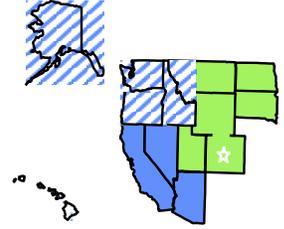




**US Army Environmental Center  
Western Regional Environmental Office  
REGION 9 – MARCH 2004  
WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 9 area: Arizona, California, Hawaii and Nevada. We appreciate your feedback. Please contact the Western Regional Environmental Office, U.S. Custom House, 721 19<sup>th</sup> Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0954, or fax: (303) 844-0951.

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**TABLE OF CONTENTS**

<b>Federal News &amp; Regulatory Developments</b> .....	2-4
<b>Conferences, Symposiums, &amp; Training</b> .....	5-8
<b>Arizona</b> .....	9-10
<b>California</b> .....	11-12
<b>Hawaii</b> .....	13-16
<b>Nevada</b> .....	16



## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

##### **FINAL RULE – PROTECTION OF ATMOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR 2004**

– On 28 January 2004 (69 FR 4059), EPA allocated essential use allowances for import and production of class I stratospheric ozone depleting substances (ODSs) for calendar year 2004. Essential use allowances enable a person to obtain controlled class I ODSs as an exemption to the regulatory ban of production and import of these chemicals, which became effective on 1 January 1996. EPA allocates essential use allowances for exempted production or import of a specific quantity of class I ODS solely for the designated essential purpose. This final rule was effective 28 January 2004. For further information, contact Scott Monroe, EPA at (202) 343-9712, or e-mail [monroe.scott@epa.gov](mailto:monroe.scott@epa.gov).

**FINAL RULE – NESHAP FOR ORGANIC LIQUIDS DISTRIBUTION** – On 3 February 2004 (69 FR 5038), EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for new and existing organic liquids distribution (OLD) (non-gasoline) operations, which are carried out at storage terminals, refineries, crude oil pipeline stations, and various manufacturing facilities. These NESHAP require all OLD operations at plant sites that are major sources to meet hazardous air pollutant (HAP) emissions standards reflecting the application of the maximum achievable control technology (MACT). EPA estimates that the final standards will result in the reduction of HAP emissions from major sources with OLD operations by 60 percent. The NESHAP were effective 3 February 2004. For further information, contact Martha Smith, EPA at (919) 541-242, or e-mail [smith.martha@epa.gov](mailto:smith.martha@epa.gov).

##### **PROPOSED RULE – NSPS/EMISSION GUIDELINES FOR SOLID WASTE INCINERATION UNITS**

On 15 February 2004 (69 FR 7390), EPA proposed definitions of "solid waste," "commercial and industrial waste," and "commercial and industrial solid waste incineration unit," for purposes of EPA's new source performance standards (NSPS) and emission guidelines for commercial and industrial solid waste incineration units (CISWI). The definitions are in response to a petition for review challenging the original CISWI rule promulgated on 1 December 2000. Comments must be received by 18 March 2004. For further information, contact Fred Porter, EPA at (919) 541-5251.

##### **PROPOSED RULE – NESHAP/STANDARDS OF PERFORMANCE FOR ELECTRIC UTILITY UNITS**

On 30 January 2004 (69 FR 4651), EPA proposed to set NESHAP, and alternatively, to set standards of performance for mercury (Hg) for new and existing coal-fired electric utility steam generating units, and for nickel (Ni) for new and existing oil-fired utility units. In either event, EPA intends to require reductions in the emissions of Hg and Ni from coal- and oil-fired utility units, respectively. This action is part of a broader effort to issue a coordinated set of emissions limitations for the power sector. The proposed section 112 "MACT" rule would require coal- and oil-fired utility units to meet HAP emissions standards reflecting the application of MACT. EPA also co-proposed implementing a cap-and-trade program under section 112. Comments are due by 30 March 2004. For further information, contact William Maxwell, EPA at (919) 541-5430, or e-mail [maxwell.bill@epa.gov](mailto:maxwell.bill@epa.gov).

**PROPOSED REGULATION – INTERSTATE TRANSPORT OF FINE PARTICULATE AND OZONE** – On 30 January 2004 (69 FR 4565), EPA proposed to find that 29 states contribute significantly to nonattainment of the national ambient air quality standards (NAAQS) for fine particles (PM<sub>2.5</sub>) and/or 8-hour ozone in downwind states. EPA proposed to require these upwind states to revise their State Implementation Plans (SIPs) to include control measures to reduce emissions of sulfur dioxide (SO<sub>2</sub>) and/or nitrogen oxides (NO<sub>x</sub>). SO<sub>2</sub> is a precursor to PM<sub>2.5</sub> formation, and NO<sub>x</sub> is a precursor to both ozone and PM<sub>2.5</sub> formation. Reducing upwind precursor emissions will assist the downwind PM<sub>2.5</sub> and 8-hour ozone nonattainment areas in achieving the NAAQS. EPA proposed statewide emissions reductions for SO<sub>2</sub> and NO<sub>x</sub> to be implemented in two phases (in 2010 and 2015). The proposed emissions reduction requirements are based on controls that are known to be highly cost effective for electric generating units. Comments are due by 30 March 2004. For further information, contact Scott Mathias, EPA at (919) 541-5310, or e-mail [mathias.scott@epa.gov](mailto:mathias.scott@epa.gov).

**NOTICE OF AVAILABILITY – UPDATE OF APPLICABILITY DETERMINATIONS** – On 20 February 2004 (69 FR 7926), EPA announced applicability determinations, alternative monitoring decisions, and regulatory interpretations that it has made under NSPS, NESHAP, and the Stratospheric Ozone Protection Program. For further information, contact Maria Malave, EPA at (202) 564-7027, or link <http://www.epa.gov/compliance/assistance/applicability>.

### **WASTE INFORMATION:**

**NOTICE OF AVAILABILITY – RISK MANAGEMENT PLAN CHECKLIST** - EPA has released a new factsheet entitled "A Checklist for Resubmitting Your Risk Management Plan (RMP) for Chemical Accident Prevention." The factsheet provides information on updating existing RMPs. Most facilities submitted their initial RMP's by the original 21 June 1999 deadline and have not resubmitted their RMPs since. This means that most RMP's must be fully updated and resubmitted by 21 June 2004. This factsheet provides a checklist for preparing a 5-year update. It is available at [http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/RMP2004-chklist.pdf/\\$File/RMP2004-chklist.pdf](http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/RMP2004-chklist.pdf/$File/RMP2004-chklist.pdf).

### **WATER INFORMATION:**

**FINAL RULE – APPROVAL OF METHOD FOR DETECTION OF COLIFORMS AND E. COLI** – On 13 February 2004 (69 FR 7156), EPA approved the Colitag™ method to support previously established requirements for National Primary Drinking Water Regulation compliance monitoring for total coliforms and E. coli in finished drinking water. This action provides water utilities and certified laboratories an additional analytical method option to test for total coliforms and E. coli. The rule will be effective 15 March 2004. For further information contact Gregory Carroll, EPA at (513) 569-7948, or e-mail [carroll.gregory@epa.gov](mailto:carroll.gregory@epa.gov).

**NOTICE OF AVAILABILITY – CASE STUDIES OF WATERSHED ECOLOGICAL RISK ASSESSMENT**  
On 9 February 2004 (69 FR 5979), EPA announced the availability of a final report titled: "Integrating Ecological Risk Assessment and Economic Analysis in Watersheds: a Conceptual Approach and Three Case Studies" (EPA/600/R-03/140R), which was prepared by EPA's National Center for Environmental Assessment of the Office of Research and Development. The report is available at <http://www.epa.gov/ncea>.

**GENERAL INFORMATION****FINAL RULE – SELECTION CRITERIA FOR CLOSING AND REALIGNING MILITARY**

**INSTALLATIONS** – On 12 February 2004 (69 FR 6848), DoD issued the final selection criteria for closure and realignment of military installations. In selecting military installations for closure or realignment, DoD is giving priority consideration to military value. The criteria include: 1) the current and future mission capabilities and the impact on operational readiness of DoD's total force, including the impact on joint warfighting, training, and readiness; 2) the availability and condition of land, facilities and associated airspace at both existing and potential receiving locations; 3) the ability to accommodate contingency, mobilization, and future total force requirements at both existing and potential receiving locations to support operations and training; 4) the cost of operations and the manpower implications; 5) the economic impact on existing communities in the vicinity of military installations; 6) the ability of both the existing and potential receiving communities' infrastructure to support forces, missions, and personnel; and 7) the environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities. For further information, contact the Base Realignment and Closure Office, at (703) 614-5356.

**FINAL RULE – ALTERNATIVE FUEL TRANSPORTATION PROGRAM: PRIVATE AND LOCAL GOVERNMENT FLEET DETERMINATION**

– On 29 January 2004 (69 FR 4219), the Department of Energy (DOE) published a final decision not to promulgate regulations requiring private and local government fleets to acquire alternative fueled vehicles. DOE found that such a requirement would not appreciably increase the percentage of alternative fuel and replacement fuel used by motor vehicles in the United States and would make no more than a negligible contribution to the achievement of the replacement fuel goals set forth in Energy Policy Act of 1992. DOE's experience with implementation of the federal fleet, state fleet, and alternative fuel provider fleet programs led DOE to conclude that given the current alternative fuel infrastructure and high alternative fuel costs relative to conventional motor fuels, market forces would prevent more than a very small increase in replacement fuel use in covered fleets, even if DOE were to impose a private and local government fleet AFV vehicle acquisition requirement. For further information contact Dana O'Hara, DOE at (202) 586-9171, or link <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-1923.htm>.

[\[TOP OF SECTION\]](#)[\[TOP OF REVIEW\]](#)



## **UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS**

### **ENVIRONMENTAL NEGOTIATION WORKSHOP**

**9-11 March 2004 – San Diego, California**

The Naval Civil Engineer Corps Officers School (CECOS) is offering this workshop tuition-free to all DoD personnel. The workshop provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It stresses the human, organizational and public interaction aspects of building constructive relationships with stakeholders in order to obtain mutually beneficial decisions in environmental decision making. Case studies and role-playing provide an opportunity for every student to apply the information presented in class. For more information and registration, visit the CECOS web site: <https://www.cecos.navy.mil>.

### **UXO/COUNTERMINE FORUM**

**9-13 March 2004 – St. Louis, Missouri**

This forum will address challenges in military sustainment through technical presentations, exhibits and networking events. It is intended to showcase cutting edge UXO and countermine technologies, ideas programs and partnerships for researchers, policy makers and program planners. For more information or to register, call (865) 379-7065, or e-mail [TheForum@ImpactStrategicEvents.com](mailto:TheForum@ImpactStrategicEvents.com).

### **DSMOA NATIONAL WORKSHOP**

**15-18 March 2004 – Atlanta Georgia**

DoD is sponsoring this workshop for all DSMOA participants and hopes to have at least one program manager and one financial manager from each participating state in attendance. The workshop will include mini training sessions, large and small group presentations, panel discussions, and breakout sessions. Current issues from DoD and states' perspectives will be shared and discussed. For more information or to register, link <http://www.ttclients.com/dsmoa2004>.

### **NATIONAL MILITARY FISH AND WILDLIFE ASSOCIATION (NMFWA) MEETING**

**15-19 March 2004 – Spokane, Washington**

This year's workshop will be held in conjunction with the 69<sup>th</sup> North American Wildlife and Natural Resource (NAWNR) Conference. The workshop will include technical presentations on Integrated Natural Resources Management Plan Implementation, ecosystem management, modern biological techniques, prescribed fire, endangered species and the military mission, and conservation law enforcement. For more information or to register, link <http://www.nmfwa.org>. For information on the NAWNR conference, link <http://www.wildlifemanagementinstitute.org>.

### **INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS**

**16-18 March 2004 – New Orleans, Louisiana**

**17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link <https://www.cecos.navy.mil>.

**NDIA 30<sup>TH</sup> ENVIRONMENTAL AND ENERGY SYMPOSIUM****5-8 April 2004 – San Diego, California**

The National Defense Industrial Association (NDIA) is presenting this symposium to provide a national forum for the exchange of technical information, government policy, regulations, programs, and law; and new ideas on environmental and energy issues, performance tracking, and areas of concern. The theme of the symposium is: "DoD Transformation Leading Towards Results-Based Environmental and Energy Programs." This event is intended for industry leaders, practitioners, environmental and energy officials, operators, and other personnel within government agencies. For more information, contact Naomi Mundy at (703) 247-9476, Or link <http://www.ndia.org>.

**WATER QUALITY STANDARDS ACADEMY****5-9 April 2004 – Washington, DC****17-21 May 2004 – Washington, DC**

EPA is presenting two sessions of the Water Quality Standards Academy Basic Course. The course is a five-day introduction designed for those with fewer than six months' experience, although water quality standards veterans can benefit from the course as a refresher. This is a comprehensive and highly structured course that introduces participants to all aspects of the water quality standards program, including the interpretation and application of the water quality standards regulation; policies and program guidance; the development of water quality criteria (human health, aquatic life, sediment, nutrient and biological); and all other facets of the program. For further information or to register, link <http://www.glec-online.com/form.htm>.

**NATIONAL ENVIRONMENTAL ASSISTANCE SUMMIT****19-22 April 2004 – Baltimore, Maryland**

EPA has announced the merger of the National Pollution Prevention Roundtable Spring Conference and the National Compliance Assistance Providers Forum. This summit, titled "One Environment/One Conference," will cover advances and innovations in environmental issues and solutions, pollution prevention, and compliance assistance programs, methods, technologies and environmental policies. For more information, call (202) 299-9701, or link <http://www.p2.org/summit2004/>.

**HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE****20-22 April 2004 – San Antonio, Texas****20-22 July 2004 – Annapolis, Maryland**

This course emphasizes legal compliance with the National Historic Preservation Act Section 106 process using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link <https://www.cecos.navy.mil>.

**INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOP****27-29 April 2004 – Honolulu, Hawaii**

The Army Center for Health Promotion and Preventive Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and use strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, link <http://chppm-www.apgea.army.mil/risk>.

**APPLIED CLEAN AIR ACT****27-29 April 2004 – Richland, Washington**

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rti.org>.

**12<sup>TH</sup> ANNUAL GLOBAL DEMILITARIZATION SYMPOSIUM & EXHIBITION****17-20 May 2004- Dallas, Texas**

The Joint Ordnance Commanders Group and NDIA are presenting this symposium to support DoD in numerous efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. The agenda will focus on global challenges and successes experienced in the disposition of energetic materials. Topics of interest will include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues. For more information or to register, link [www.ndia.org](http://www.ndia.org).

**LEAD-BASED PAINT REGULATION TRAINING****20 May 2004 – Lakewood, Colorado**

EPA is offering this free training to provide Federal Facilities participants with a detailed explanation of its regulations pertaining to lead-based paint. In addition, representatives from OSHA and HUD will present information on their lead-based paint regulations. Training will consist of lectures and interactive discussions. Specific topics include: EPA Lead Hazard Standards, Lead Disclosure Rule, Pre-Renovation Education Rule, EPA Certification Requirements for Lead-Based Paint Activities, OSHA Lead Enforcement Program, and HUD Lead Based Paint Regulation. For more information or to register, link [http://www.epa.gov/region8/toxics\\_pesticides/leadpnt/workshop.html](http://www.epa.gov/region8/toxics_pesticides/leadpnt/workshop.html).

**ENVIRONMENTAL LAWS AND REGULATIONS****25-28 May 2004 – Richland, Washington**

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rti.org>.

**EPA SCIENCE FORUM 2004****1-3 June 2004 – Washington, DC**

The theme for the 2004 EPA Science Forum will be "Healthy Communities and Ecosystems." This 3rd Annual Science Forum will showcase EPA's scientific accomplishments, demonstrate EPA's commitment to quality science, and highlight the impact of science in EPA decision-making. The Forum is designed to promote dialogue among EPA scientists and program staff, as well as EPA partners, stakeholders, and the public on critical scientific issues affecting the Agency. There will be concurrent sessions with accompanying poster presentations on key scientific topics. For more information or to register, link <http://www.epa.gov/ord/scienceforum>.

**ACCELERATING SITE CLOSEOUT****15-17 June 2004 – Dallas, Texas**

The Federal Remediation Technologies Roundtable is sponsoring this conference with the theme: "Improving Performance and Reducing Costs Through Optimization." The goals of the conference are to: 1) outline long-term remediation liabilities and optimization needs and opportunities; 2) disseminate existing and emerging optimization strategies, technologies, tools, and science; 3) communicate lessons learned and identify technical, institutional, contractual, and other enhancements and encumbrances to achieving positive optimization results; and 4) present remedial optimization within the context of site-wide and multi-site management programs. For more information or to register, link <http://www.clu-in.org/siteopt/siteopt.htm>.

**2004 COMMUNITY INVOLVEMENT CONFERENCE****15-18 June 2004 – Denver, Colorado**

EPA is sponsoring this 7<sup>th</sup> annual conference to share lessons learned and to establish and monitor its standards for community involvement. The conference will cover the entire scope of public participation, community involvement, partnership building, and outreach and education related to all aspects of environmental protection. For more information, contact Lisa Gebler at (301) 589-5318, ext. 23, or link <http://www.epancic.org/2004>.

**McCOY RCRA SEMINAR****21-25 June – Portland, Oregon**

McCoy and Associates is offering this RCRA training with five sessions at each seminar: 1) RCRA Fundamentals; 2) Critical Generator Issues; 3) Advanced RCRA Topics I; 4) Advanced RCRA Topics II and Land Disposal Restrictions I; and 5) Land Disposal Restrictions II and RCRA Rules Under Development. The seminar is designed for hazardous waste generators, environmental managers, compliance specialists, environmental consultants, and environmental attorneys. For more information or to register, call (303) 526-2674, or link <http://www.mccoyseminars.com>.

**NATURAL RESOURCES COMPLIANCE****22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It 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 is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link <https://www.cecos.navy.mil>.

**9<sup>TH</sup> ANNUAL JOINT SERVICES ENVIRONMENTAL MANAGEMENT CONFERENCE****16-19 August 2004 – San Antonio, Texas**

The National Defense Industrial Association is presenting this conference and exhibition ((formerly the Joint Services Pollution Prevention and Hazardous Waste Management Conference and Exhibition). The theme of the 2004 conference is "Sustaining the Force: Optimizing Readiness Through the Prevention of Pollution." For more information, contact Naomi Mundy at (703) 247-9476, Or link <http://www.ndia.org>.

**13<sup>TH</sup> ANNUAL ITAM WORKSHOP****16-20 August 2004 – San Francisco, California**

The Army is calling for abstracts for the Integrated Training Area Management (ITAM) workshop. Suggested topics are: land rehabilitation and maintenance, land condition trend analysis, sustainable range awareness, training requirements integration, and geographical information system. Abstracts are due by 31 March. For more information, link <http://www.army-itam.com/public/workshop/13th/callforpapers.jsp>.

**ADVANCED RISK COMMUNICATION WORKSHOP****23-26 August 2004 – San Antonio, Texas**

The Army Center for Health Promotion and Preventive Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information or to register, call (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

**2004 BROWNFIELDS CONFERENCE****20-22 September 2004 – St. Louis, Missouri**

EPA is sponsoring this annual conference to bring together key experts from all levels of government, business, and finance to share ideas and experiences in the field of urban and environmental development. The conference will feature interactive discussions, educational presentations, and networking opportunities related to brownfields redevelopment. For additional information, please visit: <http://www.epa.gov/swerosps/bf/announcg.htm>.

[\[TOP OF SECTION\]](#)[\[TOP OF REVIEW\]](#)



## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## ARIZONA

### AIR INFORMATION:

**FINAL REGULATION – OPEN BURNING/PREScribed BURNING RULES** – The Arizona Department of Environmental Quality (DEQ) has adopted rules amending its existing open burning and prescribed burning rules to make them conform to EPA regulations for Regional Haze State Implementation Plans (SIP). In addition, these amendments include changes to improve the rules' clarity, conciseness and understandability. The revisions are to the open burning rule and the rules for forest and range management burns. The rules will be effective 15 March 2004. For more information, contact Kevin Force at (602) 771-4480, or link <http://www.sosaz.com/aar/2003/38/proposed.pdf>.

**FINAL REGULATION – ENVIRONMENTAL USE RESTRICTION FEE** – The Arizona DEQ has reinstated regulations which establish that a fee be paid before a property owner records a Declaration of Environmental Use Restriction (DEUR) for a property that is subject to an institutional control. Although the regulations call for recording a DEUR whenever an owner elects to use either an institutional control or an engineering control to reduce the potential for exposure to contaminants on the property, they establishes the fee only in those instances when an owner elects to use an institutional control for such purpose. The regulations were effective 20 February 2004. For more information, contact James Lawless at (602) 771-4562, or link <http://www.sosaz.com/aar/2004/8/exempt.pdf>.

### WATER INFORMATION:

**PROPOSED TMDL LIST – 2004 305(b) AND 303 (b) LIST** – The Arizona DEQ has released its 2004 305(b) and 303(b) list for review. The biannual report seeks to inform the public of the status of State waters, as well as specifying waterways that do not meet State surface water quality standards. The report provides extensive background information on the ecology and hydrology of the State, explains in detail the watershed assessment process, and highlights DEQ's efforts to maintain the integrity of the State's watersheds and surface water resources. Comments are due by 29 March 2004. For more information, contact Diana Marsh at (602) 771-4545, or link <http://www.adeq.state.az.us/environ/water/assessment/2004.html>.

### Legislative Developments

The 2004 legislative session convened 12 January and will end 4 April. For current information on the legislative session, link <http://www.azleg.state.az.us>.

**ARIZONA HB 2030 – UNDERGROUND STORAGE TANKS** - Requires that any person, firm or corporation that violates any rule pertaining to the safety of the transportation of gas and hazardous liquids and pipeline facilities be subject to a civil penalty not to exceed one hundred thousand dollars for each violation with each day constituting a separate violation. States that the maximum civil penalty may not exceed one million dollars for any related series of violations. Introduced 9 January 2004. Referred to House Utilities and Municipalities; Appropriations; and Rules Committees 12 January. The sponsor is Representative John Nelson (R).

**ARIZONA HB 2055 – LAND USE** - Establishes the Military Gunnery Range Preservation Study Committee consisting of three House members and three Senate members. Charges the Committee with: (1) studying the encroachment of development on the Florence national guard gunnery range; (2) discussing the issue of encroachment with the Florence national guard gunnery range, landowners of land near the range and developers; and (3) attempting to reach an agreement between the Florence national guard gunnery range, landowners of land near the range and developers that preserves the Florence national guard gunnery range and allows development of the land surrounding the range. Introduced 8 January 2004. Referred to House Commerce and Military Affairs; Federal Mandates and Property Rights; and Rules Committees 14 January. Amended and passed House 16 February. The sponsor is Representative Bob Stump (R).

**ARIZONA HB 2139 – LAND USE** - Gives county boards of supervisors the power to acquire development rights for the purpose of preserving real property surrounding military installations in order to maintain open spaces. Introduced 12 January 2004. The sponsor is Representative John Nelson (R).

**ARIZONA HB 2140 – LAND USE** - Re-defines "military airport" for purposes of airport zoning and regulation as an airport that is operated by an armed force and that is primarily used for military fixed wing aircraft operations, excluding a runway or airstrip that is not immediately adjacent to facilities primarily used for operational control, maintenance and permanent parking of aircraft and includes a military training route. Introduced 13 January 2004. Reported from House Commerce and Military Affairs Committee 23 February. The sponsor is Representative John Nelson (R).

**ARIZONA HB 2419 – DIESEL EMISSIONS** - Requires that, beginning 1 January 2006, any registered owner or lessee of a fleet of less than twenty-five vehicles may not operate a diesel powered motor vehicle with a gross vehicle weight of more than twenty-six thousand pounds unless it was manufactured in or after the 1988 model year or is powered by an engine that is certified to meet or surpass emissions standards. Introduced 14 January 2004. Reported from House Environment Committee 9 February. Passed House 23 February. The sponsor is Representative Deb Gullett (R).

**ARIZONA HB 2632 – GROUNDWATER** - Requires a public water system that serves fifteen or more service connections or that serves twenty-five or more persons to report annually to DEQ on the following: (1) the amount of groundwater withdrawn during the calendar year; (2) the registration number and location of each well used; (3) the quantity of fuel or electricity consumed by any wells used during the calendar year. Introduced 9 February 2004. The sponsor is Representative Tom O'Halleran (R).

**ARIZONA HB 2662 – MILITARY FLIGHTS** - Defines "military training route" as a low level military flight that may be as low as one hundred feet above the ground at speeds in excess of two hundred fifty knots indicated air speed. Introduced 9 February 2004. Referred to House Commerce and Military Affairs; and Rules Committees 16 February. Referred to Federal Mandates and Property Rights Committee 25 February. The sponsor is Representative Jennifer Burns (R).

**ARIZONA HB 2705 – ALTERNATIVE FUELS** - Requires that any person who buys diesel fuel in the State that is intended for on-road use in a county with a population of one million two hundred thousand or more persons shall comply with the following schedule for conversion to biodiesel: (1) by 1 July 2005, one per cent of the diesel fuel purchased shall be biodiesel fuel; (2) by 1 July 2006, five per cent of the diesel fuel purchased shall be biodiesel fuel; (3) by 1 July 2007, ten per cent of the diesel fuel purchased shall be biodiesel fuel; (4) by 1 July 2008, fifteen per cent of the diesel fuel purchased shall be biodiesel fuel; and (5) by 1 July 2009, twenty per cent of the diesel fuel purchased shall be biodiesel fuel. Limits the use of methyl tertiary butyl ether in motor fuels. Introduced 9 February 2004. The sponsor is Representative Tom Boone (R).

**ARIZONA HCM 2011 – LAND USE** - Urges the Congress of the United States to authorize a land trade within noise contours and accident potential zones of Luke Air Force Base. Introduced 9 February 2004. Reported from Commerce and Military Affairs Committee 23 February. The sponsor is Representative John Nelson (R).



## CALIFORNIA

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### Regulatory Developments & Other State Information

**NOTICE OF FINDING – STATUS REVIEW FOR LISTING CYMPTERUS DESERTICOLA** – On 10 February 2004 (69 FR 6240), the U.S. Fish and Wildlife Service (FWS) announced a 90-day finding for a petition to list *Cymopterus deserticola* (desert cymopterus) as endangered under the Endangered Species Act. FWS found that the petition presented substantial scientific information indicating that listing this species may be warranted. Therefore, FWS is initiating a status review of the species, and will issue a 12-month finding to determine if the petitioned action is warranted. To help ensure the review is comprehensive, FWS is soliciting information and data regarding this species. Comments and information must be submitted by 12 April 2004. For further information, contact FWS at (805) 644-3958.

### AIR INFORMATION:

**PROPOSED RULE – APPROVAL OF SAN DIEGO NO<sub>x</sub> CONTROLS** – On 25 February 2004 (69 FR 8613), EPA proposed to approve revisions to the San Diego County Air Pollution Control District portion of the California State Implementation Plan (SIP). These revisions concern oxides of nitrogen (NO<sub>x</sub>) emissions from stationary reciprocating internal combustion engines. EPA proposed to approve local rules to regulate these emission sources under the Clean Air Act. Comments are due by 26 March 2004. For further information, contact Thomas Canaday, EPA at (415) 947-4121, or e-mail [canaday.tom@epa.gov](mailto:canaday.tom@epa.gov).

**PROPOSED RULE – APPROVAL OF SAN JOAQUIN NO<sub>x</sub> CONTROLS** – On 12 February 2004 (69 FR 7098), EPA proposed to approve certain revisions to the San Joaquin Valley Unified Air Pollution Control District portion of the California SIP. These revisions concern NO<sub>x</sub> emissions from boilers, steam generators, and process heaters; stationary internal combustion engines; and stationary gas turbines. EPA proposed to approve local rules to regulate these emission sources under the Clean Air Act. EPA also issued an interim final rule (69 FR 7095) staying sanctions against the District. Comments are due by 15 March 2004. For further information, contact Thomas Canaday, EPA at (415) 947-4121, or e-mail [canaday.tom@epa.gov](mailto:canaday.tom@epa.gov).

**PROPOSED RULE – RECLASSIFICATION OF SAN JOAQUIN AREA TO “EXTREME” FOR OZONE** – On 23 February 2004 (69 FR 8126), EPA proposed to grant a request by California to voluntarily reclassify the San Joaquin Valley Ozone Nonattainment Area from a “severe” to an “extreme” 1-hour ozone nonattainment area. EPA also proposed that the State submit, by 1 October 2004, an extreme ozone nonattainment area plan. Revised Title V and New Source Review rules that reflect the extreme area requirements will be due 12 months from the effective date of the final reclassification. Comments are due by 24 March 2004. For further information, contact David Wampler, EPA at (415) 972-3975.

**FINAL REGULATION – SOUTH COAST ARCHITECTURAL COATINGS** – The South Coast Air Quality Management District has adopted amendments to its regulation of VOC emissions from architectural coatings. These amendments implement Phase III of Airborne Toxic Control Measure CTS-07, lower VOC limits in various coating categories, and seek emission reductions from clean-up solvents now exempt. The amendments were effective 9 December 2003. For more information, contact Larry Bowen at (909) 396-2575, or link <http://www.aqmd.gov/rules/Rules/r1113.pdf>.

**FINAL REGULATION – SOUTH COAST GASOLINE TRANSFER AND DISPENSING** – The South Coast Air Quality Management District has adopted amendments to its gasoline transfer and dispensing rule. The rule was first adopted to reduce fugitive gasoline emissions during the transfer of gasoline to underground storage tanks during vehicle fueling operations. The amendments allow more time to report

the "pass/fail" compliance test results and submit the final test report. The amendments were effective 9 January 2004. For more information, contact Benjamin Shaw at (909) 386-2394.

### WATER INFORMATION:

**FINAL REGULATION –WASTEWATER SYSTEM OPERATOR CERTIFICATION FEES** – The California Water Resources Board has adopted permanent regulations to increase fees for wastewater system operator certification. The regulations will increase: (1) certification fees (\$95 for Grade I operators up to \$190 for Grade V); (2) exam application fees (\$40 for Grade I operators up to \$80 for Grade V); (3) exam fees (\$40 for Grade I operators up to \$170 for Grade V; and (4) renewal fees (\$95 for Grade I operators up to \$190 for Grade V). The regulations were effective 26 January 2004. For more information, contact Sue Horn at (916) 341-5067, or link <http://www.swrcb.ca.gov/agendas/2003/january/0122-03.doc>.

**DRAFT GUIDANCE – PUBLIC HEALTH GOAL FOR PERCHLORATE** – The California Office of Environmental Health Hazard Assessment (OEHHA) is developing a Public Health Goal (PHG) for perchlorate. The PHGs are not binding regulations. However, OEHHA is required to establish a Maximum Contaminant Level that is as close to a goal as is technically and economically feasible. In addition, while drinking water suppliers are not required to meet the goals, they do have to disclose in their annual consumer reports any deviation between levels of a contaminant in the water supply and that contaminant's goal. Also, parties responsible for ground water cleanup may be required to remediate the contamination based on the goals. OEHHA has released several drafts of its technical support documentation of the public health goal for perchlorate, and has recently released the results of the external peer review by the University of California. All three reviews are compiled into one report titled, "Three Scientific Peer Reviews of The Office of Environmental Health Hazard Assessment's December 2002 Draft Public Health Goal (PHG) Document on Perchlorate in California Drinking Water." The draft guidance is available at <http://www.oehha.ca.gov/water/phg/120602perchlorate.html>. The peer review report is available at <http://www.oehha.ca.gov/water/phg/pdf/UCpercpeer.pdf>. For more information, contact Robert Dowd at (510) 622-3168.

### Legislative Developments

**The 2004 legislative session convened 5 January and will adjourn 30 November. For current information on the legislative session, link <http://www.leginfo.ca.gov/index.html>.**

**CALIFORNIA SB 18 – LAND USE** - Establishes a process in the California Environmental Quality Act that allows the Native American Heritage Commission, in consultation with Native American tribes and other interested parties, to determine whether or not a proposed development project adversely impacts a traditional tribal cultural site, and to recommend project changes and mitigation measures to avoid or reduce those impacts. Carried over to 2004 session. Reconsideration granted 8 January 2004. The sponsor is Senator John Burton (D).

**CALIFORNIA SB 50 – ELECTRONIC WASTE** - Makes it unlawful to sell a covered electronic device in the State to a consumer if the electronic device is prohibited from being sold or offered for sale in the European Union. Exempts manufacturers that demonstrate to the satisfaction of the California Integrated Waste Management Board or the Department of Toxic Substances Control that the device contains no toxic materials. Requires a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer. Requires a manufacturer to inform the retailer if a covered electronic device is subject to the waste recycling fee. Carried over to the 2004 session. Referred to Senate Appropriations Committee 12 January 2004. Amended 16 January. Sent to floor without Committee vote and placed on second reading file 20 January. The sponsor is Senator Byron Sher (D).

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



## HAWAII

### Hawaii and Pacific Island Regional Environmental Coordinator (REC) Contacts

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### Regulatory Developments & Other State Information

#### **Hawaii Environmental Forum - 27 April 2004 - Marine Corps Base Hawaii**

The Hawaii Environmental Forum (HEF) for DoD members will be held at the Officers' Club, Marine Corps Base Hawaii, Kanehoe, on Tuesday 27 April 0800-1600. Installation Environmental Program Managers and Environmental Attorneys from all services, including the Coast Guard and Service Regional Environmental Coordinators, will attend. There will be no environmental agencies at this HEF. Tentative topics are: Status of Management of Lithium Sulfur Dioxide Batteries, Environmental Management System Training, Compatible Use Buffer Zones (environmental easements), Sustainability Initiatives and Environmental Legislative Outreach and Regulatory Activities. The agenda is being developed. Contact the appropriate Service REC with agenda recommendations. For additional information, contact Mike Flannery, Army REC, at (303) 844-0959, e-mail [mflanner@rma.army.mil](mailto:mflanner@rma.army.mil).

### WATER INFORMATION:

**PROPOSED REGULATION – CLASSIFICATION OF PERENNIAL STREAMS** – The Hawaii Environmental Management Division (EMD) has proposed amendments to HAR 11-54-03 and 05, Classification, Uses and Specific Criteria for Inland Waters. The amendments add a classification for perennial streams. This amendment is a result of EMD's triennial review of the water quality standards and is part of a larger revision of HAR 11-54. EMD is accepting public comments until further notice. For more information, contact June Harrigan at (808) 586-4337.

### Legislative Developments

The 2004 legislative session began 21 January and will end 5 May. For current information on the legislative session, link <http://www.capitol.hawaii.gov/sessioncurrent/bills>.

**HAWAII HB 454 – LAND USE** - Establishes a land evaluation and site assessment rating system. Requires the land use commission to establish the boundaries of the important agricultural lands district, the conservation district, and the other lands district. Abolishes urban, rural, and agricultural districts. Carried over to the 2004 session. Failed to meet 20 February reporting deadline. The sponsor is Representative Bob Nakasone (D).

**HAWAII HB 472 – WATER QUALITY** - Increases, from \$25,000 to \$40,000, the fine for each violation of the water pollution law, or any rule, permit, or variance issued under that law. Enacts provisions relating to muddy water, underground injection, and nutrients. Allows citizen suits. Carried over to the 2004 session. Failed to meet 20 February reporting deadline. The sponsor is Representative Hermina Morita (D).

**HAWAII HB 774 – LAND USE** - Abolishes the land use commission and transfers its functions to the counties. Makes various amendments to coastal zone management law. Carried over to the 2004 session. Failed to meet 20 February reporting deadline. The sponsor is Representative Calvin Say (D).

**HAWAII HB 1029 – PERMITTING** - Repeals the provision for automatic permit approvals. Effective immediately. Carried over to the 2004 session the sponsor is Representative Sol Kaho'ohalahala (D).

**HAWAII HB 1039 – PESTICIDES** - Establishes integrated pest management policies to prohibit the use of toxicity category I pesticides. Effective immediately. Carried over to the 2004 session. Failed to meet 20 February reporting deadline. The sponsor is Representative Sol Kaho'ohalahala (D).

**HAWAII HB 1056 – GROWTH MANAGEMENT** - Grants qualified business status under enterprise zone law to any lawful business that creates job opportunities within the boundaries of the Kalaeloa community development district, provided that the business is not located on lands retained by the U.S. Navy. Carried over to the 2004 session. Failed to meet 20 February reporting deadline. The sponsor is Representative Romy Mindo (D).

**HAWAII HB 1282 – PESTICIDES** - Establishes integrated pest management policies to prohibit the use of toxicity category I pesticides. Carried over to the 2004 session. Failed to meet 20 February reporting deadline. The sponsor is Representative Calvin Say (D).

**HAWAII HB 1693 – AIR QUALITY** - Requires the Department of Health to enforce its administrative rules relating to new source reviews as they existed on 30 December 2002. Prohibits the adoption of rules that are not as stringent or more stringent than the rules that existed on that date. Introduced 21 January 2004. Referred to House Energy and Environmental Protection Committee 22 January. Failed to meet 20 February reporting deadline. The sponsor is Representative Cynthia Thielen (R).

**HAWAII HB 1694 – LAND USE** - Requires an environmental assessment for any actions that propose any county general plan amendment or state land use commission petition to reclassify any lands which may impact any military installation. Introduced 21 January 2004. Referred to House Public Safety and Military Affairs Committee 22 January. Failed to meet 20 February reporting deadline. The sponsor is Representative Cynthia Thielen (R).

**HAWAII HB 1695 – LAND USE** - Establishes military installations in Hawaii as areas of critical State concern. Introduced 21 January 2004. Referred to House Public Safety and Military Affairs Committee 22 January. Failed to meet 20 February reporting deadline. The sponsor is Representative Cynthia Thielen (R).

**HAWAII HB 1696 – LAND USE** - Requires counties to give notice to military installation authorities of any proposed zoning change applications of lands within 3,000 feet of a military installation, and requires consideration of potential impacts the zoning change could have on the military installation. Introduced 21 January 2004. Referred to House Public Safety and Military Affairs Committee 22 January. Failed to meet 20 February reporting deadline. The sponsor is Representative Cynthia Thielen (R).

**HAWAII HB 1697 – LAND USE** - Requires notice to be given to military installation authorities of any proposed petition for district boundary amendment involving lands within 2 miles of a military installation, and requires consideration of potential impacts the district boundary amendments could have on the military installation. Introduced 21 January 2004. Referred to House Public Safety and Military Affairs Committee 22 January. Failed to meet 20 February reporting deadline. The sponsor is Representative Cynthia Thielen (R).

**HAWAII HB 1805 – LAND USE** - Clarifies the policy of the State to actively encourage the maintenance and expansion of federal investment in military facilities in the State. Promotes Hawaii's supportive role in national defense, including supporting the continued operations of all existing military installations and the establishment and expansion of new military installations under the jurisdiction of the Department of Defense in Hawaii. Introduced 22 January 2004. Referred to the House Public Safety and Military Affairs Committee 26 January. Amended, reported from Committee and referred to House Water, Land Use and Hawaiian Affairs Committee 10 February. The sponsor is Representative Marcus Oshiro (D).

**HAWAII HB 1806 – LAND USE** - Requires notification to the commanding officer of the military installation of: (1) zoning changes and (2) district boundary amendments for land within 3,000 feet or two miles of a military installation (depending on the size of the population of the county in question). Introduced 22 January 2004. Referred to the House Public Safety and Military Affairs Committee 26 January. Amended, reported from Committee and referred to House Water, Land Use and Hawaiian Affairs Committee 10 February. The sponsor is Representative Marcus Oshiro (D).

**HAWAII HB 1807 – LAND USE** - Requires an environmental assessment for any actions that propose any county general plan amendment or state land use commission petition to classify lands within 3,000 feet or two miles of any military installation (depending on the size of the population of the county in question). Introduced 22 January 2004. Referred to the House Public Safety and Military Affairs Committee 26 January. Amended, reported from Committee and referred to House Water, Land Use and Hawaiian Affairs Committee 10 February. The sponsor is Representative Marcus Oshiro (D).

**HAWAII HB 1840 – AIR** - Authorizes the Director of Health to regulate the discharge of fugitive dust both within and beyond a property lot line. Introduced 23 January 2004. Referred to House Energy and Environmental Protection Committee 26 January. Hearing held 12 February. The sponsor is Representative Cindy Evans (D).

**HAWAII HB 1949 – GROUNDWATER** - Authorizes the Department of Health to disapprove the construction of any underground injection well or the disposal of any waste into an underground injection well if doing so will degrade the quality of coastal water. Introduced 23 January 2004. Referred to House Water, Land Use and Hawaiian Affairs Committee 26 January. The sponsor is Representative Tommy Waters (D).

**HAWAII HB 2375 – SOLID WASTE** - Creates a felony charge for the disposal of solid waste if a person knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or otherwise arranges directly or indirectly for the disposal of solid waste in an amount equal to or greater than ten cubic yards in volume anywhere other than a permitted solid waste management system. Introduced 26 January 2004. Referred to House Energy and Environmental Protection Committee 30 January. Hearing held 12 February. The sponsor is Representative Calvin Say (D).

**HAWAII HB 2922 – LAND USE** - Provides that an applicant for a loan to develop an enterprise located in an area that has undergone a major military base deployment to be given preferential eligibility for financial assistance under the community-based economic development program. Introduced 28 January 2004. Referred to House Economic Development and Business Concerns Committee 2 February. Failed to meet 20 February reporting deadline. The sponsor is Representative Marcus Oshiro (D).

**HAWAII HB 2924 – WATER QUALITY** - Increases from \$25,000 to \$40,000 the fine for violating the water pollution law. Clarifies that developers must take all reasonable precautions to prevent mud from flowing into the ocean. Introduced 28 January 2004. Referred to House Energy and Environmental Protection Committee and House Water, Land Use and Hawaiian Affairs Committee 2 February. Hearing held 10 February. Amended 20 February. The sponsor is Representative Tommy Waters (D).

**HAWAII SB 503 – WATER QUALITY** - Increases, from \$25,000 to \$40,000, the fine for each violation of the water pollution law, or any rule, permit, or variance issued under that law. Enacts provisions relating to muddy water, underground injection, and nutrients. Allows citizen suits. Carried over to the 2004 session. The sponsor is Senator J. Kalani English (D).

**HAWAII SB 602 – PESTICIDES** - Establishes integrated pest management policies to prohibit the use of toxicity category I pesticides. Effective immediately. Carried over to the 2004 session. Failed to meet 20 February reporting deadline. The sponsor is Senator Brian Taniguchi (D).

**HAWAII SB 1593 – ENVIRONMENTAL JUSTICE** - Requires government agencies to develop, implement, and report on environmental justice strategies. Creates an interagency working group to assist government agencies in discharging their environmental justice responsibilities. Creates an advisory committee of nongovernmental groups to advise the working group. Requires environmental research, data collection, and analysis. Requires agencies to consider environmental justice principles in determining whether an action will have a significant effect. Carried over to the 2004 session. The sponsor is Senator Colleen Hanabusa (D).

**HAWAII SB 2850 – SOLID WASTE** - Creates a felony charge for the disposal of solid waste if a person knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or otherwise arranges directly or indirectly for the disposal of solid waste in an amount equal to or greater than ten cubic yards in volume anywhere other than a permitted solid waste management system. Introduced 26 January 2004. Referred to Senate Judiciary and Hawaiian Affairs Committee 2 February. The sponsor is Senator Robert Bunda (D).



## NEVADA

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### Regulatory Developments & Other State Information

No significant regulatory activity to report.

### Legislative Developments

The 2003 legislative session began 3 February and ended 2 June. A summary of significant environmental bills that were enacted and signed was included in the July 2003 Review. For more information on the legislative session, link <http://www.leg.state.nv.us/>. Nevada will not have a regular legislative session in 2004.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)