

Central Region Review



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



★ JUNE 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 (CREO), 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@nwk02.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 Deadline for Submission Extended to 16 June 2004. 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 **16 June 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 16 June 2004**.

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. To do this, please provide your e-mail address to: CREO.regulatory.specialist@nwk02.usace.army.mil who will put you on the e-mail distribution list.

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!**

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.adeg.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, 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.

STATE OF ARKANSAS FINAL RULES

(UPDATE) AR Department Of Environmental Quality Final Regulation: Amendments To Permit Fee Regulations (Regulation 9). The Department has adopted new general permit fees in the Water Permit fee provisions of Chapter 4 (Reg 9.404) of Regulation 9, including a \$200 general permit fee for Storm water (MS4 Phase II), and a Sand and Gravel general permit fee of \$200. This is in order to fully implement EPA's Storm Water Regulations of 2003. The regulation also includes: (1) correction of typographical or grammatical errors; (2) clarification of the Department's permit fee system throughout Regulation 9, regarding the application of initial, annual, and modification fees; (3) clarification regarding permit renewals and whether fees will be associated with those renewals; (4) clarification regarding administrative permit amendments; and (5) "housekeeping" changes throughout the regulation, including the deletion of redundant or unnecessary language, and other changes to promote consistency. The Pollution Control and Ecology Commission reviewed and approved the regulation on 26 March 2004 with a final, effective date of 16 April 2004. *For additional information, please contact Jennifer Tucker (501) 682 0892.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) AR Department Of Environmental Quality Departmental Discussion: Triennial Review Of Water Quality Standards (Regulations 2 And 6). The Department has initiated its triennial review of its water quality standards, generating revisions to both Regulation 2 (Water Quality Standards for Surface Waters) and Regulation 6 (State Administration Of The National Pollutant Discharge Elimination System). Proposed changes to Regulation No. 2 will: 1) Correct typographical errors in sections dealing with Definitions, Designated Uses, Toxic Substances, and Mineral Quality; 2) Clarify the intent for watershed management activities regarding Extraordinary Resource Waters as listed in Sec. 2.203; 3) Provide for Commission re-evaluation of decisions removing one or more designated uses for waterbodies as provided in Sec. 2.306; 4) Add new Sec. 2.405 concerning Biological Integrity; 5) Modify of Sec. 2.503 to establish turbidity limits during storm flow events; 6) Establish E.coli bacteria as an alternative indicator for fecal contamination and changing the dates for the primary contact season under the Bacteria standard in Sec. 2.507; 7) Revise the phosphorus criteria in the Nutrients standard in Sec. 2.509; 8) Add new Sec. 2.512 to adopt the federal standard for Ammonia; and, 9) Modify the boundary between the Ouachita Mountains and Gulf Coastal Plain Ecoregions found in Appendix A of the regulation. The adopted changes to Regulation No. 6: 1) Add effluent limits for phosphorus in wastewater discharges in specified streams in the Illinois River Basin, Osage Creek Basin, Little Sugar Creek Basin and Spavinaw Creek Basin, as outlined in Sec. 6.401; 2) Clarify application requirements for construction and operation of wastewater facilities in Sec. 6.201 and Sec. 6.202; and, 3) Correct typographical errors. A draft of the proposed Regulation 2 is available online at: http://www.adeg.state.ar.us/regs/drafts/reg02_draft_docket_03-003-R/reg02_draft_docket_03-003-R_markup.pdf. Staff reports that the Pollution Control and Ecology Commission approved Regulation 6 at its 26 March meeting and was final, effective 16 April 2004. The Commission is reviewing Regulation 2 for approval at its 23 April 2004 meeting. *For additional information, please contact Doug Szenher at (501) 682-0915.*

(NEW) AR Department Of Environmental Quality Final Designation: Non-attainment Designations For 8-Hour Ozone Standard. USEPA has released its final non-attainment designations for the 8-hour ozone national ambient air quality standard (NAAQS). According to these designations, Arkansas has one area that is not in attainment with the standard. The Department must respond to these designations by the target date. More information is available on the USEPA website at <http://www.epa.gov/ozonedesignations/regions/region6desig.htm> Arkansas has one non-attainment area, Memphis TN-AR in Crittenden county that was classified as moderate non-attainment. That area must be in attainment by June 2010. The designation takes effect 15 June 2004. *For additional information, please contact at Mark McCorkle at (501) 682-0730.*

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.

STATE OF LOUISIANA PROPOSED LEGISLATION

(UPDATE) **Louisiana H.B. 668 - Environmental Administrative Procedures, Underground Storage Tanks.** The current version of this bill removes from the bill authorization to store natural gas, liquid hydrocarbons, oil, sulfur, and other minerals in "other storage facilities", and defines "reservoir." Specifies that the provisions of the Act are interpretive in nature and do not affect a substantive change in the law nor do they affect the rights of any lessee under any existing lease. The bill was reported unanimously from Committee (10-0). Committee sources indicate this measure will likely be considered by the full Chamber. The full document is located at http://www.legis.state.la.us/leg_docs/04RS/CVT6/OUT/0000LFOM.PDF. Sponsor: Representative Billy Montgomery (D)

(UPDATE) **Louisiana H.B. 885 - Waste-Water.** H.B. 885 removes the requirement of a discharge permit for irrigation utilizing reclaimed water originating from a municipal wastewater treatment facility. Prospects for consideration are favorable. The sponsor is a member of the minority party, but is a member of the Committee of referral. The bill passed the House unanimously (101-0). Legislative sources are uncertain if the bill will be considered in the Senate as it has not yet been referred to a committee. The full document is located at http://www.legis.state.la.us/leg_docs/04RS/CVT1/OUT/0000L3YX.PDF. Sponsor: Representative Gary Beard (R)

(UPDATE) **Louisiana H.B. 1041 - Land Use.** This bill provides for advance notice to military installations of zoning actions by local governments. The bill passed the House on 20 April 2004 and was referred to the Senate Local and Municipal Affairs Committee on 22 April. Prospects for Senate consideration are favorable. The sponsor is a member of the minority party and is not a member of the Committee of referral. This measure passed the House unanimously (100-0). Legislative sources do not expect strong opposition in the Senate. The full document is located at http://www.legis.state.la.us/leg_docs/04RS/CVT7/OUT/0000L4K1.PDF. Sponsor: Representative Jim Tucker (R)

(UPDATE) **Louisiana S.B. 560 - Underground Storage Tanks.** Louisiana S.B. 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 and it provides for additional members to be added to the Underground Storage Tank Fund Advisory Board. Prospects for consideration are favorable. The sponsor is a member of the Senate majority party and is Chair of the Environmental Quality Committee. Legislative sources indicate this measure passed the House unanimously (35-0) and is not expected to encounter strong opposition in the House. The full document is located at http://www.legis.state.la.us/leg_docs/04RS/CVT7/OUT/0000L5Z3.PDF. Sponsor: Senator Heulette "Clo" Fontenot (R)

(NEW) **Louisiana S.C.R. 62 - Mercury.** S.C.R. 62 urges and requests the Secretary of the Department of Environmental Quality and each member of the Louisiana Congressional Delegation to support federal regulations mandating restrictions on mercury emissions and discharges. Prospects for consideration are uncertain. The sponsor is a member of the majority party, but is not a member of the Committee of referral. There has been significant controversy over the Bush Administration's plan to reduce mercury emissions. Many states feel the U.S. Environmental Protection Agency's (EPA) proposal is too lax and should be scrapped, 10 Northeastern states, including Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Mexico, New York, New Jersey, Pennsylvania and Vermont believe there should be stiffer restrictions. States opposed to strict reduction regulations are concerned about job loss and propose smaller steps to reducing mercury emissions. The full document is located at http://www.legis.state.la.us/leg_docs/04RS/CVT7/OUT/0000LBUX.PDF. Sponsor: Senator Melvin Holden (D)

STATE OF LOUISIANA FINAL RULES

(UPDATE) **LA Department Of Environmental Quality Final Regulation: Non-attainment New Source Review Procedures -- AQ 235 (LAC 33:III.504).** The Department has adopted 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 23 June 2003, the provisions for severe ozone non-attainment areas shall apply to VOC and NO_x increases. The text of the regulation is available at <http://www.deq.state.la.us/planning/regs/pdf/AQ235fin.pdf>. The Department scheduled a hearing for this regulation on 24 September 2003. Comments were due 1 October 2003. The regulation was on hold for several months. The regulation was final and effective 20 April 2004. *For additional information, please contact Lynn Willbanks at (225) 765-0399.*

(UPDATE) LA Department Of Environmental Quality Final Regulation: Incorporation Of Federal Reportable Quantity Pollutant List For Unauthorized Discharges (33:I.3931). The Department has adopted a revision to 33:I.3931 which incorporates by reference 40 CFR 117.3, 1 July 2003 and 40 CFR 302.4, 1 July 2003. This incorporates the federal reportable pollutant quantity list for notification of unauthorized discharges. The Department forwarded this proposal to the Legislative Oversight Committee for review on 5 April 2004. The regulation is final, effective 20 April 2004. *For additional information, please contact Judith Schuerman at (225) 219-3550.*

(UPDATE) LA Department Of Environmental Quality Final 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 has adopted a revision to 33:IX.2301, 4901 and 4903 which incorporates 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. The Department forwarded this proposal to the Legislative Oversight Committee for review on 5 April 2004. The regulations were final, effective 20 April 2004. *For additional information, please contact Judith Schuerman at (225) 219-3550.*

(NEW) LA Department Of Agriculture And Forestry Emergency Rule: Restrictions On The Application Of The Pesticide 2, 4-D For The Current Crop Year (LAC 7:XXIII.143). The Department has adopted an emergency rule that implements additional restrictions on the application of the pesticide 2, 4-D and of products that contain 2, 4-D during the current crop year. The rule requires written notification to the Department prior to a commercial or ground application of the pesticide or of a pesticide-containing product. The rule also restricts commercial application of the pesticide or of a pesticide-containing product between 1 May and 1 August 2004. The rule further requires a permit for any application of the pesticide or a product that contains the pesticide. <http://www.state.la.us/osr/emr/0405EMR003.htm>. The rule is final, effective 23 April 2004. The rule will remain in effect for 120 days. *For additional information, please contact David Seals (225) 925-3760.*

STATE OF LOUISIANA PROPOSED RULES

(UPDATE) LA Department Of Environmental Quality Proposed Regulation: Fees For Major Sources Of Volatile Organic Compounds (VOCs) Or Nitrogen Oxides (NO_x) -- AQ-238S (33 LAC:III:209). The Department has proposed the establishment of methodology for computation of a federally-required fee on major sources for the five-parish Baton Rouge severe ozone non-attainment area. The fee will be assessed on major sources that emit 25 tons per year or more of volatile organic compounds (VOCs) or oxides of nitrogen (NO_x) and that are located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston and West Baton Rouge. The fee is required by Sections 185 and 182 (f) of the Clean Air Act and will be assessed to major sources if the five-parish non-attainment area fails to achieve attainment with the one-hour air quality ozone standard by November 2005. The rule will be included in a revision to the State Implementation Plan (SIP). The Department has re-proposed this rule with substantive changes based upon comments received during the initial comment period. The new proposal no longer exempts emissions units that begin initial operation after the attainment year from the fee requirements. Also, the new proposal changes the definition of "Baseline Amount" to clarify that the three years used for measurement of the baseline amount need not be consecutive. Additionally, the new proposal removes the definition for "clean emissions unit". This rule is also being proposed as a revision to the Louisiana SIP. The new proposal is available online at: http://www.deq.state.la.us/planning/regs/pdf/0405POT1_AQ238S.pdf. A public hearing was held 26 March 2004 and written comments were due 2 April. The Department has re-proposed this rulemaking with changes. A new public hearing will take place on 24 June and comments are due 1 July 2004. *For additional information, please contact Judith Schuerman (225) 219-3550.*

(UPDATE) LA Department Of Environmental Quality Proposed Regulation: Control Of Emissions Of Nitrogen Oxides (NO_x) -- AQ-239 (33 LAC:III:2201and 2202). The Department has proposed revisions to emission factors for industrial boilers and stationary gas turbines in the five-parish Baton Rouge ozone non-

attainment area. The revised emissions factors will be implemented if the Baton Rouge non-attainment area fails to meet the one-hour ozone quality standard by the Clean Air Act statutory attainment date of 15 November 2005. If implemented, the rule will lower NO_x emissions by approximately 3,000 tons annually. The rule will be included in a revision to the attainment State Implementation Plan (SIP) that must be submitted to USEPA by 23 June 2004. The text of this proposal is available online at <http://www.deq.state.la.us/planning/regs/pdf/AQ239pro.pdf>. A public hearing was held 26 March 2004. Written comments were due 2 April 2004. This rule was sent to the Legislative Oversight Committee for review on 21 April 2004. *For additional information, please contact Judith Schuerman at (225) 219-3550.*

(UPDATE) LA Department Of Environmental Quality Proposed Regulation: Incorporation By Reference Of Federal Air Regulations (AQ241) (LAC 33:III.507, 1432, 2160, 3003, 5116, 5122, 5311, And 5901). The Department is proposing to incorporate by reference the federal regulations found at 40 CFR Parts 51, Appendix M, 60, 61, 63, 68, 70.6(a), and 93, Subpart A, 1 July 2003. The regulation sections affected by the proposal will be those that deal with: Part 70 operating permits; conformity to state or federal implementation plans of transportation plans, programs and projects; capture efficiency test procedures for the control of emission of organic compounds; standards of performance for new stationary sources; national emissions standards for hazardous air pollutants; and chemical accident prevention and minimization of consequences. For details, please go to: <http://www.deq.state.la.us/planning/regs/pdf/AQ241pro.pdf>. A hearing was held 26 April 2004 and comments were on the same day. The regulation was sent to the Legislative Oversight Committees 4 May 2004 for final consideration. *For additional information, please contact Judith Schuerman (225) 219-3550.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

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

(UPDATE) NM Albuquerque/Bernalillo County Air Quality Control Board Proposed Regulation: Amendments To Variance Procedures (20.11.7 NMAC). The Department's Air Quality Board has proposed amendments to the regulations that govern its variance procedures. The amendments will revise and add definitions as well as modify the sections of the regulation that specify the statute, regulations and permits from which a variance may be requested, and specify what federal requirements prevent the grant of a variance. The amendments will also amend the process for seeking a variance petition and establish timelines, technical requirements, burden of proof requirements, and notification requirements. Additionally, the amendments will set out the process for a separate evidentiary hearing prior to a Board decision. Finally, the amendments modify the procedures for a stay of enforcement and establish a timeline for stay of enforcement decision-making. The Department plans to incorporate the amended 20.11.7 into the State Implementation Plan for air quality. The Department's board held a public hearing on the proposed regulations 12 May 2004. *For additional information, please contact Dan Warren at (505) 768-2600.*

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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STATE OF OKLAHOMA LEGISLATION PASSED

(UPDATE) **Oklahoma H.B. 1876 - Air Permitting.** Oklahoma 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, referred to the Senate Energy, Environment and Communications Committee 10 March, reported from Committee on 25 March and passed the Senate on 6 April. The bill was effective upon passage. H.B. 1876 was sent to the Governor on 7 April and was signed by Governor Brad Henry (D) on 13 April 2004. The text may be accessed at http://www.lsb.state.ok.us/2003-04HB/HB1876_int.rtf. Sponsor: Representative Ron Langmacher (D)

(UPDATE) **Oklahoma S.B. 1167 - Voluntary Remediation, Cleanup.** Current version (February 9) authorizes the Department of Environmental Quality to enter certain federally identified Superfund and Brownfield sites to conduct certain activities. S.B. 1167 passed the Senate on 9 March 2004 and was referred to the House Environment and Natural Resources Committee on 11 March. The bill passed House and was sent to Governor Brad Henry (D) on April 8. He signed the legislation on 15 April 2004. The bill was effective upon passage. The text may be accessed at: http://www.lsb.state.ok.us/2003-04SB/SB1167_int.rtf. Sponsor: Senator Mike Morgan (D)

STATE OF OKLAHOMA PROPOSED LEGISLATION

(UPDATE) **Oklahoma H.B. 1874 - Asbestos.** This bill prohibits asbestos abatement rules from being more stringent than federal standards. The bill passed the House on 3 March 2004 and was referred to the Senate Business and Labor Committee on 9 March. The bill was amended and reported from Committee on 15 March and passed the Senate on 24 March. The House refused to concur in Senate amendments April 12 and the Senate granted conference on 13 April 2004. Prospects for the conference committee to agree on this bill are favorable. Asbestos legislative has been called a priority by legislative leadership and sources expect the committee to come to an agreement. The text may be accessed at http://www.lsb.state.ok.us/2003-04HB/HB1874_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 and was referred to the Senate Veterans, Military and Public Safety Committee on 17 March. H.B. 2472 passed the Senate on 6 April and was sent to the Governor on 7 April but was recalled on 13 April. A motion to reconsider was adopted on 19 April and the bill passed again on 19 April. The House refused to concur and Senate appointed a conference committee on 21 April 2004. Prospects for a conference committee to come to an agreement are favorable. 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 in the next session. CREO has been and will continue to track this legislative proposal.

(UPDATE) **Oklahoma S.B. 903 - Water Use, Groundwater, Growth Management.** The current version creates the Oklahoma Water Resources Development Act that directs preparation of the Oklahoma Water Resources Development Plan. The bill divides the State into regional planning districts and requires establishment of regional water planning groups, requires preparation and submittal of regional water plans and creates the Statewide Water Development Revolving Fund. The bill passed the House on 14 April but the Senate refused to concur with House amendments on 15 April 2004. Prospects for a conference committee to be appointed and come to an agreement are favorable. Legislative leadership indicates that the Oklahoma Water Resources Development Act is a priority this session. Sources in the sponsor's office indicate that the bill mirrors laws passed in Texas and several other states seeking to protect water sources and make sure it's used without depleting natural resources. The bill is effective upon passage. The full document can be viewed at http://www2.lsb.state.ok.us/2003-04SB/sb903_engr.rtf. Sponsor: Senator Johnnie Crutchfield (D)

STATE OF OKLAHOMA PROPOSED RULE

(UPDATE) **OK Department Of Environmental Quality Final Regulation: Adoption By Reference Federal Stormwater Requirements (252:605-1-5, 252:605-1-9, 252:648-1-3).** The Department has adopted amendments to incorporate by reference the most recent version of the federal discharge and land application of bio-solids regulations for operations of the federally delegated programs. Though the final rulemaking was not published in an issue of the OK Register, staff reports that it went final on 15 June 2003. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

(UPDATE) **OK Department Of Environmental Quality Proposed Regulation Published 1 December 2003: Merging Of Chapters Concerning Discharge Standards And Land Application Of Biosolids Into The Oklahoma Pollutant Discharge Elimination System (OPDES) Standards (252:605, 606, 616, 48).** The Department has proposed revoking Chapters 605 (Discharge Standards) and 648 (Land Application of Biosolids) of the Oklahoma Administrative Code, concurrently with the adoption of a new Chapter 606. Chapter 606 will merge the two OPDES rules into one comprehensive chapter. In addition to merging the two chapters, the proposal will adopt new federal regulations by incorporation. No new technical requirements will be made and no changes will be made to the fees contained in each chapter. In a related proposal, the Department will update Chapter 616 to reference the change in Chapter numbers, while modifying the definition of "Beneficial Use." The text of the proposed revoked chapters are online at http://www.deq.state.ok.us/WQDnew/pubs/2004_605_revoke.pdf and at: http://www.deq.state.ok.us/WQDnew/pubs/2004_648_revoke.pdf. The text of the proposed new chapter 606 is online at http://www.deq.state.ok.us/WQDnew/pubs/2003_606_OPDES_underline.strikeout_111803.pdf. These regulations were submitted for gubernatorial and legislative review 5 March 2004. Staff reports that they anticipate the regulations will have a 15 June 2004 effective date. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

(NEW) **OK Department Of Environmental Quality Departmental Discussion: Amendments To The State Toxics Program (OAC 252:100-41).** The Department is in the early stages of discussing possible updates to the State Toxics program in Chapter 41. The Department still has to review the chapter in order to decide whether any changes would be minor or would be more substantive. The Department may take steps to start the review process in July 2004. *For additional information, please contact Dawson Lasseter at (405) 702-4100.*

(UPDATE) **OK Corporation Commission Proposed Regulation: Updates To Underground Storage Tank Rules (OAC 165:25, OAC 165:5).** The Commission has proposed revisions to its underground storage tank rules in Chapter 25 of Title 165. The proposed revisions will make a number of changes including: (1) allowing the use of monitoring wells for leak detection; (2) requiring a metallic line that has failed due to corrosion to be immediately removed and not re-used; (3) requiring the use of a Commission form for conducting and reporting hydrostatic line tightness tests and line leak detector tests; (4) adding a fee requirement for individuals who hold a monitoring well license; (5) requiring a licensed installer to perform UST system installation and oversight; (6) adding tank lining standards for steel tanks; (7) expanding requirements for UST installers; (8) no longer allowing UST installers to remove underground storage tanks; (9) adding separate license requirements for UST removers; and (10) requiring the presence of a UST installer during installation of a UST and piping by any company that installs underground storage tank systems. In conjunction with the Chapter 25 revisions, the Commission has proposed revisions to Chapter 5 of Title 165. These proposed revisions will extend the comment period from 15 days to 30 days prior to Commission hearings. The revisions will also add fees in accordance with the new license requirements in Chapter 25. The proposed revisions to Chapter 25 are available at http://ftp.occ.state.ok.us/occrules/proprules/RM_2004_009_CH_25_pr_rules.doc. The proposed revisions to Chapter 5 are available at http://ftp.occ.state.ok.us/occrules/proprules/RM_2004_007_CH_5_pr_rules.doc. Interested parties were invited to attend a technical conference to discuss the proposed regulation on 10 March 2004. These regulations were submitted for gubernatorial and legislative review on 30 March 2004. *For additional information, please call Nancy Broyles at (405) 521-4683.*

(UPDATE) **OK Corporation Commission Proposed Regulation: Amendments To Aboveground Storage Tank Rules (OAC 165:26).** The Commission has proposed revisions to its aboveground storage tank (AST) rules in Chapter 26 of Title 165. The revisions will make a number of updates, including: (1) allowing local jurisdictions to adopt their own AST codes in accordance with state rules; (2) requiring tanks installed pursuant to earlier fire codes to change in accordance with mandatory requirements of the USEPA or the Commission (i.e. leak detection and monthly monitoring requirements); (3) the addition of fee requirements for individuals who hold a

monitoring well license: (4) addition of a 24-hour notification requirement prior to the installation of a new aboveground storage tank and/or new aboveground or underground piping; (5) addition of a requirement for an onsite AST installer during tank removal; (6) the requirement of at least one sump sensor for installations after 15 July 2002 with automatic line leak detectors; and (7) allowing local jurisdictions to have more stringent regulations pertaining to maximum capacity for tanks. The proposed revisions are available at http://ftp.occ.state.ok.us/occrules/proprules/RM_2004_010_CH_26_pr_rules.doc. Interested parties were invited to attend a technical conference to discuss the proposed regulation on 10 March 2004. These regulations were submitted for gubernatorial and legislative review on 30 March 2004. *For additional information, please call Nancy Broyles at (405) 521-4683.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) OK Department Of Environmental Quality Departmental Discussion: Attainment Of The 8-Hour Ozone Standard In OK. The Department is discussing the development of a modeling protocol and subsequent early SIP submittal to address attainment of the 8-hour ozone standard in Oklahoma. The early SIP submittal would be the result of a local Early Action Compact (EAC). The Early Action Compact concept allows an area to defer on official designation of non-attainment for ozone if an early approvable SIP is submitted. Staff reports that a Clean Air Action plan was submitted to USEPA 31 March 2004. The monitoring data included in the plan indicates that the Oklahoma City and Tulsa areas are currently in attainment with the 8-hour ozone standard that means the Department is very unlikely to implement any control regulations for those areas. The Department plans to make final SIP submittals by the end of 2004. *For additional information, please contact Leon Ashford at (405) 702-4173.*

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.youroklahoma.com/agencies/contact.php?page=191>. Web page: www.youroklahoma.com/homelandsecurity.

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TEXAS

Legislative/Regulatory Activity

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

STATE OF TEXAS FINAL RULE

(UPDATE) TX Commission On Environmental Quality Final Regulation: OSSF And Water Treatment Equipment And Appliances. 2003-057-285-WT (30 TAC 285). The Commission has adopted amendments that allow those who have on-site sewage facilities (OSSFs) to put the back flush or discharge from their water softeners, reverse osmosis systems, or other water treatment equipment into their OSSF provided certain conditions are met. The amendments also exempt water softeners installed before 1 September 2003 that are discharging into an on-site sewage system from these conditions. However, if the water softener is replaced, or if the on-site sewage facility is changed in any way (by installing, altering, constructing, or repairing), then the conditions of this rule must be met. The adopted rules are available online at http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/03057285_ado.pdf. The Commission reviewed the rules and adopted them on 7 April 2004. The rules are final, effective 28 April 2004. *For additional information, please contact Emily Barrett at (512) 239-3546.*

(UPDATE) TX Department Of Agriculture Final Regulation: Amendments To Regulated County List For Herbicide Application (4 TAC 7.52, 4 TAC 7.53). The Department has adopted amendments to its regulated herbicides provisions. The amendments change the counties subject to the regulations by adding Baylor county to the regulated list and removing Archer, Dimmit, Liberty, Orange and Rains counties from the list. The amendments also change the regulation's county special provisions. The county special provisions for Archer, Dimmit and Liberty have been removed while county special provisions were added for Baylor county. The amendments also modify the county special provisions for Brazoria, Brazos, Calhoun, Deaf Smith, Fort Bend, Jackson, Matagorda, Refugio and Wharton Counties. The proposal was published 27 February 2004. Comments were due 26 March and the regulation is final, effective 22 April 2004. *For additional information, please call Phil Tham at (512) 463-7476.*

STATE OF TEXAS PROPOSED RULE

(UPDATE) **TX Natural Resources Conservation Commission Proposed Regulation (Texas Commission on Environmental Quality): 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 proposing 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 proposed regulation is online at: http://www.tnrcc.state.tx.us/permitting/reimb/stake_reimb.html#rules. The Commission formed a PST Advisory Group to solicit comments on the rules. The Commission will hold a public hearing 25 May 2004. Comments are due 1 June 2004. *For additional information, please contact Michael Bame at (512) 239-5658.*

(UPDATE) **TX Commission On Environmental Quality Proposed Regulation Published 23 April 2004: Water Conservation And Drought Contingency Plans (288.1-288.5, 288.20-288.22, 288.30).** The Commission is proposing a rulemaking that implements the minimum levels of water conservation in water conservation plans (from House Bill 2660) and that relates to the establishment of quantifiable goals for drought contingency plans (from House Bill 2663). The proposal will require certain surface water right holders and future water rights applicants to include specific and quantifiable five-year and ten-year targets for water savings within their water conservation plans by 1 May 2005. The regulations will affect the following users who have water conservation plans: public water suppliers, industrial or mining water users, agricultural water users, individual irrigation users, and wholesale water suppliers. The plans will have to include implementation reports listing the dates and descriptions of the conservation measures implemented. Additionally, public water suppliers, individual irrigators and wholesale water suppliers who have drought contingency plans will be required to include specific and quantifiable targets for water use reductions for periods of water shortages and droughts in those plans. The proposed regulation is online at http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/04004288_PRO.pdf. The Commission has established a tentative schedule for adoption (this schedule may be subject to change). The schedule is as follows: Adoption September 2004; Final publication 1 October; Effective date 6 October 2004. Comments are due 24 May 2004. There will be no public hearing for this rule. *For additional information, please contact Kathy Ramirez at (512) 239-6757.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) **TX Commission On Environmental Quality Departmental Discussion: Emissions Reductions For Portable Fuel Containers (30 TAC 115).** The Commission is discussing proposal of a rulemaking on portable fuel containers. The rulemaking would set emissions reduction criteria for portable fuel containers sold in Texas after 01/01/06. The regulations would limit emissions of volatile organic compounds (VOCs) through the use of portable fuel containers designed to minimize spillage and fugitive evaporative emissions. The rules would specify performance standards, testing requirements, and labeling requirements for portable fuel containers manufactured on or after January 1, 2006, for sale in Texas. A draft of the recommended rulemaking is available at http://www.tceq.state.tx.us/assets/public/policy/epi/sip/sipdocs/2004-05-HGB/rules/04033115_pro.pdf. The Commission has established a tentative rulemaking schedule. The proposed schedule is as follows: Agenda for Proposal 28 April 2004; Publication of proposal in the TX Register 14 May; Comments due 14 June; Agenda for Adoption 13 October 2004. *For additional information, please contact Joseph Thomas at (512) 239-4580.*

(NEW) **TX Commission For Environmental Quality Departmental Discussion: SIP Revision For Early Action Compact Plans.** The Commission is drafting revisions to the State Implementation Plan (SIP) that incorporates Early Action Compact Plans submitted to the Commission at the end of March 2004. The plans are for the three near non-attainment areas of Austin-San Marcos, San Antonio, and Northeast Texas. These three areas each entered into an Early Action Compact (EAC) with the Commission and USEPA, and committed to developing Clean Air Action plans for the attainment and maintenance of the 8-hour ozone standard within the areas. The EAC plans for the Austin, San Antonio and Northeast Texas areas are available at http://www.tnrcc.state.tx.us/oprd/sips/AUS_EAC_032904.pdf; http://www.tnrcc.state.tx.us/oprd/sips/SA_EAC_ExecSum_033104.pdf; and http://www.tnrcc.state.tx.us/oprd/sips/NET_EAC_033104.pdf. The Commission has established a tentative schedule

for submitting these plans as a SIP revision as follows: Publication of proposed revisions in TX Register 30 July 2004; Public hearings 23-27 August; Comments due 30 August; Submission of SIP Revision to USEPA 31 December 2004. *For additional information, please contact Heather Evans at (512) 239-1970.*

(UPDATE) TX Commission For Environmental Quality Departmental Discussion: Cap And Trade Rules For Highly Reactive Volatile Organic Compounds (2004-058-101-AI) (30 TAC 115). The Commission is discussing the implementation of a cap and trade program for Highly Reactive Volatile Organic Compounds (HRVOC). The cap regulations would limit HRVOC emissions from regulated sources while the trade regulations would allow sources to buy and sell allowances, which are the authorization to emit a fixed amount of a pollutant, on the open market. The Commission is targeting implementation of the program for 2006. Also, the Commission plans to propose the regulations as a revision to the State Implementation Plan (SIP). Staff reports that the Commission may provide a draft copy of the rule at the HRVOC Stakeholders meeting 3 May 2004. Staff also reports that the Commission plans to present a draft before the Commissioners 23 June 2004 for approval to make a proposal. The Commission anticipates that the rule will be adopted in November or December 2004. *For additional information, please contact Cory Chisum at (512) 239-0539.*

(UPDATE) TX Commission For Environmental Quality Departmental Discussion: Technical Corrections To Fugitive VOC Emission Rules (2004-052-115-AI) (30 TAC 115.352, 115.354-115.357, 115.359). The Commission is discussing making technical corrections to the rules that govern fugitive Volatile Organic Compound (VOC) emissions. The technical corrections would include minor corrections to the language of the rule. Based on the request of an industry group, the Commission also plans to propose language that would remove some of the general VOC rules to the sections of the regulations that pertain to Highly Reactive Volatile Organic Compounds (HRVOC). The rulemaking would also remove certain record-keeping requirements from the general volatile organic fugitive emissions rules. A draft copy of the recommended rulemaking is available at http://www.tceq.state.tx.us/assets/public/policy/epi/sip/sipdocs/2004-05-HGB/rules/04052115_pro.pdf. The Commission has established a tentative rulemaking schedule for this rule: Agenda for Proposal 26 May 2004; Agenda for Adoption 15 December 2004. *For additional information, please contact Alan Henderson at (512) 239-1510.*

(NEW) TX Commission On Environmental Quality Review: Review Of Commission Enforcement Process. The Commission is reviewing its enforcement process. As a result of the review so far, the Commission has issued a draft report of key issues for the enforcement of its environmental laws. The Commission intends for the review to ensure that the agency is enforcing environmental laws fairly, effectively and swiftly. Key issues in the report include: consideration of compliance history, enforcement initiation, investigation prioritization, notice of violation policy, agency coordination, the penalty policy, ordering provisions, supplemental environmental projects and fee & penalty collection. The draft is available at http://www.tceq.state.tx.us/assets/public/comm_exec/epreview/epr_77_key_issues.pdf. The Commission is accepting comments on the draft through 28 May 2004. *For additional information, please contact Glenn Greenwood at (512) 239-5011.*

AEC CREO Comment: The Enforcement Review process contemplated by TCEQ is currently under review by the DoD/Army.

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

IOWA

Legislative/Regulatory Activity

The Iowa legislature adjourned on 20 April 2004.

The following legislation had been reported in the Central Region Review but "died upon adjournment" 20 April 2004:

Iowa H.F. 348 - Aboveground Storage Tanks.

Iowa H.F. 2526 - Lead Abatement.

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 water-bodies currently designated as Class B(WW) warm-water and Class B(CW) coldwater and those being re-designated 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 re-designated 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" was 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. To view the regulation, please go to: <http://www.iowadnr.com/epc/04apr12/1.pdf>. The rule is effective 19 May 2004. *For additional information, please contact Ralph Turkle at (515) 281-7025.*

STATE OF IOWA PROPOSED RULES

(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. 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: 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. Public hearings will be held on 4, 5, 11 and 14 May 2004. Written comments are due 28 May 2004. *For additional information, please contact Chuck Corell at (515) 281-8448.*

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. The Department hoped to have a draft ready for public comment by mid-April 2004. Staff is now hoping for a draft by mid-May 2004. *For additional information, please contact Chris Van Gorp at (515) 281-4791.*

(NEW) **IA Department Of Natural Resources Draft Guidelines: Revised Dispersion Modeling Guidelines.** The Department is drafting revisions to the Air Dispersion Modeling Guidelines. Dispersion modeling is the primary tool used in air quality assessments to determine predicted attainment of the National Ambient Air Quality Standards (NAAQS). The proposal is online at http://www.iowadnr.com/air/input/files/rev_mod_guideline.pdf. The Department is accepting comments until further notice. *For additional information, please contact Lori Hanson at (515) 281-8911.*

(UPDATE) **IA Department Of Natural Resources Departmental Discussion: Onsite Wastewater Treatment And Disposal Systems (567 IAC 69).** The Department is discussing a rulemaking to update the wastewater treatment and disposal systems rules. The rules are periodically updated and it is unknown at this time what revisions will take place. The Department has appointed a stakeholder's committee to review the rules. Their report is due in early 2005. The Department hopes to have a draft available by spring 2005. *For additional information, please contact Brent Parker at (515) 725-0337.*

(NEW) **IA Department Of Natural Resources Departmental Discussion: New Source Review Reform Regulations.** The Department is discussing the New Source Review Reform regulations. The rulemaking will include 6 major areas: (1) plant-wide applicability limits (PALs); (2) clean unit test; (3) pollution control project exclusion; (4) actual emissions baseline; (5) actual-to-projected actual tests; and (6) routine maintenance, repair and replacement. Workgroups met 30-31 March 2004. The next workgroup meeting is 3 May 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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The Kansas state legislature is scheduled to adjourn on 27 May 2004.

STATE OF KANSAS PROPOSED RULES

(NEW) KS Department Of Health And Environment Draft Regulation: Hazardous Waste Monitoring Fees (28-31-10). The Department has drafted amended regulations to increase the hazardous waste monitoring fees that will relate to storage and treatment facilities. The on-site storage facility fee and the on-site non-thermal treatment facility fee will increase to \$7,500. The off-site storage facility fee and the off-site non-thermal treatment facility fee will increase to \$8,000. The incinerator facility fee will increase to \$12,000. Two new fees are included for on-site thermal treatment facilities (\$8,000) and off-site thermal treatment facilities (\$12,000). Post-closure fees will increase to \$10,000. Monitoring fees for less than 5 tons will increase to \$250, monitoring fees for 5 tons - 50 tons will increase to \$750, monitoring fees for 50 tons - 500 tons will increase to \$2,500, and monitoring fees for greater than 500 tons will increase to \$7,500. A public hearing will be held 27 July 2004. *For additional information, please contact George McCaskill at (785) 296-1606.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) KS Department Of Health And Environment Departmental Discussion: Triennial Review Of Water Quality Standards. The Department is conducting its triennial review of water quality standards and drafting amendments based on the review. The Department created a focus group that defined six key issues related to the water quality standards. The six key issues are: (1) atrazine; (2) bacteria; (3) high flow; (4) natural pollutants; (5) nutrients; and (6) site-specific concerns. The Department then wrote White Papers for each of the key issues. The documents are available at <http://www.kdhe.state.ks.us/water/triennial/atrazine.pdf>; <http://www.kdhe.state.ks.us/water/triennial/bacteria.pdf>; <http://www.kdhe.state.ks.us/water/triennial/HighFlow.pdf>; <http://www.kdhe.state.ks.us/water/triennial/NaturalPollutants.pdf>; <http://www.kdhe.state.ks.us/water/triennial/nutrient.pdf>; <http://www.kdhe.state.ks.us/water/triennial/SiteSpecific.pdf>. The rulemaking should be available for public notice by July/August 2004 with public hearings in October/November 2004. *For additional information, please contact Bret Holman at (785) 296-5508.*

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/>.

KDHE Water Security Links. The Kansas Department of Health and Environment, Bureau of Water has provided links regarding water utility security and bio-terrorism information on the following web page: <http://www.kdhe.state.ks.us/water/security.html>.

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The Missouri state legislature is scheduled to adjourn on 30 May 2004.

The following legislation had been reported in the Central Region Review but "died in committee" 14 May 2004:

Missouri H.B. 1181 - Inspection And Maintenance Programs.

Missouri H.B. 1719 - Inspection And Maintenance Programs.

Missouri H.B. 1277 - Hazardous Waste.

Missouri H.B. 1609 - Mercury, Persistent Bioaccumulative Toxic (PBT), Heavy Metals.

Missouri H.B. 1724 - Aboveground Storage Tanks, Underground Storage Tanks.

Missouri S.B. 739 - Environmental Administrative Procedures.

STATE OF MISSOURI LEGISLATION PASSED

(UPDATE) **Missouri H.B. 980 - Environmental Administrative Procedures.** The current version requires the Department of Natural Resources, a board, or a commission to conduct a regulatory impact report for each proposed rule. The bill was passed on 14 May 2004. To access the bill, please go to: <http://www.house.state.mo.us/bills041/biltxt/perf/HB0980P.HTM>. Sponsor: Representative Robert Thane Johnson (R)

(UPDATE) **Missouri S.B. 901 - Underground Storage Tanks, Environmental Administrative Procedures.** The current version changes jurisdiction over underground storage tanks from the Clean Water Commission to the Missouri Hazardous Waste Management Commission (Department) and provides the authority for the Department to adopt more stringent state regulations than those furnished by the federal government if such rules are necessary to protect human health or the environment. The bill passed the House, the Senate concurred, and was finally passed on 6 May and delivered to the Governor on 20 May 2004. The bill can be viewed at <http://www.senate.mo.gov/04info/billtext/perf/sb901.htm>. Sponsor: Senator Wayne Goode (D)

(UPDATE) **Missouri S.B. 987 - Water.** The current version requires that the petition needed to form a public water supply district be verified by at least of the signers of the petition and eliminates the six-month restriction limiting municipalities and public water supply districts from forming agreements to provide water service to areas that have been annexed to the municipality. The bill was passed on 14 May 2004 and can be viewed at <http://www.senate.mo.gov/04info/billtext/intro/sb987.htm>. Sponsor: Senator Edward Quick (D)

(UPDATE) **Missouri S.B. 1040 - Hazardous Waste.** Current version 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 was passed on 13 May 2004. <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 Regulation: Restriction Of Emission Of Sulfur Compounds (10 CSR 010-06.260).** The Department has adopted an amendment required to address changes in circumstances to regulated emission sources as requested by USEPA. The amendment updates emission limits and references to regulations, changes the rule organization format and updates the rule references with regard to facility name changes, consent agreements, etc. The rulemaking also clarifies applicability of sources subject to New Source Performance Standards and this rule, and includes an exemption for combustion equipment that produces less than 150 pounds per day of any air contaminant for consistency with the operating permit rule exemptions. The amendment updates the rule to correct inaccurate regulated source information (e.g. facility name changes, etc.), and provides an exemption for natural gas fueled combustion and revises NSPS exemption to assure NSPS sources are subject to sulfur limits. The regulation is final, effective 30 May 2004. *For additional information, please contact Paul Myers at (573) 751-4817.*

(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. To view the full document, please go to: <http://www.sos.mo.gov/adrules/moreg/previous/2003/v28n24/v28n24b.pdf> (page 2240). The Department adopted the rule 8 April 2004. The rule is now undergoing legislative review. *For additional information, please contact John Ford at (573) 751-7428.*

STATE OF MISSOURI PROPOSED RULE

(NEW) MO Department Of Natural Resources Proposed Recommendation: PM_{2.5} Non-attainment Designation. The Department has recommended to USEPA the following counties as non-attainment for PM_{2.5}: Franklin, Jefferson, St. Charles, St. Louis and St. Louis City. The Department submitted their recommendation 15 February 2004. USEPA has until 15 December 2004 to make the final designation. *For additional information, please contact John Rustige at (573) 751-4817.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) MO Department Of Natural Resources Departmental Discussion: Amendments To Basic And Intermediate Operating Permit Program (2645) (10 CSR 10-6.065). The Department plans to revise its basic and intermediate operating permit programs. The revisions to the operating permit program for basic sources will include the treatment of fugitive emissions with regards to applicability, an installation equipment log for the record keeping requirement, a clarification of permit amendments and modifications, the removal of the annual compliance certification, and a revised operating permit notification. The changes to the operating permit program for intermediate sources will revise the program to mirror 40 CFR Part 70 which will add flexibility to the processing of permits. Based on this rulemaking, the Missouri Air Conservation Commission has granted a variance from the existing basic operating permit requirements of 10 CSR 10-6.065(4)(G), Notification Contents by allowing basic installations to use the revised operating permit notification forms. Due to the variance, basic installers will also not be required to submit an annual compliance certification requirement for 2003 under 10 CSR 10-6.065(4)(I), Compliance Reporting obligations. The revised basic operating permit notification form is available under the heading "Air Pollution" and subheading "Generic Operating Permit" at <http://www.dnr.mo.gov/oac/forms>. According to staff, the hope is that the final rule will be effective by the end of 2004. A tentative schedule has been established for this rulemaking as follows: Public Hearing 29 July; Comments due 5 August; Effective date 30 December 2004. *For additional information, please contact Ben Elmore at (573) 751-4817.*

(NEW) MO Department Of Natural Resources (Environmental Protection Agency) Final Designation: Non-Attainment Designations For 8-Hour Ozone Standard. EPA has released its final non-attainment designations for the 8-hour ozone national ambient air quality standard (NAAQS). According to these designations, Missouri has one area that is not in attainment with the standard. The St. Louis, MO-IL area includes St. Louis City, and Franklin, Jefferson, St. Charles and St. Louis counties and has been classified as moderate. The EPA has also classified the Kansas City, MO-KS area, which includes Cass, Clay, Jackson and Platte counties, as "unclassifiable". An unclassifiable designation means either that the air quality monitoring data shows the area has not violated the ozone standard over a three-year period or there is not enough information to determine the air quality in the area. The EPA plans to make a decision as to attainment or non-attainment designation of the Kansas City area by the end of 2004. More information is available on the EPA website at <http://www.epa.gov/ozonedesignations/regions/region7desig.htm>. EPA has finalized the non-attainment designations for Missouri, which become effective 15 June 2004. The non-attainment area must be in attainment by June 2010. *For additional information, please contact John Rustige at (573) 751-4817.*

(UPDATE) MO Department Of Natural Resources Departmental Discussion: Amendments To Emissions Fees (2641) (10 CSR 10-6.110). The Department is discussing an amendment to the rule that governs emissions fees. The Department plans on promulgating the amendment in order to collect the annual fee that all facilities that emit air pollutants are required to pay. The emissions fee proposed for the calendar year 2004 is \$33.00 per ton of regulated air pollutant (which is a \$1 decrease from 2003). The Department has established a draft rulemaking schedule. Per this tentative schedule, a public hearing will take place on 22 July 2004. The tentative effective date for the rule is 30 December 2004. *For additional information, please contact Ron Jeffries at (573) 751-7817.*

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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The Nebraska legislature adjourned on 15 April 2004.

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

Nebraska L.B. 375 - Alternative Fuels.

Nebraska L.B. 518 - Water Quality, Air Quality, Chlorinated Compounds.

Nebraska L.B. 923 - Voluntary Remediation.

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

Nebraska L.B. 1135 - Water.

STATE OF NEBRASKA LEGISLATION PASSED

(UPDATE) **Nebraska L.B. 962 - Groundwater, Water, Water Use.** L.B. 962 amends the administration of surface and ground water rights. Establishes a process for the Department of Natural Resources to determine if a river basin is over-appropriated. This bill mandates that the Department of Natural Resources and affected natural resources districts develop an integrated management plans for over-appropriated basins and establishes management actions to be taken when a basin is declared over-appropriated. The bill allows the Interrelated Water Review Board to be convened to resolve conflicts between the Department of Natural Resources and affected natural resources districts when integrated management plans are developed or amended. This bill passed Legislature on 13 April and was sent to Governor Mike Johanns (R) on 14 April who then signed on 15 April 2004. Please go to the following web page to view the bill: http://www.unicam.state.ne.us/pdf/FINAL_LB962_1.pdf. Sponsor: Natural Resources Committee

STATE OF NEBRASKA PROPOSED RULES

(NEW) **NE Department Of Environmental Quality Proposed Regulation: Adoption By Reference Of Federal New Source Performance Standards And MACT Standards (Title 129, Chapters 18 And 28).** The Department has proposed amendments to its regulations that govern air quality. The amendments will adopt by reference federal New Source Performance Standards (NSPS). The amendments will also adopt by reference federal Maximum Achievable Control Technology (MACT) standards. The Department recently became aware of commercial and industrial solid waste incinerator sources within the state and, therefore, plans to adopt NSPS Subpart DDDD for commercial and industrial solid waste incinerators. After that standard is adopted, the Department plans to submit a State Implementation Plan (SIP) revision to USEPA. Prior to submission and approval of the SIP revision, sources subject to the standard will operate under the Federal Implementation Plan issued by USEPA in October 2003. The proposed changes are available on the Nebraska Secretary of State website at <http://www.sos.state.ne.us/local/regtrack>. The Department will hold a hearing on the proposed regulations on 4 June 2004. Comments are due 06/02/04. *For additional information, please contact Thomas Lamberson at (402) 471-2186.*

(NEW) **NE Department Of Environmental Quality Proposed Regulation: Adoption Of Federal Hazardous Waste Standards (Title 128, Chapters 1, 2, 3, 7, 9, 12, 13, 15, 20-22, 25, 27).** The Department has proposed amendments to its hazardous waste regulations in order to adopt federal hazardous waste standards. The amendments will add a new section that provides that certain hazardous secondary materials used in zinc fertilizers is not solid waste. The amendments will add language to exempt manufactured gas plant waste from analytical testing using the toxicity characteristic leaching procedure. Additionally, the amendments will adopt federal permitting standards for incinerators, and boilers and industrial furnaces. Also, the amendments will add two new universal wastes, mercury-containing items and electronic items to Chapter 25 in order to reduce regulatory requirements for these wastes and encourage recycling. All of the proposed changes are available on the Nebraska Secretary of State website at <http://www.sos.state.ne.us/local/regtrack>. The Department will hold a hearing on the proposed changes 4 June 2004. *For additional information, please contact Thomas Lamberson at (402) 471-2186.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

EPA Approves Nebraska's Impaired Waters List. EPA has approved Nebraska's 2004 Section 303(d) List of Impaired Waters requiring the development of Total Maximum Daily Loads (TMDLs) to address the impairments. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. Under Section 303(d) of the Clean Water Act, states, territories, and authorized tribes are required to develop lists of impaired waters every two years. By law, EPA must approve or disapprove those 303(d) lists. The state combined their impaired waters list and their water quality report into an integrated water quality monitoring and assessment report for the first time, based on EPA's recommendation to all states. An integrated report fosters a more efficient and effective analysis. The state submitted their integrated report to EPA on 1 April 2004. EPA's approval letter and supporting documentation was provided to the state on 29 April. The link to EPA's approval letter and supporting documentation is at <http://www.epa.gov/region7/water/tmdl.htm - 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/>.

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.

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FEDERAL ACTIONS

EPA FINAL RULES

Approval and Promulgation of Implementation Plans; State of Missouri. EPA is announcing it is approving a revision to the Missouri State Implementation Plan (SIP) that updates changes to the non-regulatory portion of the Inspection and Maintenance (I/M) Program for the St. Louis area. The original SIP for the centralized St. Louis I/M program was approved in 2000 and the program was implemented in April 2000. Due to a regulatory amendment, the SIP was revised in 2002. At that time, the non-regulatory portion of the SIP was not revised. Approval of this revision will ensure consistency between the description of the program included in the approved SIP and the current Missouri program description. This direct final rule will be effective July 12, 2004, without further notice, unless EPA receives adverse comment by 14 June 2004. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that the rule will not take effect. The full text can viewed at <http://www.epa.gov/fedrgstr/EPA-AIR/2004/May/Day-13/a10874.htm>.

Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard--Phase 1. In this document, EPA is taking final action on key elements of the program to implement the 8-hour ozone national ambient air quality standard (NAAQS or standard). This final rule addresses the following topics: classifications for the 8-hour NAAQS; revocation of the 1-hour NAAQS (i.e., when the 1-hour NAAQS will no longer apply); how anti-backsliding principles will ensure continued progress toward attainment of the 8-hour ozone NAAQS; attainment dates; and the timing of emissions reductions needed for attainment. We are issuing this rule so that States and Tribes will know how we plan to classify areas and transition from implementation of the 1-hour NAAQS to implementation of the 8-hour NAAQS. The intended effect of the rule is to provide certainty to States and Tribes regarding classifications for the 8-hour NAAQS and their continued obligations with respect to existing requirements. This rule is effective on 15 June 2004. Full text document location is: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-9153.htm>. For additional information, please contact the AEC Media Manager at (410) 436-1213.

Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates. This rule sets forth the air

quality designations and classifications for every area in the United States, including Indian country, for the 8-hour ozone national ambient air quality standard. EPA is issuing this rule so that citizens will know whether the air where they live and work is healthful or unhealthful and to establish the boundaries and classifications for areas designated as non-attainment. Children are at risk when exposed to ozone pollution because their lungs are still developing, people with existing respiratory disease are at risk, and even healthy people who are active outdoors can experience difficulty breathing when exposed to ozone pollution. In this document, EPA is also promulgating the first deferral of the effective date, to 30 September 2005, of the non-attainment designation for Early Action Compact areas that have met all milestones through 31 March 2004. Finally, EPA is inviting States to submit by 15 July 2004, requests to reclassify areas if their design value falls within five percent of a high or lower classification. This rule does not establish or address State and Tribal obligations for planning and control requirements that apply to non-attainment areas for the 8-hour ozone standard. Two separate rules, one of which is also published today, set forth the planning and control requirements that apply to non-attainment areas for this standard. The second rule will be published at a later date. This final rule is effective on 15 June 2004. Full text document location is: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-9152.htm>. For additional information, please contact the AEC Media Manager at (410) 436-1213.

Comprehensive Procurement Guideline IV For Procurement Of Products Containing Recovered Materials. The Environmental Protection Agency (EPA) today is amending the Comprehensive Procurement Guideline (CPG) by designating seven new items that are or can be made with recovered materials, including: modular threshold ramps; non-pressure pipe; roofing materials; office furniture; rebuilt vehicular parts; bike racks; and blasting grit. In addition, EPA is revising the designations for three items, including cement and concrete, railroad grade crossing surfaces, and polyester carpet. For cement and concrete, EPA is adding cenospheres and silica fume as recovered material options. The CPG implements portions of the Resource Conservation and Recovery Act (RCRA) and the executive order "greening the government through waste prevention, recycling, and federal acquisition," which require EPA to designate items that are or can be made with recovered materials and to recommend practices that procuring agencies can use to procure such designated items. Once EPA designates an item, any procuring agency that uses appropriated federal funds to procure that item must purchase the item containing the highest percentage of recovered materials practicable. Today's action will use government purchasing power to stimulate the use of these materials in the manufacture of products, thereby fostering markets for materials recovered from solid waste. This rule was effective on 2 May 2005. Full text document location is: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-9864.htm>. For further information, please contact the AEC Media Manager at (410) 436-7069.

EPA PROPOSED RULES

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 (NESHAPS) 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). Full text document location is at <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-7858.htm>. For additional information, please contact the AEC Media Manager at (410) 436-1205.

Determinations Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations. On 1 July 1999, EPA promulgated regulations to address regional haze, (64 FR 3714). These regulations were challenged, and on 24 May 2002, the U.S. Court of Appeals for the District of Columbia Circuit issued a ruling vacating the regional haze rule in part and sustaining it in part. American Corn Growers Ass'n v. EPA, 291 F.3d 1 (D.C. Cir. 2002). This proposed rule addresses the court's ruling in that case. In addition, prior to the court's decision, EPA had proposed guidelines for implementation of the best available retrofit technology (BART) requirements under the regional haze rule, (66 FR 38108; 20 July 2001). The proposed guidelines were intended to clarify the requirements of the regional haze rule's BART provisions. The full text document location is at <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-9863.htm>. For additional information, please contact the AEC Media Manager at (410) 436-1213.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

Notice of Availability: From AEC's Environmental Legislative and Regulatory Analysis and Monitoring Program (EL/RAMP), a Quick Summary. The ELRAMP has developed a summary regarding the "National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines; Final Rule 05 Mar 2004 (Federal Register Volume 69, Number 44, page 10511) National Emission Standards for US Army Environmental Center Hazardous Air Pollutants for Stationary Combustion Turbines" and its potential impact on the Army installations. In evaluating this final rule, the EL/RAMP has opined that the final rule will limit emissions from new/reconstructed turbines rated 1 MW or more on Army major HAP sources. Prime power and peak-shaving units are the primary regulatory target. Another point to note is portable or transportable turbines are considered stationary under the provisions of this rule. It is very likely that no matter which set of compliance requirements a new or reconstructed source must comply with, there will be costs incurred either through conducting additional testing or through the installation of additional monitoring equipment. For additional information and/or complete details as to this rule and its potential, please contact the AEC Media Manager at (410) 436-1205.

Notice of Availability From AEC's Environmental Legislative and Regulatory Analysis and Monitoring Program (EL/RAMP): DoD Joint Services Spill Prevention, Control, & Countermeasure (SPCC) Guidance Documents. The Department of Defense (DoD) Clean Water Act Services Steering Committee (CWASSC) prepared a series of documents to assist military installations in implementing the 17 July 2002 revisions to Title 40 § 112 of the Code of Federal Regulations (40 CFR 112), the Spill Prevention, Control and Countermeasure (SPCC) rules. (Note that compliance dates for this regulation were amended on 9 January 2003 and 17 April 2003). The changes to the SPCC rules affect many installations and may require significant modification of existing SPCC Plans. In preparing these guidance documents, DoD reviewed US Environmental Protection Agency (EPA) guidance, industry documents and recommendations, and the preamble to the regulation. The appropriate guidance documents are found on Denix. To access the guidance documents, please go to: <https://www.denix.osd.mil/denix/DOD/Working/CWASSC/Subjects/SPCC/spcc.html>.

US Environmental Protection Agency (EPA) Unveils Strategy for Determining the Role of Environmental Management Systems (EMSs) in Regulatory Programs (EMS Strategy). The EPA's EMS Strategy encourages thoughtful, carefully designed EMS experimentation to achieve better environmental results at less cost, improve compliance, use resources more effectively, and enhance public involvement by considering EMSs in regulatory programs. The EMS Strategy responds to increasing stakeholder interest in EMS use in permits and rules. Some States have already initiated such programs and more are expected to do so in the future. The Strategy explains the issues and considerations of interest to EPA as the Agency explores whether and how EMSs can play a role in EPA's regulatory programs. EPA policy is to encourage the widespread use of EMSs, across a range of organizations and settings, with particular emphasis on adoption of EMSs to achieve improved environmental performance and compliance, pollution prevention through source reduction, and continual improvement. For more information on and links to the EPA's EMS strategy, please go to: <http://www.epa.gov/ems/index.htm>.

U.S. FISH AND WILDLIFE SERVICE

Endangered and Threatened Wildlife and Plants; Review of Species That Are Candidates or Proposed for Listing as Endangered or Threatened; Annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions. In this 2003 Candidate Notice of Review (CNOR), the U.S. Fish and Wildlife Service (Service), presents an updated list of plant and animal species native to the United States that are regarded as candidates or have been proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing resource managers to alleviate threats and thereby possibly remove the need to list species as endangered or threatened. Even if we subsequently list a candidate species, the early notice provided here could result in more options for species management and recovery by prompting candidate conservation measures to alleviate threats to the species.

AEC Comment: There are 25 new additions to the 2003 Candidate Notice of Review (CNOR) list and one that was accidentally removed from the 2002 CNOR. There is an anticipated affect on a number of installations where these species may be found on-site or contiguous to them. Many Army installations are within counties where these 25

species are known to occur. The sheepsnose mussel and the spectaclecase mussel are on the CNOR list in the CREO's AOR. For additional information, please contact the AEC Media Manager at 410-436-1564.

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REGIONAL MEETINGS

Southwest Strategies Border Task Team Meeting. This meeting is scheduled for **2-3 June 2004** in **El Paso, Texas**. For additional information, please contact the Project Manager at (816) 983-3451.

Army 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 6 and 7 Restoration and Range Summit" scheduled for **8 June 2004**, at the offices of U.S. EPA Region VII in **Kansas City, Kansas**. For additional information, please contact the Army REC at (816) 983-3445.

Southwest Strategies Trust Meeting. This meeting is scheduled for **16-17 June** in **Pinetop, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

Southwest Strategies Border Task Team Meeting. This meeting is scheduled for **7 July 2004** in **Nogales, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

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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: **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>.

Department of Defense Perchlorate Workshop. A Department of Defense workshop on perchlorate is scheduled for **9-10 June 2004** in **San Antonio, Texas**. The purpose of the workshop is to ensure consistent DoD perchlorate-related messages. The workshop will allow for information exchange among internal DoD personnel involved with perchlorate issues in order to keep abreast of latest updates of process, policy, and research results. The workshop is open to DoD personnel only. Each installation should send an installation risk communication team to include environmental managers, IRP managers, risk assessors, public affairs specialists, legal representatives, risk communications specialists, command level personnel etc. For more information, please call (757) 953-0947.

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.cec.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.cec.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 AFCEE Technology Transfer Workshop in 2004 continues to be Air Force-focused, providing attendees with the tools to support the DOD readiness mission through environmental stewardship. 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. When completed, the participant will understand:

- The steps required to plan, develop, implement and evaluate strategic risk communication plans;
- Approaches and techniques for effectively engaging the media; and
- Complexities of addressing current issues impacting the military mission.

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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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/>.

2004 Environmental Conference at the Lake. The Missouri Chamber of Commerce and Industry and The Missouri Bar will be hosting the 12th Annual Environmental Conference at the Lake on **28-30 July 2004**. This year's event will be held at Tan-Tar-A Resort and Spa, **Osage Beach, Missouri**. Mike Leavitt, Administrator of the U.S. Environmental Protection Agency, has been invited to give the conference's keynote address. An explorer from the Lewis and Clark exhibition will join conference attendees for lunch on Thursday and an exhibit and demonstration from the World Bird Sanctuary will highlight Thursday afternoon. For more information, please go to: <http://www.mochamber.com/mocchw/hw.dll?page&file=sitedoc58> or contact the Missouri Chamber director of conference development, at (573) 634-3511.

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/>.

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/>.

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 in the defense of our country more vital than ever before. It is important for the chemical community – the

military and civilian employees of the services, contractors, industry, and academia – to come together and share information about our capabilities to defend against CBRN weapons and our requirements for the future. The WWCC provides that opportunity. 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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