

Central Region Review



US Army Environmental Center
Central Regional Office
Kansas City, Missouri



★ AUGUST 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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NOTE: Beginning with this issue of the Central Region Review (CRR), any enacted legislation and/or final rule will be clearly identified with an effective date. This change is part of CREO's on-going effort to improve the clarity and readability of the CRR in order to assist our readers in performing their duties.

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

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

ARKANSAS

Legislative/Regulatory Activity

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

STATE OF ARKANSAS PROPOSED RULE

(NEW) AR Department Of Environmental Quality Draft Regulation: Amendments To Recycling Regulations (Regulation 28). The Department has developed a draft of revisions to Regulation 28, Regulation of the State of Arkansas for County Recycling Programs. The revisions would make reporting requirements less stringent and would increase the options of acceptable recycling materials. The revisions would also make administrative changes to the format and style of the regulations. The Department will present the draft for approval to the Arkansas Pollution Control and Ecology Commission at its 07/23/04 meeting. The Department anticipates holding a public hearing during the week of August 30th and anticipates a comment due date in early September 2004. The draft document is available at http://www.adeq.state.ar.us/regs/drafts/reg28_draft_docket_04-004-R/reg28_draft_docket_04-004-R_markup.pdf. For additional information, please contact, Deborah Pitts (501) 682-0883.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

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

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LOUISIANA

Legislative/Regulatory Activity

STATE OF LOUISIANA LEGISLATION ENACTED

(Effective 15 August 2004) Louisiana H.B. 885 - Water, Waste. The final version of this bill (21 June 2004) removes the requirement of a discharge permit for irrigation utilizing reclaimed water originating from a municipal wastewater treatment facility. The bill was signed by the Governor on 14 July 2004 and becomes effective 15 August 2004. To view the bill, please go to http://www.legis.state.la.us/leg_docs/04RS/CVT1/OUT/0000L3YX.PDF. Sponsor: Representative Gary Beard (R)

(Effective 15 August 2004) Louisiana H.B. 1041 - Land Use. H.B. 1041 provides for advance notice to military installations of zoning actions by local governments. The bill was signed on 8 July by Governor Kathleen Blanco (D) and becomes effective 15 August 2004. To view the bill please go to http://www.legis.state.la.us/leg_docs/04RS/CVT7/OUT/0000L4K1.PDF. Sponsor: Representative Jim Tucker (R)

CREO Comment. Louisiana HB 1041 - Land Use is an important piece of legislation that has the potential to positively impact an installation. This legislation provides a mechanism to alert an installation to potential incidences of encroachment and any impact on its overall mission. Advance notice of zoning actions will allow an installation an opportunity to consider the potential encroachment effects by the local municipality. The installation can, if warranted, provide formal comments to the local municipality to re-direct the encroachment. If requested, CREO is ready and available to assist in drafting and/or presenting such comments.

STATE OF LOUISIANA FINAL RULES

(Effective 20 July 2004) LA Department Of Environmental Quality Final Regulation: Addition Of A New Fee Number To The Air Quality Control Programs Fee Schedule Listing (AQ243) (LAC 33:III.223). The Department has adopted a minor amendment to LAC 33:III.223, Fee Schedule Listing. The amendment adds a new fee number to distinguish between Title V and Non-Title V facilities that previously reported under the Fee Number 2300 for criteria pollutant fees. Non-Title V facilities will continue to report under fee number 2300 and Title V facilities will report under new fee number 2310. There are no new fees or fee changes associated with this proposed rulemaking. This rule is final, effective 20 July 2004. The final version of this rule is available at <http://www.deq.state.la.us/planning/regs/pdf/AQ243fin.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

(Effective 20 July 2004) LA Department Of Environmental Quality Final Regulation: Clarification Of Criteria And Assessment Methods For Designated Uses Of Water Bodies For Recreation And Drinking Water Supply (WQ053) (LAC 33:IX.107, 1105, 1111, 1113, And 1123). The Department has adopted amendments to clarify criteria and assessment methods for designated uses of water bodies for primary and secondary contact recreation and drinking water supply. The amendments add a distinction between primary and secondary contact recreation as designated uses for surface water quality standards. The amendments also add drinking water supply as a designated use for surface water quality standards. The amendments increase the percentage of water samples that are allowed to exceed a fecal coliform density of 400/100mL on a monthly basis for primary contact recreation from 10 to 25. Additionally, the amendments increase the percentage of water samples that are allowed to exceed a fecal coliform density of 2,000/100 mL on a monthly basis for secondary contact recreation from 10 to 25. The amendments also change the method of measuring fecal coliform content for drinking water supply use from an arithmetic mean method to a standard that requires that no more than 30 percent of samples collected on a monthly basis will exceed a fecal coliform density of 2,000/100 mL. This rule is final, effective 20 July 2004. The final version of this rule is available at <http://www.deq.state.la.us/planning/regs/pdf/WQ053fin.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

STATE OF LOUISIANA PROPOSED RULES

(UPDATE) LA Department Of Environmental Quality Regulations For USEPA Review: SIP Revisions - Emissions Inventory And Reporting, And Stage II Vapor Recovery Systems (LAC 33:III, 918, 919, 2132 And 2156). The Department is proposing regulations promulgated in 2003 to USEPA for inclusion in the SIP. The following amended regulations are being proposed for inclusion: (1) Regulation 918, which was revised to strengthen the language for regulatory purposes and correlate with Regulation 919; (2) Regulation 919, which was revised to follow the requirements of the federal Consolidated Emissions Reporting Rule and to clarify emission inventory requirements; (3) Regulation 2156, which was revised to clarify that owners or operators of fuel dispensing facilities are allowed to continue to use Stage II Vapor Recovery Systems or equivalents that were certified by CARB on or before 31 March 2001; and (4) Regulation 2156, which was revised to correct a reference in the definitions of building enclosures. Staff report that the Department has not yet submitted these revisions to USEPA but anticipate doing so by the end of July 2004. For additional information, please contact Judith Schuerman at (225) 219-3550.

(NEW) LA Department Of Environmental Quality Proposed Regulation Published 20 July 2004: Adoption Of Federal Lead And Copper Standards For Drinking Water (LAC 51:XII.101, 301 And Chapter 17). The Department has proposed revisions to its drinking water regulations. The revisions will incorporate updated federal standards for drinking water and for public water supply quality. The revisions will update the definition of "National Primary Drinking Water Regulations" in order to keep it current with the federal definition. The revisions will also add a new Chapter 17 which will contain the federal "National Primary Drinking Water Regulations for Lead and Copper; Final Rule". The Department will hold a hearing on the proposed revisions 24 August 2004. Comments are due 27 August 2004. The proposed revisions are on pages 1561-1564 of the 20 July 2004 issue of the Louisiana Register, available at <http://www.doa.state.la.us/osr/reg/0407/0407NOI.pdf>. . For additional information, please contact R. Douglas Vincent (225) 342-9500.

(UPDATE) LA Department Of Environmental Quality Proposed Regulation: Revisions To Notification Requirements For Unauthorized Discharges (OS052) (LAC 33:I, III, V, VI, VII, IX, XI, XV). The Department has proposed revisions to its discharge notification requirements. The revisions will clarify notification requirements for ongoing discharges as opposed to multiple constituent discharges and amend the procedure for notification in the event of a non-emergency discharge. Also, the revisions will direct those needing to notify authorities of discharges to the necessary reporting procedures and will update telephone numbers. Additionally, the table of reportable quantities of unauthorized discharges is updated with corrections and additions, which will promulgate Emergency Rule OS052E1, which was renewed, effective on 8 April 2004 (for more detail on this emergency rule, see LA0010825). The revisions will also identify the quantities of unauthorized discharges of toxic air pollutants as a result of bypassing emission control devices that warrant notification of authorities. Staff reports that the Department is currently responding to comments and expects that the regulations will be published as final in July or August 2004. For additional information, please contact Judith Schuerman at (225) 219-3550.

(UPDATE) LA Department Of Environmental Quality Proposed Regulation: Update To State Fugitive Emission Control Regulations - AQ237 (LAC 33:III.2121 And 2122). The Department has proposed revisions that will update state fugitive emissions control regulations to clarify requirements for instrumentation systems, to designate "no detectable emissions" (NDE) valves and to allow for alternate monitoring for flanges. The changes make the state regulations more consistent with federal fugitive control regulations, particularly the Maximum Achievable Control Technology (MACT) standards of 40 CFR 63. The revised rule will adopt the definition of instrumentation system included in the Synthetic Organic Chemical Manufacturing Industry Hazardous Organic NESHAP (SOCMI HON) MACT (40 CFR 63, Subpart H). Staff has no timeline for when the revisions will become final. The rule was sent to the Legislative Oversight Committees 13 July 2004. The proposal is available online at <http://www.deq.state.la.us/planning/regs/pdf/AQ237pro.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) LA Department Of Wildlife And Fisheries Withdrawn Discussion: Revision Of Endangered Species List. The Department initiated discussions to amend its state endangered and threatened species lists. Staff reports that the Department has withdrawn discussion of making these amendments as of June 2004. For additional information, please contact Gary Lester at (225) 765-2823.

Louisiana Homeland Security Information. Louisiana Office of Homeland Security & Emergency Preparedness, MG Bennett C. Landreneau, Director; COL Michael L. Brown, Assistant Director, (225) 925-7344. Web page: <http://www.ohsep.louisiana.gov/agencyrelated/aboutagency.htm>.

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NEW MEXICO

Legislative/Regulatory Activity

STATE OF NEW MEXICO FINAL RULE

(Effective 1 August 2004) NM Albuquerque/Bernalillo County Air Quality Control Board Final Regulation: Amendments To Variance Procedures (20.11.7 NMAC). The Department's Air Quality Board has adopted amendments to the regulations that govern its variance procedures. The amendments 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 also amend the process for seeking a variance petition and establish timelines, technical requirements, burden of proof requirements, and notification requirements. Additionally, the amendments 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. Staff reported that the Board met on 9 June 2004 and approved the regulation. The regulation is final, effective 1 August 2004. An amended version of the rule is available at <http://www.nmcpr.state.nm.us/nmregister/xv/xv13/20.11.7amend.pdf>. For additional information, please contact Dan Warren at (505) 768-2600.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) NM Environment Department Departmental Discussion: USEPA's Early Action Ozone Compact Option For Areas That Are Close To Exceeding The 8-Hour Ozone National Ambient Air Quality Standard. The Department's Four Corners Ozone Task Force steering committee is discussing USEPA's Early Action Ozone Compact option for areas that are close to exceeding the 8-hour ozone National Ambient Air Quality Standard. The task force and steering committee were formed out of citizen concern about elevated ozone levels in the Farmington area, which could affect public health. The long-term goals of the Task Force are to preserve the region's air quality and prevent the area from exceeding national ambient air quality standards in the future. As necessary, the Department plans to incorporate the CAAP into the State Implementation Plan (SIP) by 31 December 2004. The Task Force is seeking task force member comment on the New Mexico Environment Department's Voluntary Program for Emissions Reductions in San Juan County (see Regulation #NM0007465). The Task Force specifically seeks comments on a Memorandum of Understanding (available from Stateside staff) created to formalize agreements between participating companies and the Department. The Task Force would like comments on the program and the MOU by 27 July 2004. Task Force information is available at <http://www.nmenv.state.nm.us/ozonetf/index.html>. The Clean Action Air Plan is available at http://www.nmenv.state.nm.us/ozonetf/caap_sjc.doc. For additional information, please contact Andy Berger at (505) 955-8034.

(UPDATE) NM Environment Department Departmental Discussion: Plans For State Delegation For The NPDES Permit Program. The Department is discussing its plans to seek state delegation for the National Pollution Discharge System (NPDES) permit program from USEPA. The NPDES permit program is authorized by the federal Clean Water Act to control water pollution through regulation of point sources that discharge pollutants into waters of the United States. Delegation of the program will allow New Mexico to take authority over the quality of its water resources rather than deferring to the federal government. The Department held informational meetings 21 July in Santa Fe and 22 July 2004 in Las Cruces in response to those requests. Further information on the discussed delegation is available at http://www.nmenv.state.nm.us/swqb/PSRS/NPDES-DelegationBriefingPaper_June-04.pdf, http://www.nmenv.state.nm.us/swqb/PSRS/NPDES-DelegationPresentation_June-04.pdf, and http://www.nmenv.state.nm.us/swqb/PSRS/npdes_q+a.pdf. For additional information, please contact Marcy Leavitt at (505) 827-2918.

(NEW) NM Environment Department Departmental Discussion: Revisions To Title V Regulations (20.2.71 NMAC). The Department is discussing revisions to its Title V fee regulations. The revisions would increase the dollar per ton amount collected and would make technical corrections to clarify the fee process. The current fee for emissions of SO₂, NO_x, CO, TSP and VOC is \$10.25 per ton. The current fee for hazardous air pollutants is \$150.00 per ton. The Department held public meetings on 23 June and 14 July 2004. The Department plans to develop a draft proposal to present to the Environmental Improvement Board in November 2004. Information about the planned rulemaking is available at <http://www.nmenv.state.nm.us/aqb/projects/T5/index.html>. A draft is available at <http://www.nmenv.state.nm.us/aqb/projects/T5/Draft-20.2.71-NMAC-changes.pdf>. For additional information, please contact Erik Aaboe at (505) 955-8081.

(NEW) NM Environment Department Draft Regulation: Amendments To Emissions Reporting Requirements (20.2.73 NMAC). The Department has drafted revisions to its regulations governing notice of intent and emissions inventory requirements. The revisions will add PM_{2.5} to the list of pollutants that require the submission of an annual emissions report from sources that emit 100 tons per year or more. The revisions will also add PM_{2.5} and ammonia to the reporting list for emissions content reports and will add a provision that allows the Department to request reporting of speciated hazardous air pollutants in an emissions content report. A draft of the

changes is available at

http://www.nmenv.state.nm.us/aqb/Proposed_Regs/20_2_73NMAC_06Jul04draft.pdf. The Department hopes to have a hearing on the proposed revisions in October 2004. *For additional information, please contact Lany Weaver at (505) 955-8090.*

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

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OKLAHOMA

Legislative/Regulatory Activity

Note: No significant legislative or regulatory activity in Oklahoma this reporting period.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

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

(Effective 30 June 2004) TX Commission On Environmental Quality Final Regulation: Permits By Rule Study Phase I (2003-030-106-AI) (30 TAC 106). The Commission has adopted amendments to and the repeal of several permits by rule (PBR), specifically those that affect trench burners, small to medium size law enforcement agencies, concrete batch plants, non-profit organizations, and water and soil remediation facilities. The amendments eliminate the concrete batch plant permit by rule (PBR); reduce PBR registration fees for nonprofit organizations; specify that the fee does not apply to a certification submitted solely for the purpose of federally enforceable limit certifications; reduce fees for reviews associated with the remediation of sites claiming registration related to waste processes and remediation; exempt remediation projects from registration fees; specify that additional fees are not required for re-submittals of PBRs due to insufficient information or updates to recently submitted PBR registrations; eliminate the PBR for single-chambered incinerators; allow law enforcement agencies to use a PBR to incinerate confiscated illegal drug evidence; identify all of the general and specific design requirements for incinerators under the PBR, including temperature, residence time, and burn rate; require a compliance demonstration when destroying confiscated drugs; eliminate the PBR for direct flame incinerators; correct citations and cross-references, reduce registration requirements, establish a notification procedure, and update technical requirements for aboveground air curtain incinerators and trench burners, including the requirement that air curtain incinerators must be operated at least 300 feet from the closest property line; allow traditional trenches equipped with fan manifolds to circulate combustion air and allow for new aboveground units that have equivalent parameters; allow permanent facilities to be authorized under the PBR if categorized as a municipal solid waste or noncommercial industrial site; and provide for a rapid authorization mechanism for remediation projects at gasoline stations and dry cleaning facilities, and establish technical requirements for all facilities performing remediation activities. The rule became final, effective 30 June 2004. The adopted regulation is available at http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/03030106_ado.pdf. *For additional information, please contact Debra Barber at (512) 239-0412.*

(Effective 1 April 2004) TX Commission On Environmental Quality Final Regulation: Extension Of Compliance Date For Cooling Towers With Highly Reactive Volatile Organic Compounds (HRVOC) (30 TAC 115.769). The Commission has adopted a rule package that will extend the compliance date for cooling towers with highly reactive volatile organic compounds (HRVOC) from 31 December 2004 to 31 December 2005. This amendment will make the compliance date for cooling towers the same as the potential compliance dates for HRVOC flares and vent gas streams in the eight county Houston/Galveston ozone non-attainment areas. This rule was promulgated in accordance with recently adopted amendments to the regulations governing Volatile Organic Compound Transfer Operations and Highly-Reactive Volatile Organic Compounds, (report number TX0010122) and will be submitted with the state implementation plan (SIP) to the United States Environmental Protection Agency (EPA). The rules were final, effective 1 April 2004. The rules were submitted to USEPA for approval and inclusion in the SIP. Staff reports that USEPA has not approved the SIP revision as of July 2004 and staff does not know when the revision will be approved. The adopted rule is available at http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04008115_ado.pdf. For additional information, please contact Alan Henderson at (512) 239-1510.

STATE OF TEXAS PROPOSED RULE

(UPDATE) TX Commission For Environmental Quality Draft Regulation: Technical Corrections To Fugitive VOC Emission Rules (2004-052-115-AI) (30 TAC 115.352, 115.354-115.357, 115.359). The Commission is preparing 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. The Commission approved the proposal at its 23 June 2004 meeting. The Commission anticipates that the rule will be adopted in November or December 2004. The proposal is awaiting publication in the TX Register. Public hearings are scheduled for 2, 3, and 5 August 2004. Comments are scheduled to be due 9 August 2004. A draft copy of the recommended rulemaking is available at http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/04052115_pro.pdf. For additional information, please contact Alan Henderson at (512) 239-1510.

(NEW) TX Commission On Environmental Quality Draft Proposal: Implementation Of Large Vehicle Idling Prohibitions In Certain Local Jurisdictions (2004-072-114-AI) (30 TAC 114.510-512, 114.517). The Commission has drafted a proposal that will implement idling limits for gasoline and diesel-powered engines in heavy-duty motor vehicles (vehicles with a gross vehicle weight rating over 14,000 lbs) within the jurisdiction of any local government that has signed a Memorandum of Agreement with the Commission to delegate enforcement to that local government. In these jurisdictions, the proposal will prohibit idling for longer than five consecutive minutes when the vehicle is not in motion between 1 April and 31 October. The tentative approval date for this proposal was 14 July 2004. Hearings are planned for 23, 24 and 26 August 2004. The tentative due date for comments is 30 August 2004. The draft proposal is available at http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/04072114_pro.pdf. For additional information, please contact Joseph Thomas at (512) 239-4580.

CREO Comment: Comments are being submitted to request that military tactical vehicles be exempted from idling restrictions.

(UPDATE) TX Commission On Environmental Quality Proposed Regulation Published 23 April 2004: Water Conservation And Drought Contingency Plans (2004-004-288-WT) (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. Staff

confirms that the scheduled adoption date is 15 September 2004 and the planned effective date is 6 October 2004. The draft proposal is available at http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/04004288_PRO.pdf. For additional information, please contact Kathy Ramirez at (512) 239-6757.

(UPDATE) TX Commission For Environmental Quality Proposed SIP Revision: Early Action Compact Plans. The Commission is proposing 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-nonattainment 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. On 14 July 2004, the Commission approved the proposal for a hearing and comment period. Hearings will be held on 23, 24 and 26 August 2004. Comments are due 30 August 2004. Submission of SIP Revision to USEPA is expected 31 December 2004. 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. For additional information, please contact Heather Evans at (512) 239-1970.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) TX Commission On Environmental Quality Departmental Discussion: Revision Of Official Maps For Edwards Aquifer Recharge Zone (2003-029-213-WT) (30 TAC 213.3 (27)). The Commission is revising the official maps for the Edwards Aquifer recharge zone that are incorporated by reference in 30 TAC 213.3 (27). Owners or developers of land in certain areas that are currently in transition or contributing zones may be directly affected by re-designation of those areas as recharge zone. The Commission has pushed back the tentative date for proposing this regulation to 27 October 2004. For additional information, please contact Debi Dyer at (512) 239-3972.

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

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REGION 7 STATE ACTIVITY

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

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

STATE OF IOWA FINAL RULE

(Effective date 25 August 2004) IA Department Of Natural Resources Final Regulation: Land Recycling Program And Response Action Standards (567 IAC 137). The Department adopted modifications to the land recycling program and response action standards. The rulemaking changes the requirements for establishing risk-based standards. The rule was adopted at the 21 June 2004 EPC meeting with an effective date of 25 August 2004. *For additional information, please contact Bob Drustrup at (515) 281-8900.*

STATE OF IOWA PROPOSED RULES

(UPDATE) IA Department Of Natural Resources Proposed Regulation: Water Quality Standards (567 IAC 61). The Department is proposing a rulemaking to amend the cold-water aquatic life use designation and to adopt a protocol for assessing and designating water bodies for cold water aquatic life uses. The proposal splits the current cold-water use designation into two use designations, Class B(CW1) and Class B(CW2). The purpose of the split is to reflect the type or extent of uses by cold-water aquatic species. In addition, it is proposed to incorporate language providing additional protection to the groundwater sources such as bank seeps and small springs directly contributing to proposed Class B(CW1) waters. Included in the proposed modifications to the standards are associated revisions to the ammonia nitrogen and dissolved oxygen criteria applicable to each proposed Cold Water use designation. The rule is expected to go before the Environmental Protection Commission (EPC) for final adoption in August 2004. *For additional information, please contact Chuck Corell at (515) 281-8448.*

(UPDATE) IA Department Of Natural Resources Proposed Guidelines: Revised Dispersion Modeling Guidelines. The Department proposed 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). Staff expected the guideline to be finalized by 1 June 2004, but has postponed that target date to late July 2004. To view the guidelines, please go to http://www.iowadnr.com/air/input/files/rev_mod_guideline.pdf. *For additional information, please contact Lori Hanson at (515) 281-8911.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) A 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. The workgroup has met four times previously. To view the workgroup product, please go to <http://www.iowadnr.com/air/prof/const/nsrreform.html>. *For additional information, please contact Jim McGraw at (515) 242-5167.*

(UPDATE) IA Department Of Natural Resources Draft TMDLs. The Department has drafted the following TMDLs and is in the process of scheduling hearings and/or reviewing comments from previous hearings. The TMDL locations and web sites are listed below:

Camp Creek TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04campcreek.html>
Cedar Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04cedarlake.html>
Clear Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04clearlake.html>
Don Williams Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04donwilliams.html>
Easter Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04easterlake.html>
Ingham Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04inghamlake.html>
Lake Macbride TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04lakemacbride.html>
Lake Meyer TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04lakemeyer.html>
Little Floyd River TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04littlefloyd.html>
Little Spirit Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04littlespirit.html>
Mariposa Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04mariposa.html>

Middle Fork South Beaver Creek TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04mfsbeaver.html>
Milford Creek TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04milford.html>
North Twin Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04northtwin.html>
Pierce Creek Pond TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04piercecreek.html>
Silver Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04silverlake.html>
Storm Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04stormlake.html>
Swan Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04swanlake.html>
Tuttle Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04tuttlake.html>
Upper Gar Lake TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04uppergar.html>
Yeader Creek TMDL <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04yeadercr.html>

For additional information, please contact Chris Van Gorp at (515) 281-4791.

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

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KANSAS

Legislative/Regulatory Activity

STATE OF KANSAS PROPOSED RULES

(UPDATE) **KS Department Of Health And Environment Draft Regulation: 2004 Surface Water Register.** The Department is drafting the 2004 Surface Water Register to include 427 stream segments and 45 lakes have been evaluated by a use attainability analysis (UAA) to determine the appropriate recreational use designation. Staff is reviewing comments. The proposals can be viewed at http://www.kdhe.state.ks.us/befs/notice_of_intent.html. For additional information, please contact Ricquelle Landis (785) 296-6603.

(UPDATE) **KS Department Of Health And Environment Proposed Regulation: Amendment To Inventory Report Rule.** The Department adopted a rulemaking to amend the inventory-reporting rule. The amendments include an increase in fees, changing the submission date of class II inventories to 1 April, and minor housekeeping changes. Staff indicates the rules are almost complete and are undergoing internal review. For additional information, please contact Tom Gross AT (785) 296-1692.

(UPDATE) **KS Department Of Health And Environment Draft Regulation: Adoption Of Consolidated Air Rule.** The Department is discussing the adoption of the federal Consolidated Air Rule (CAR). CAR maintains the current levels of health and environmental benefits from the 16 existing rules, which are currently reducing emissions of volatile organic compounds (VOCs) and air toxics to the atmosphere. The Department expected to begin the formal rulemaking by March 2004, then again by May 2004. Staff has received approval for the rulemaking and will be scheduling public hearings. For additional information, please contact Tom Gross AT (785) 296-1692.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

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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STATE OF MISSOURI LEGISLATION ENACTED

(Effective 28 August 2004) 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 Governor signed the bill on 9 July 2004 and becomes effective 28 August 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)

(Effective 28 August 2004) 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). It 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 was signed by the Governor on 22 June and becomes effective 28 August 2004. The bill can be found at <http://www.senate.mo.gov/04info/billtext/perf/sb901.htm>. Sponsor: Senator Wayne Goode (D)

(Effective immediately) Missouri S.B. 1040 - Hazardous Waste. The 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 allows Missouri's treatment storage and disposal facilities receiving hazardous waste from out-of-state generators to submit registration describing type and quantity of hazardous waste received from out-of-state generators and fee information to the Department of Natural Resources (Department) and extends the hazardous waste fee until 30 June 2006, except that the Department shall collect this fee for any hazardous waste generated prior to such date. The Governor signed the bill on 22 June 2004 and becomes effective immediately. The bill can be viewed at <http://www.senate.mo.gov/04info/billtext/perf/sb1040.htm>. Sponsor: Senator John Griesheimer (R)

STATE OF MISSOURI FINAL RULE

(Effective 30 July 2004) MO Department Of Natural Resources Final List And Final 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 adopted 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 is required to be submitted to USEPA. This rulemaking will allow staff to meet the directive of the Missouri Clean Water Commission to codify the existing methodology. The Department adopted the rule 8 April 2004. The rule is final, effective 30 July 2004. *For additional information, please contact John Ford at (573) 751-7428.*

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 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 not be required to submit an annual compliance certification requirement for 2003 under 10 CSR 10-6.065(4)(I), Compliance Reporting obligations. The proposed schedule is as follows: Public Hearing 26 August 2004; Comments due 2 September; Effective date 30 January 2005. 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>. For additional information, please contact Ben Elmore at (573) 751-4817.

(UPDATE) MO Department Of Natural Resources Departmental Discussion: MO SIP Revised NAAQS Plan, Ozone And PM_{2.5}. The Department is discussing regulations and SIP amendments to adopt the new and revised federal standards for ozone and PM_{2.5}. The 12 criteria for determining the appropriate non-attainment boundaries include: (1) emissions and air quality; (2) population density and degree of urbanization; (3) monitoring data representing ozone concentrations; (4) location of emission sources; (5) traffic and commuting patterns; (6) expected growth; (7) meteorology; (8) geography/topography; (9) jurisdictional boundaries; and (10) regional emission reductions. The Department has prepared an unofficial table of areas that would not be in compliance with the ozone standard. Some parts of the St. Louis and Kansas City area may be in non-attainment. A critical factor could be which three years USEPA will use to evaluate compliance. If USEPA uses the years 1998 to 2000, the Kansas City area may be able to avoid going into noncompliance if controls are implemented quickly. The Department believes Kansas City may apply for transitional status under the new 8-hour ozone standard. The Department expects to adopt the federal standards. The Department is continuing to develop emission inventory files necessary to conduct urban air shed modeling exercise. On 13 June 2000, the Air Quality Forum recommended using the current non-attainment boundaries. Staff reports that the Department submitted the recommendations for establishing geographical non-attainment boundaries for ozone and PM_{2.5} to USEPA. The recommendations for ozone were submitted in December 2003 and staff expects a response from USEPA very soon. The PM_{2.5} recommendations were submitted in early March 2004 and USEPA has until December 2004 to respond to those recommendations. Staff reports that the Department will likely propose regulations to adopt the federal ozone and PM_{2.5} standards by the end of 2004. For additional information, please contact John Rustige at (573) 751-4817.

(UPDATE) MO Department Of Natural Resources Departmental Discussion: Regional Haze Plan For MO SIP. The Department is discussing the development of a regional haze plan. Missouri has two Class I areas: Hercules Glade Wilderness Area in Taney County and Mingo Wilderness Area in Stoddard and Wayne counties. The Department is working with other states in the Central Regional Air Planning Association (CENRAP) to develop regional haze strategies. As part of its strategy to reduce regional haze, the Department plans to: (1) analyze spaciation data and determine visibility impairment culpability using computer modeling and data analysis; (2) establish reasonable progress goals for each of the Class I areas to improve visibility on the haziest days and to ensure that no degradation occurs on the clearest days; (3) make reasonable progress to reduce emissions of air pollutants that contribute to regional haze by 2008; (4) issue pre-construction permits under New Source Review and Prevention of Significant Deterioration programs; (5) work with other states to determine if out-state sources are contributing to visibility impairment in Missouri's Class I areas, and to determine if sources in Missouri are contributing to impairment in other states; (6) develop a regional haze plan in accordance with federal regulations that reduces culpable emissions and improves visibility; and (7) by 2060, eliminate man-made contributions to visibility impairment in Hercules Glade and Mingo National Wildlife Refuge according to federal regulations. The Department continues to work to have a regional haze plan in place by 2006, as is required by federal regulations. Staff report work is ongoing with no firm date for plan finalization. Staff reports that the Department continues to work with CENRAP workgroups and that they are still in the modeling phase of development. Staff reports that the CENRAP workgroups continue to meet and that the Department will wait until the process has developed a "menu" of controls before looking at what steps it wants to take with a state regional haze plans. Staff reports that the Department is still not doing anything independently of CENRAP as of the end of June 2004. The next CENRAP Workgroup meeting will be 2-4 August 2004. A CENRAP website is available at <http://www.cenrap.org>. For additional information, please contact John Rustige at (573) 751-4817.

(UPDATE) MO Department Of Natural Resources Departmental Discussion: Designation Of The Kansas City Area As A Non-Attainment Area. The Department is discussing the possibility of making a recommendation to USEPA that the Kansas City area be designated as a non-attainment area under the 8-hour ozone standard. The Department anticipates that the results of ozone monitoring in the Kansas City area will warrant the recommendation for non-attainment designation. The area is currently designated as "unclassifiable" by USEPA who plans to make a decision on attainment or non-attainment designation by the end of 2004. Staff reported that the Department anticipated a designation process beginning in summer 2004. Staff now reports that the Department is waiting to collect additional ozone monitoring results and anticipate starting the designation process by the end of 2004. For additional information, please contact John Rustige at (573) 751-4817.

(UPDATE) MO Department Of Natural Resources Draft Document: Draft 2004 303(d) Listing Methodology Document. The Department has issued a draft 2004 303(d) Listing Methodology for public review and comment. The document describes the procedures the Department will use to collect and assess water quality

data to determine what waterbodies to place on the state 303(d) list. The Department will accept comments on the draft through 24 August 2004. Staff reports that the methodology document will be used, in part, to determine the 2004 303(d) list. Staff anticipates that the Department might issue a draft 2004 303(d) list for public review in December 2004 or January 2005. The draft document is available at <http://www.dnr.mo.state.us/wpscd/wpcp/rules/pn-draft-listing-methodology-R11.pdf>. For additional information, please contact John Ford at (573) 751-7428.

(NEW) MO Department Of Natural Resources Departmental Discussion: Increase To The Insignificant Emissions Levels For Minor Construction Permitting (2691) (10 CSR 010-06.061).

The Department is discussing a rulemaking to revise 10 CSR 010-06.061, Construction Permit Exemptions. The rulemaking would increase the insignificant emission levels that determine when an installation requires a construction permit for insignificant modifications. The exemptions would reduce permitting burdens for the construction industry and for small sources of Volatile Organic Compounds. On 3 February 2004, the Department obtained a 12-month variance from the Missouri Air Conservation Commission that allows installations to take advantage of the lower emission level exemptions prior to the finalization of the rulemaking. The Department has proposed a tentative schedule for this rulemaking as follows: Public hearing 30 September 2004; Comments due 7 October; Effective date 28 February 2005. For additional information, please contact Paul McConnell at (573) 751-4817.

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

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NEBRASKA

Legislative/Regulatory Activity

STATE OF NEBRASKA LEGISLATIVE INTERIM STUDIES

(NEW) Nebraska Interim Study On Storm Runoff - Non-point Source Pollution. The Natural Resources Committee is designated to conduct a study to review the issue of storm runoff requirements as required by the federal Clean Water Act and possible funding mechanisms for such programs. The Committee will report its findings, together with its recommendations, to the Legislative Council or Legislature. Senator Ed Schrock (I) requested the study. The committees are expected to begin their interim studies in August or September. To view the text, please go to http://www.unicam.state.ne.us/pdf/INTRO_LR288.pdf.

(NEW) Nebraska Interim Study To Continue Examining The Department Of Environmental Quality - Cleanup. The Natural Resources Committee is to continue the study of the Department of Environmental Quality financial assurance requirements, policies, and standards and to make recommendations for necessary legislative changes in order to assure that permittees and licensees, rather than taxpayers, bear any environmental clean-up, remediation, or closure costs due to their actions or activities. The Committee will report its findings, together with its recommendations, to the Legislative Council or Legislature. Senator Don Preister (I) requested the study. The committees are expected to begin their interim studies in August or September. To view the text, please go to http://www.unicam.state.ne.us/pdf/INTRO_LR295.pdf.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

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

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EPA FINAL RULES

(Effective 7 September 2004) TSCA Inventory Update Rule Corrections. EPA is taking direct final action to make several minor corrections to the Inventory Update Rule (IUR) reporting regulations. These corrections are 1) EPA is relocating the non-isolated intermediate definition to properly place it in the section of the regulation associated with both the IUR and the compilation of the TSCA Inventory, 2) the Agency is correcting the low current interest partial exemption chemical list by removing a chemical that is improperly identified and was mistakenly placed on the list, 3) EPA is correcting the percent production volume associated with the chemical substance's physical form(s) reporting requirement by removing the requirement that the sum of the percent production volumes be no more than 100%, 4) EPA is correcting overlapping site ranges in the number of sites code table, 5) EPA is correcting a misprint in a paragraph reference, and 6) EPA is updating the procedure to obtain the reporting documents. This direct final rule is effective on 7 September 2004, without further notice, unless EPA receives adverse comment by 6 August 2004. If, however, EPA receives adverse comment, EPA will publish a Federal Register document to withdraw the specific correction(s) for which the adverse comment was made before the effective date of the direct final rule. The remaining corrections will become effective on 7 September 2004. The full text document can be found at <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-15353.htm>. For additional information, please contact the AEC Media Manager at 410-436-7069.

(Effective 2 August 2004) Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM_{2.5} National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes. EPA is amending the transportation conformity rule to finalize several provisions that were proposed last year. First, this final rule includes criteria and procedures for the new 8-hour ozone and fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS or "standards"). Transportation conformity is required under Clean Air Act section 176(c) to ensure that federally supported highway and transit project activities are consistent with ("conform to") the purpose of a state air quality implementation plan (SIP). We are conducting this rulemaking in part to revise the conformity regulation in the context of EPA's broader strategies for implementing the new ozone and PM_{2.5} standards. The final rule also addresses a 2 March 1999 ruling by the U.S. Court of Appeals for the District of Columbia Circuit (Environmental Defense Fund v. EPA, et al., 167 F. 3d 641, D.C. Cir. 1999). This final rule incorporates into the transportation conformity rule the EPA and Department of Transportation (DOT) guidance that has been used in place of certain regulatory provisions of the rule since the court decision. DOT is EPA's federal partner in implementing the transportation conformity regulation. We have consulted with DOT on the development of this rulemaking, and DOT concurs with this final rule. EPA notes that a supplemental notice of proposed rulemaking will be published in the near future to request additional comment on options related to PM_{2.5} and PM₁₀ hot-spot requirements. EPA is also not finalizing at this time any requirements for addressing PM_{2.5} precursors in transportation conformity determinations for PM_{2.5} non-attainment and maintenance areas. EPA is considering the transportation conformity rule's PM_{2.5} precursor requirements in the context of EPA's broader PM_{2.5} implementation strategy. All of these issues will be addressed in a separate final rule to be issued before PM_{2.5} designations become effective. This rule becomes effective 2 August 2004. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2004/July/Day-01/a14213.htm>. For additional information, please contact the AEC Media Manager at 410-436-1213.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

The Military Munitions Response Program (MMRP) Public Affairs Guidance is Now Available. The Department of Defense (DoD) established the MMRP to better reflect the statutory program goals established in its environmental restoration program, to enhance the understanding of the nature of munitions response sites and to manage munitions response activities more effectively. The Public Affairs Guidance was prepared to assist Army public affairs units/organizations for public engagement on the Military Munitions Response Program and is now available to all Public Affairs offices. For additional information, please call (410) 436-2556.

Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Stay. A 24 December 2003 order of the U.S. Court of Appeals for the District of Columbia Circuit stayed the effectiveness of the Equipment Replacement Provision (ERP) of the Clean Air Act (CAA) New Source

Review (NSR) Routine Maintenance, Repair, and Replacement (RMRR) exclusion. The 1 July 2004 action reflects this stay in the Code of Federal Regulations. This document also sets out EPA's interpretation of the effect of the stay on the Prevention of Significant Deterioration (PSD) federal implementation plans in various state implementation plans. EPA is issuing this final rule without notice and opportunity for public comment because there is good cause to do so within the meaning of the Administrative Procedure Act. For more details, please see <http://www.epa.gov/fedrgstr/EPA-AIR/2004/July/Day-01/a14989.htm>. For additional information, please contact the AEC Media Manager at 410-436-1205.

EPA Region 6 Accepts State and Tribal PM_{2.5} Attainment Recommendations. On 28 June 2004, EPA Region 6 Administrator Richard E. Greene sent letters to state and tribal representatives agreeing with their recommendations that their areas be found in attainment for the National Ambient Air Quality Standard for fine particulate matter. Fine particulate matter is comprised of particles that are less than 2.5 micrometers in diameter and is also referred to as PM_{2.5}. The Clean Air Act requires EPA to determine whether geographic areas in each State are in attainment with the new PM_{2.5} standard. Areas that meet the National Ambient Air Quality Standard for PM_{2.5} are called attainment areas. Levels of PM_{2.5} that exceed the federal standard are unhealthy – especially for people with heart or lung disease, older adults and children. The states and tribes notified as to the acceptability of their recommendations include: Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Eastern Shawnee Tribe of Oklahoma, Pueblo of San Ildefonso, Sac & Fox Nation, and Ysleta del Sur Pueblo. For additional information, please go to <http://www.epa.gov/region6/> and <http://www.epa.gov/pmdesignations/>.

A New Version of EnviroMapper is Now Available. EPA's Office of Water has just released a new version of EnviroMapper for Water. EnviroMapper for Water provides a Web-based mapping connection to a wealth of water data. EnviroMapper can be used to view and map data, such as the uses assigned to local waters by your state (fishing, swimming, etc), waters that are impaired and do not support their assigned uses, the reasons why waters are impaired, water quality monitoring information, closures of swimming beaches, and the location of dischargers. Maps can be viewed at the national, regional, state or local levels. This latest release of EnviroMapper for Water (Version 3.0) features several new layers of water data including EPA's national water quality database STORET, National Estuary Program study areas, and the location of non-point source projects. Other enhancements make it easier to locate and view these data, and instructions are included describing how to incorporate the resulting map into your own Web page. For more information, please go to <http://www.epa.gov/waters/enviromapper/>.

Cyclodextrin-Enhanced In Situ Removal of Organic Contaminants from Groundwater at Department of Defense Sites (CU-0113). This cost and performance report was produced under the DoD Environmental Security Technology Certification Program (ESTCP). This technology demonstration was intended to show the potential of cyclodextrin enhanced flushing (CDEF) under near full-scale operational conditions. The particular objectives of this demonstration were (1) evaluation of the cost and performance of cyclodextrin-enhanced removal of dense non-aqueous phase liquids (DNAPL) from polluted groundwater, (2) test unrefined liquid cyclodextrin (CD) as a substitute for CD powder, (3) evaluate membrane technology for recovering and reusing CD, (4) identify the most appropriate wastewater treatment technologies, and (5) conduct partition tracer test (PTT) for mass balancing (May 2004, 101 pages). To view or download this report, please go to <http://www.estcp.org/documents/techdocs/cu-0113.pdf>.

Now Available: National Governors Association, Center For Best Practices Report Describes State Strategies To Restrain Encroachment Around Military Bases. This report describes that can be undertaken if military installations are endangered by civilian infringement by incompatible residential and commercial development thereby possibly jeopardizing an installation's mission. If development increases near and around military bases, land-use conflicts can arise between mission activities and local communities. This infringement can also be a threat to public safety. To protect the missions of military installations and the health of the economies that rely on them, states and localities may undertake the following steps to address this infringement. They include:

- drafting state legislation that requires compatible land use;
- enacting local zoning, planning, and noise requirements;
- using existing statutory authority to designate the land surrounding military installations as areas of critical state concern;
- acquiring property surrounding military installations; and
- creating state military advisory bodies.

To view this document in its entirety, please go to <http://www.nga.org/cda/files/032403MILITARY.pdf>.

U.S. FISH AND WILDLIFE SERVICE

Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Topeka Shiner.

The U.S. Fish and Wildlife Service (USFWS), designate critical habitat for the Topeka shiner (*Notropis topeka*) pursuant to the Endangered Species Act of 1973, as amended (Act). The USFWS is designating as critical habitat a total of 83 stream segments, representing 1,356 kilometers (km) (836 miles (mi)) of stream in the States of Iowa, Minnesota, and Nebraska. The USFWS excludes from designation all previously proposed critical habitat in the State of Missouri under authority of sections 3(5)(A) and 4(b)(2) of the Act, and in the States of Kansas and South Dakota under authority of section 4(b)(2) of the Act. Critical habitat is not designated on the Fort Riley Military Installation in Kansas under authority of section 4(a)(3) of the Act. For additional information, please contact the AEC Media Manager at 410-436-1564.

Proposed Programmatic Statewide Red-Cockaded Woodpecker Safe Harbor Agreement,

Louisiana. This notice advises the public that the Louisiana Department of Wildlife and Fisheries (LDWF or Applicant) has applied to the Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.). The permit application includes a proposed Safe Harbor Agreement (Agreement) for the endangered red-cockaded woodpecker, (*Picoides borealis*) (RCW), for a period of 99 years. If approved, the Agreement would allow the Applicant to issue Certificates of Inclusion (CI) throughout the State of Louisiana to eligible non-Federal landowners that complete an approved Safe Harbor Management Agreement (SHMA). Specific details can be seen at <http://www.epa.gov/fedrgstr/EPA-IMPACT/2004/July/Day-26/i16912.htm>. For additional information, please contact the AEC Media Manager at 410-436-1564.

Joint Counterpart Endangered Species Act Section 7 Consultation Regulations. The U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), announce the availability of the environmental assessment for the Interagency Consultation on Regulatory Actions Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Counterpart Regulations. The USFWS and NOAA are evaluating the environmental effects of establishing counterpart regulations pursuant to Section 7 of the Endangered Species Act of 1973, as amended (ESA). Counterpart regulations, as generally described at 50 CFR 402.04, provide an optional alternative to the existing section 7 consultation process described in 50 CFR part 402, subparts A and B. Counterpart regulations complement the general consultation regulations in part 402 by allowing individual Federal agencies to "fine tune" the general consultation framework to reflect their particular program responsibilities and obligations. The proposed counterpart regulations published in the Federal Register on 30 January 2004 (69 FR 4465), would establish new methods of interagency coordination between EPA and the Services and create two new, optional, alternative approaches for EPA to fulfill its obligations to ensure that its actions under FIFRA are not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat. Two alternatives, as presented in the environmental assessment were considered. Finalizing the proposed counterpart regulation is the preferred alternative. Adopting this preferred alternative would eliminate the requirement for EPA to obtain written concurrences from the Services whenever EPA makes a "not likely to adversely affect" determination (for listed species or critical habitats) for any FIFRA action. This preferred alternative would also result in a new alternative approach to formal consultations whenever EPA makes a likely to adversely affect determination (for listed species or critical habitats) for any FIFRA action. Electronic copies of this environmental assessment may be obtained from the USFWS web site at <http://endangered.fws.gov/consultations/pesticides/index.html>. For additional information, please contact the AEC Media Manager at 410-436-1564.

Notice of Availability: Draft Recovery Plan for the Pecos Sunflower (*Helianthus paradoxus*). The U.S. Fish and Wildlife Service (USFWS) announce the availability for public review of the draft Recovery Plan for the Pecos sunflower (*Helianthus paradoxus*). The Pecos sunflower is a wetland annual plant that grows on wet, alkaline soils at spring seeps, wet meadows and pond margins. It has six widely spaced populations in west-central and eastern New Mexico and west Texas. Specific details can be found at <http://www.epa.gov/fedrgstr/EPA-SPECIES/2004/July/Day-02/e15063.htm>.

AEC Comment: No anticipated affects on Army installations. The Pecos sunflower has not been recorded as on-site or contiguous to any Army installations. For additional information, please contact the AEC Media Manager at 410-436-1564.

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REGIONAL MEETINGS

Southwest Strategy, Border Task Team. This meeting is scheduled for **11- 12 August 2004** in **Silver City, New Mexico**. For additional information, please contact the Project Manager at (816) 983-3451.

Southwest Strategy, Border Task Team. This meeting is scheduled for **9-10 September 2004** in **Columbus, New Mexico**. For additional information, please contact the Project Manager at (816) 983-3451.

Southwest Strategies Regional Executive Council Meeting. This meeting is scheduled for **21-22 September 2004** in **Fort Huachuca, Arizona**. For additional information, please contact the Southwest Strategy Coordination Office at (505) 248-6882.

DoD ECOS Sustainability Work Group Meeting. This meeting is scheduled for **23-24 September 2004** in **St. Louis, Missouri** after the Brownfields Conference. For additional information, please contact the CREO Counsel at (816) 983-3448.

EPA Region 7 Greening the Government Conference. This conference is scheduled for **19-20 October 2004** in **Kansas City, Missouri** and is sponsored by the EPA, General Services Administration, and the Kansas City Federal Executive Board. For additional information call the Army REC at (816) 983-3445 or go to <http://www.epa.gov/R&swpp/fallconf>.

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TRAINING COURSES AND WORKSHOPS

USACE PROSPECT Training. The USACE Prospect 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. The current fiscal year schedule of classes is available at <http://pdsc.usace.army.mil/courseschedule.asp>. To register, please contact the USACE Registrar at (256) 895-7425 or 7421.

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 **16-20 August 2004**. For additional information, please visit <http://srp.army.mil/public/workshop/13th/workshop.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>.

Southwest Strategy U.S./Mexico Border Task Team, 3rd Annual Bi-National Cultural Law Training.

Expanding on the success and favorable response from the two previous years, this conference continues to build and improve trans-boundary awareness and collaboration. Keynote speeches and panel discussions by leaders and recognized experts will address and explore a range of topical border environmental issues and proposed solutions. This conference will be held on **17-19 August 2004** in **Rio Rico, Arizona**. Session topics will include Natural and Cultural Resource Law, Overview of Environmental Border Issues, Exploring Environmental Solutions, Homeland Security Along US/Mexico Border and US, Mexican, Tribal Border Resource Programs. Additional information regarding the Southwest Strategy Border Task Team can be found at <http://www.swstrategy.org/usmex.html>. For additional conference information, please contact the BIA Western Regional Office at (602) 379-6750.

ITRC Training in Remediation Technologies. The Interstate Technical Regulatory Council (ITRC) is offering three training opportunities at the Midwestern States Risk Assessment Symposium. On **23-24 August 2004** in **Indianapolis, Indiana**, ITRC will present *Phytotechnologies - Mechanisms and Actions and Accelerated In Situ Bioremediation of Chlorinated Solvents* classes, and the afternoon of the 24th there will be a two-hour presentation of *The Triad Approach: A New Paradigm for Environmental Project Management*. For additional information, please go to <http://www.spea.indiana.edu/msras/> or <http://www.spea.indiana.edu/msras/RegistrationPage.htm> to register.

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/>.

Certified Hazardous Materials Manager (CHMM) Training Course and Examination. The New Mexico Society of Hazardous Materials Managers has finalized the schedule for this year's CHMM National Overview Course and CHMM Exam at the University of New Mexico in **Albuquerque, New Mexico**. The course dates are Monday through Wednesday, **11-13 October 2004** and the exam date is Thursday, **14 October**. This 3-day course offers a comprehensive review of environmental laws and regulations as well as a basic review of safety and health principles that are essential to Hazardous Materials Managers. Also, this course provides an excellent opportunity to review the three general categories that are covered on the CHMM Exam: Science and Technology, Regulations, and Compliance Management Issues. For additional information, please go to www.NMSHMM.org or call (505) 277-5488.

Texas Commission on Environmental Quality Pollution Prevention Workshop. Pollution prevention (P2) arose as one of the major environmental management strategies for guiding organizations into the future. Preventing pollution at the source – rather than controlling it after it has been generated – saves money and reduces waste. This workshop will provide strategies on how to improve efficiency while decreasing or eliminating pollution. It will be an interactive workshop with many classroom exercises. Experts in pollution prevention, environmental management systems, environmental regulations, and energy efficiency will help integrate P2 strategies to improve environmental performance. The workshop will be held on **21-22 October 2004** at the Joe Thompson Conference Center, **University of Texas, Austin, Texas**.

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CONFERENCES AND SYMPOSIUMS

KDHE Non-point Source Seminar. The Kansas Department of Health & Environment, Bureau of Water, Watershed Management Section is conducting a seminar with various non-point source pollution control projects and local environmental protection programs. The purpose of the seminar is to facilitate communication of project results and activities among all parties interested in non-point source pollution control. These projects have been selected

from the area of the seminar location. The seminar will be held on **5 August 2004** in **Salina, Kansas**. For additional information please e-mail nps@kdhe.state.ks.us or call 785-296-4195.

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 its 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/>.

Interstate Technical and Regulatory Council (ITRC) Midwestern States Risk Assessment Symposium. The 2nd Midwestern States Risk Assessment Symposium will be held in downtown **Indianapolis, Indiana** on **25-27 August 2004**. The symposium will feature the leading experts in the United States as speakers on the topics described below. The format will include oral and poster presentations, panel discussions, and meals with prominent speakers. In addition, ITRC is bringing three training opportunities to the Midwestern States Risk Assessment Symposium. For additional information, please go to <http://www.spea.indiana.edu/msras/> or call (317) 232-8997.

2004 Kansas Environment Conference. The 2004 annual Kansas Environment Conference will be held on **31 August to 2 September 2004** in **Overland Park, Kansas**. The conference provides businesses, industries, community leaders, consultants, and the public with an understanding of new and current regulations, current trends in environmental quality, new technologies, advantages of pollution prevention and the opportunity to have questions answered. For additional information, please go to http://www.kdhe.state.ks.us/sbcs/environment_conf.html.

2004 (Arkansas Watershed Advisory Group) AWAG Watershed Conference. The 2004 AWAG Watershed Conference: "Clean Water – Stronger Communities" has been designed to provide information and education to environmental professionals and any citizen who is interested in learning more about the watershed planning process. This year's conference will focus on *Tools and Resources for Effective Watershed Management* and will be held **9-11 September 2004** at the Peabody Hotel in **Little Rock, Arkansas**. "Clean Water – Stronger Communities" will offer workshops, presentations, field experiences, and open discussion for its participants. Over a three day period, environmental experts, watershed group leaders, government agency directors, and natural resource specialists will lead participants to a better understanding of the tools and resources needed for watershed management and positive environmental change. The Conference activities will revolve around the following topics: 1) Protecting Water Quality: Issues, Regulations, and Local Policy, 2) Watershed Groups: Making a Difference and 3) Assessment & Restoration Tools: Urban & Land Management. Conference participants and presenters can discuss their environmental projects and programs during the reception and poster session, "Linking Water to Communities." "Clean Water – Stronger Communities" will conclude with a special Watershed Symposium in which "Developing Effective Partnerships" will be explored. Interested participants may obtain additional information or register online at www.awag.org. For questions, please call 501-682-0012.

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>.

New Mexico Environmental Health Conference. The 9th Annual New Mexico Environmental Health Conference (NMEHC) will be held on **18-20 October 2004** in **Albuquerque, New Mexico** and has become the Premier Southwest and Mountain States Environmental Health Conference. The NMEHC is second in size only to the National Environmental Health Association's Annual Educational Conference with nationally known presenters conducting training and education in the entire spectrum of environmental health topics, great keynote speakers, an average of sixty-five exhibitors and networking roundtable sessions. For more information, please go to <http://www.nmehc.org/> or call (505) 827-1400 x1003.

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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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