realistic representation of the ecosystem. AQUATOX is a valuable tool for ecologists, biologists, water quality modelers, and anyone involved in performing ecological risk assessments. You can download AQUATOX Release 2 and accompanying documentation at <http://www.epa.gov/waterscience/models/aquatox/>. CD-ROMs and hard copies of the documentation will soon be available from the National Service Center for Environmental Publications (NSCEP) at (800) 490-9198 or from the Water Resources Center at (202) 566-1729.

U.S. FISH AND WILDLIFE SERVICE

Notice of Availability: Draft Karst Survey Guidance and Scientific Permit Requirements for Conducting Presence/Absence Surveys for Endangered Karst Invertebrates in Central Texas. The U.S. Fish and Wildlife Service (Service) is making available for public comment its draft survey guidance for karst species and section 10(a)(1)(A) scientific permit requirements for conducting presence/absence surveys for endangered karst invertebrates in central Texas. This document outlines methods to be used, information to be included in final reports, and minimum qualifications for personnel conducting presence/absence surveys for federally-listed endangered, terrestrial, karst invertebrate species (herein referred to as "karst invertebrates") in Travis, Williamson, and Bexar counties, Texas, under a section 10(a)(1)(A) permit pursuant to the Endangered Species Act (Act) of 1973, as amended. This document also outlines the Service's recommendations for detecting karst features that may contain suitable habitat for endangered karst invertebrates, as a first step in determining presence/absence. For more information, please contact the Media Manager at (410) 436-1564.

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REGIONAL MEETINGS

Region 7 Restoration and Range Summit. The US Army Environmental Center's Central Regional Environmental Office (CREO) in Kansas City, MO is currently organizing an Army "Region 7 Restoration and Range Summit" scheduled for **8 June 2004** in the **Kansas City, MO** area. For additional information, please contact the Army REC at (816) 983-3445.

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TRAINING COURSES AND WORKSHOPS

USACE PROSPECT Training. This program provides job-related training through technical, professional, managerial and leadership courses to meet the unique needs of the USACE and other government agencies. The courses are open to all federal agencies. Some examples of course availability include: **Cultural Resources** (Course Control Number 299, **10-14 May 2004, Santa Fe, New Mexico**) and **Hazardous Waste Manifesting/DOT Re-certification Course** (Course Number: 429 **30 June - 1 July 2004 Virginia Beach, Virginia**). Training topics for the Hazardous Waste Re-certification class include the identification and classification of hazardous wastes for purposes of preparing a hazardous waste manifest and fulfilling the DOT requirements for shipping hazardous wastes. To register for this class, please contact the USACE Registrar at (256) 895-7425 or 7421. The current fiscal year schedule of classes is available at <http://pdsc.usace.army.mil/courseschedule.asp>.

Emergency Planning and Community Right to Know and Toxic Release Inventory (EPCRA/TRI) Workshops and Web-Based Training Sessions. EPA Region 7 is conducting a series of one-day workshops and web-based training sessions regarding EPCRA and TRI to assist facilities in preparing their annual reports under Section 313 of EPCRA. There are two separate types of workshops, an 8-hour in-person workshop and 2 hour web-based training. The workshop locations and dates are:

- **Cedar Rapids, Iowa on 12 May 2004;** and
- **St. Louis, Missouri on 13 May 2004.**

There are separate registration procedures for each type of workshop. For web-based training, please go to: <http://www.epcra-tri.com> and follow the directions provided. To attend the in-person workshops, please go to: <http://www.mckenviro.com> or call (866) 844-4460 or (913) 551 7680.

Conflict Management Workshop. This course, presented by USACHPPM, provides participants with the knowledge and skills for productively addressing conflict. Participants will learn the dynamics of conflict, sources of conflict, approaches to conflict situations, and techniques for managing conflict in a productive way. Concepts are developed through lecture, individual and small group exercises, on-the-spot problem solving, and case studies. The course will be offered on **19-20 May 2004** in **San Antonio, Texas**. For more information, please call (410) 436-8147 or visit <http://www.chppm.com/>.

EPA Announces "EMS Conference". The Applied Environmental Management Systems In Agriculture Conference was developed to bring together those that have developed an EMS, those interested and those that can provide services to the agriculture community. The conference will be held on **25-26 May 2004** in **Kansas City, Kansas**. For more details, please see: http://www.epa.gov/region7/news_events/events/index.htm.

Workshop On Hazardous Waste Management And Compliance. All colleges and universities, public and private, vocational technical schools, and community colleges in Kansas and surrounding areas are invited to the Waste Management Workshop for Colleges and Universities at Kansas State University. The workshop will give an overview of **RCRA** and will inform and help all participants to be in compliance with Federal and State waste regulations, specifically hazardous waste, medical waste, universal waste, and recycling. The workshop is scheduled for Tuesday, **8 June 2004** on the Kansas State University campus in **Manhattan, Kansas**. There will be an open forum at the end of the day to respond to your questions and concerns in the absence of any regulatory authorities. For additional information, please visit <http://www.dce.ksu.edu/dce/conf/wastemgmt/> for more information and to register for the workshop.

The 2004 Community Involvement Conference and Training. This event, sponsored by the U.S. Environmental Protection Agency, and chaired by the Office of Water, will be held in **Denver, Colorado, 15-18 June 2004**. In its 7th year, this conference is an excellent opportunity to share lessons learned and to establish and monitor EPA's standards for community involvement. The conference covers the entire scope of public participation, community involvement, partnership building, and outreach and education related to all aspects of environmental protection. To learn more, please go to <http://www.epancic.org/2004>.

Introductory Risk Communication Workshop. The CHPPM is presenting this workshop to provide participants with a basic understanding of the concepts, principles and process of effective risk communication planning. The workshop provides participants with an understanding of essential communication skills and tools for building strategic stakeholder relationships that provide the framework for discussion of complex risk issues. The workshop is scheduled for **15 - 17 June 2004** in **Edgewood, Maryland** and **22 - 24 June 2004** in **San Antonio, Texas**. For more information, please call (410) 436-8147 or visit <http://www.chppm.com/>.

Natural Resources Compliance Course. This course offers instruction in specific natural resources law, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. The course addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This ISEERB-approved course is scheduled for **22-25 June 2004** in **Aberdeen, Maryland**. For further information, please visit <https://www.cecos.navy.mil/>.

Historic Preservation Law and Section 106 Compliance Course. This course emphasizes legal compliance through the use of actual case studies. Course content includes the stewardship role, use of historic properties, and communications with related oversight agencies. This is an ISEERB-approved course. The course is scheduled for **20-22 July 2004** in **Annapolis, Maryland**. For further information, please visit <https://www.cecos.navy.mil/>.

Thirteenth Annual ITAM Workshop: "Bridging the Army's Land Challenges". This Workshop is a forum for the scientific exchange of technologies, ideas, experiences and lessons learned that relate to the application of Integrated Training Area Management (ITAM) on military training and testing land. Topics to be covered include:

- Land Rehabilitation and Maintenance (LRAM)
- Land Condition Trend Analysis (LCTA)
- Environmental Awareness (EA)
- Training Requirements Integration (TRI) (including training/range operations)
- Geographical Information System (GIS)

The Workshop will be held in **San Francisco, California** on **12-16 August 2004**. For additional information, please visit: <http://www.army-itam.com/public/home.jsp> or call (757) 878-3090/5085 or fax (757) 878-0934.

AFCEE Technology Transfer Workshop, 2004. The AFCEE Technology Transfer Workshop in 2004 has changed from its usual spring time offering to be co-located with the 9th Annual Joint Services Environmental Management (JSEM) Conference and Exhibition (formerly the P2&HWM Conference) on **16-19 August 2004** in **San Antonio, Texas**. The Workshop will highlight the latest technologies with proven case studies, presented by today's leading experts. The 2004 AFCEE Technology Transfer Workshop will focus on performance-based management, the new thrust within the Air Force Restoration Program. Concurrent technical sessions will be offered as well as a plenary session and short course offerings. Attendance at the 2004 AFCEE Technology Transfer Workshop is open to the defense and commercial sectors and other individuals interested in the Workshop agenda. Attendees of the Workshop will register through the JSEM web site. All Workshop attendees, whether government, industry, or otherwise, will be required to pay the applicable registration fee. However, paid registration will allow Workshop attendees access to all provisions of the JSEM Conference as indicated by the JSEM Conference web site at <http://www.jsemconference.com/index.htm>

Advanced Risk Communication Workshop. The CHPPM is presenting this Advanced course that builds on basic understanding and skills learned in the Introductory course, providing the participant with hands-on experience in applying the steps of the process, on camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. The Advanced Health Risk Communication workshops scheduled for 2004

will be held on **24-26 August** in **San Antonio, Texas** For more information, please call (410) 436-8147 or visit <http://www.chppm.com/>.

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CONFERENCES AND SYMPOSIUMS

EPA RCRA National Corrective Action Conference. One of the primary purposes of the this event is to bring together industries subject to the RCRA regulations, consultants, State regulators and EPA regional project managers. EPA encourages open and frank discussions of actions that make a difference with respect to corrective action progress. The Conference will focus on the most significant issues pertaining to RCRA Corrective Action, including: 2005 and 2008 Environmental Indicators, streamlining RCRA Reforms, state cleanup programs, emerging technologies, EPA policy and guidance. The conference will be held in **Orlando, Florida** on **11-12 May 2004**. For more information and to register, see <http://www.nationalcaconf.com/default.html>.

2004 Global Demilitarization Symposium and Exhibition. The Joint Ordnance Commanders Group (JOCG) and the National Defense Industrial Association (NDIA) will conduct the 12th Annual Global Demilitarization Symposium & Exhibition **17-20 May 2004** at the Adam's Mark Hotel in **Dallas, Texas**. This annual event continues to support the Department of Defense in numerous efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. The agenda will focus on the global challenges and successes experienced in the disposition of energetic materials. Topics of interest will include ongoing disposal, recycling, and reuse programs (R3), research and development efforts, transitioning technologies, and the latest policy issues that affect this business. For meeting details or information please visit the following web site: <http://register.ndia.org/interview/register.ndia?PID=Brochure&SID=17C0TUGVP&MID=4580>. You may also call (918) 420-8823.

2004 NASA Environment And Energy Conference. You are invited to join NASA in participating in the biennial NASA Environment and Energy Conference at the Hyatt Regency in **Albuquerque, New Mexico**, from **24-27 May 2004**. Pre-registration will be required. A website is being set up and a nominal fee will be charged to offset coffee break service. The overall conference theme is **sustainability**. The purpose is to improve understanding of major Federal policy changes and regulatory changes affecting NASA, hold Environmental Management Panel (EMP), Energy Efficiency Panel (EEP), and Clean Air Act, Clean Water Act, and P2 Working Group meetings, and facilitate professional development in key areas through workshops, technical presentations, demonstrations, and networking. Special speakers on IFMP cost analysis techniques and GIS/CAD system architecture planning are being planned. For more information, please visit: http://www.tisconferences.com/nasa_environment/.

Accelerating Site Close Out - Reducing Costs Through Optimization. This conference, sponsored by member agencies of the Federal Remediation Technologies Roundtable (USEPA, the Navy, the Air Force, DOE, USACE) will outline long-term remediation liabilities and optimization needs and opportunities; disseminate existing and emerging optimization strategies, technologies, tools and science; communicate lessons learned; and present remedial optimization within the context of site wide and multi-site management programs. Presentations will include summaries of projects completed using established optimization programs developed by US Army Corps of Engineers, Air Force, Navy, EPA, DOE, state, and commercial firms. The conference will be held on **15-17 June 2004** in **Dallas, Texas**. For additional information, please call (703) 318-4678, fax: (703) 736-0826 or e-mail: tcs-events@saic.com.

National Environmental Monitoring Conference. NEMC provides the principal forum for addressing policy and technical issues affecting monitoring in all environmental media (i.e., water, air, soil, and wastes) and across all environmental programs. This conference will be held on 19-22 July 2004 in Washington, DC is organized by U.S. EPA and others. The focus will be on new approaches for analyzing for conventional and emerging pollutants in water, soil, and air as well as homeland security issues as they apply to environmental monitoring for terrorism agents. Conference information, including on-line registration forms and exhibitor registration information, can be viewed at <http://www.nemc.us/>.

Department of Defense Conservation Conference. The 2004 Department of Defense Conservation Conference will be held on **22-27 August 2004** in **Savannah, Georgia**. Sponsored by the Office of the Deputy Undersecretary of Defense (Installations & Environment), the theme of this conference is "Integrating Natural and Cultural Resources with Readiness". The conference will feature plenary and breakout sessions as well as workshops

stressing successful efforts in integrating conservation requirements and military mission needs. The conference is limited to DoD personnel and contractors directly or indirectly involved in conservation issues. These DoD personnel and contractors include natural and cultural resource managers, facility planners and military trainers. Details concerning the conference can be found at <http://www.dodconservationconference.com/>.

9th Annual Joint Services Environmental Management Conference & Exhibition (formerly P2&HWM Conference & Exhibition). The conference, formerly known as the Joint Services Pollution Prevention & Hazardous Waste Management Conference & Exhibition, has been renamed. The new conference name is the Joint Services Environmental Management Conference & Exhibition (JSEM) and is co-hosted by the Army Environmental Center (AEC) and the Air Force Center for Environmental Excellence (AFCEE). The conference will be held 16-19 August 2004 at the Henry B. Gonzalez Convention Center San Antonio, Texas and it's theme is "Sustaining the Force: Optimizing Readiness Through the Prevention of Pollution". For any additional information or questions regarding the conference, please contact the NDIA at jseminfo@ndia.org. The conference web site is: <http://www.jsemconference.com/>.

Brownfields Conference 2004. The national Brownfields Conferences will bring together key experts from all levels of government, business, and finance and from local communities to share ideas and experiences in the field of urban and environmental development. The conference will be held on **20-22 September 2004** in **St. Louis, Missouri**. For additional information, please visit: <http://www.brownfields2004.org/en/index.aspx>.

Worldwide Chemical Conference & Exhibition XXI (WWCC). The Twenty-First Annual Worldwide Chemical Conference (WWCC) and Chemical Warfighters Conference (CWFC) will be held at **Fort Leonard Wood, Missouri** on **13-15 October 2004**. The theme of the conference is **The Force of the Future**. Proliferation of the capability for nations and terrorist organizations to employ NBC weapons on the battlefield or against civilians makes the Chemical Corps' role more vital than ever before. Additional information can be obtained at <http://register.ndia.org/interview/register.ndia?PID=Brochure&SID=17H1ENF46&MID=5300>.

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Acronyms and Abbreviations The list of acronyms and abbreviations can be found on the AEC web site at <http://aec.army.mil/usaec/reo/creo03.html> and on DENIX at <https://www.denix.osd.mil/denix/State/Partnering/REC/rec.html> (click Information Library).



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