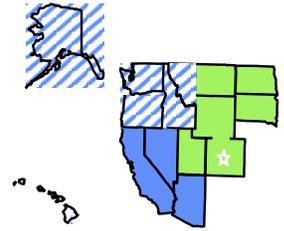




**US Army Environmental Center  
Western Regional Environmental Office  
REGION 10 – APRIL 2004**



# 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 10 area: Alaska, Idaho, Oregon and Washington. 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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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

**FINAL RULE – NESHAP FOR STATIONARY COMBUSTION TURBINES** – On 5 March 2004 (69 FR 10511), EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for stationary combustion turbines. EPA has identified stationary combustion turbines as major sources of hazardous air pollutants (HAP) emissions such as formaldehyde, toluene, benzene, and acetaldehyde. The NESHAP will require all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT) for combustion turbines. EPA has also adopted a final emission standard requiring control of formaldehyde emissions for all new or reconstructed stationary combustion turbines in four lean premix and diffusion flame subcategories. The final rule will protect public health by reducing total national HAP emissions by an estimated 98 tons per year in the 5th year after the rule is promulgated. The rule was effective 5 March 2004. For further information, contact Sims Roy, EPA at (919) 541-5263.

**FINAL RULE – PROTECTION OF STRATOSPHERIC OZONE: REFRIGERANTS** - On 12 March 2004 (69 FR 11945), EPA amended the rule on refrigerant recycling to clarify how its requirements apply to refrigerants that are used as substitutes for chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) refrigerants. The amended rule also exempts certain substitute refrigerants from the venting prohibition on the basis of current evidence that their release does not pose a threat to the environment. In addition, EPA amended the current refrigerant recovery and recycling requirements for CFC and HCFC refrigerants to accommodate new refrigerants on the market. With the exception of the venting prohibition, this rule does not further regulate the use or sale of substitute refrigerants that do not contribute to the depletion of the stratospheric ozone layer. The amendments will be effective 11 May 2004. For further information, contact the Stratospheric Ozone Information Hotline at (800) 296-1996, or link <http://www.epa.gov/ozone>.

**PROPOSED RULE – NESHAP AND NSPS FOR ELECTRIC UTILITY STEAM GENERATING UNITS** – On 16 March 2004 (69 FR 12397), EPA published a supplemental notice of proposed rule making to set NESHAP, or alternatively to set standards of performance, for mercury (Hg) for new and existing coal-fired electric utility steam generating units (Utility Units), and for nickel (Ni) for new and existing oil-fired Utility Units. The supplemental notice includes proposed rule language for the action proposed on 30 January 2004, proposed state plan approvability criteria, and a proposed model cap-and-trade rule. EPA also proposed to revise regulations to establish methodologies to measure Hg emissions from new and existing Utility Units. Comments are due by 30 April 2004. For further information, contact William Maxwell, EPA at (919) 541-5430, or e-mail: [maxwell.bill@epa.gov](mailto:maxwell.bill@epa.gov).

**NOTICE OF AVAILABILITY – INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS**  
On 1 March 2004 (69 FR 9623), EPA announced the availability of the “Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2002” for public review. Annual U.S. emissions for the period of time from 1990-2002 are summarized and presented by source category and sector. The inventory contains estimates of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride emissions. The inventory also includes estimates of carbon sequestration in U.S. forests. The technical approach used in this report to estimate emissions and sinks

for greenhouse gases is consistent with the methodologies recommended by the Intergovernmental Panel on Climate Change and reported in a format consistent with the United Nations Framework Convention on Climate Change (UNFCCC) reporting guidelines. The Inventory of U.S. Greenhouse Gas Emissions and Sinks is the latest in a series of annual U.S. submissions to the Secretariat of the UNFCCC. For further information, contact Leif Hockstad, EPA at (202) 343-9432.

**NOTICE OF AVAILABILITY – GUIDE FOR CAP-AND-TRADE PROGRAM** – EPA has published a downloadable guide entitled *Tools of the Trade: A Guide to Designing and Operating a Cap and Trade Program for Pollution Control*. The guide introduces the concept of cap-and-trade as a policy tool; provides guidance on how to determine if cap-and-trade is the right solution to a particular problem; explains the processes for developing, implementing, and operating a cap-and-trade program; and discusses how to assess and communicate a cap-and-trade program's results. The guide draws upon the experience of the sulfur dioxide trading program used to address acid rain. It includes appendices on the economics of emissions trading and an example assessment of the potential for cap-and-trade. The guide is available at <http://www.epa.gov/airmarkets/international/tools.pdf>.

### **WASTE INFORMATION:**

**FINAL RULE – RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS FOR MUNICIPAL SOLID WASTE LANDFILLS** – On 22 March 2004 (69 FR 13242), EPA revised the Criteria for Municipal Solid Waste Landfills (MSWLF) to allow states to issue research, development, and demonstration (RD&D) permits for new and existing MSWLF units and lateral expansions. The rule will allow approved state programs to provide a variance from certain MSWLF criteria, provided that owners/operators demonstrate that compliance with the RD&D permit will not increase risk to human health and the environment over compliance with a standard MSWLF permit. EPA finalized this alternative permit authority to promote innovative technologies associated with landfilling of municipal solid waste. This rule will be effective on 21 April 2004. For further information, contact Paul Cassidy, EPA at (703) 308-7281.

### **WATER INFORMATION:**

**PROPOSED RULE – CLARIFICATION TO DRINKING WATER REGULATIONS** – On 2 March 2004 (69 FR 9781), EPA proposed clarifications to its Drinking Water regulations. The proposal clarifies errors, omissions, and outdated language in the final Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), the Surface Water Treatment Rule, and other rules. In addition to these clarifications, EPA proposed optional monitoring for disinfection profiling and an earlier compliance date for some requirements in the LT1ESWTR, and a detection limit for the Uranium Methods. This action proposed no new monitoring or reporting requirements. Comments are due by 3 May 2004. For further information, contact Tracy Bone, EPA at (202) 564-5257 or the EPA Safe Drinking Water Hotline at (800) 426-4791.

**NOTICE OF AVAILABILITY – DRAFT NATIONAL COASTAL CONDITION REPORT II** – On 9 March 2004 (69 FR11011), EPA announced the availability of the Draft National Coastal Condition Report II describing the condition of the Nation's coastal waters. These waters are vulnerable to pollution from diverse sources. EPA expects that this report will support more informed decisions concerning protection of this resource and will increase public awareness of the extent and seriousness of pollution in these waters. EPA seeks public input concerning the information in the report, the availability of additional data, and the appropriateness of conclusions drawn from the information presented. Comments are due by 7 June 2004. For further information, contact Barry Burgan, EPA at (202) 566-1242.

**EPA LAUNCHES NEW WATER WEBSITE** – EPA's Office of Water announced the opening of a new website providing in one place access to a range of key information about the water program strategic plan and supporting materials. This is a convenient, one stop access point to the new EPA Strategic Plan, the draft National water program guidance document, Water Subobjective Implementation Plans and Regional Plans from each EPA region. The website is located at [www.epa.gov/water/waterplan](http://www.epa.gov/water/waterplan).

**GENERAL INFORMATION:**

**NOTICE OF AVAILABILITY – FEDERAL AGENCY COMPLIANCE TRACKING SYSTEM** – EPA's Federal Agency Compliance Tracking System (FACTS) is now available online. FACTS enables registered federal, state, and local government agency users to view and analyze individual federal facility inspection, enforcement and compliance data in EPA's national databases, and query data by federal agency, EPA region and state from a single access point. Non-registered users can register at <http://www.epa.gov/idea/otis/register>. To visit FACTS, link <http://www.epa.gov/idea/fedfac>.

**NOTICE OF AVAILABILITY – REPORT ON FEDERAL FACILITY COMPLIANCE** - EPA has released "The State of Federal Facilities, An Overview of Environmental Compliance at Federal Facilities FY2001-2002," a biennial report that provides a comprehensive overview of environmental compliance in the federal sector. The report shows compliance rates remained near or above 90 percent for regulated federal facilities inspected under the Resource Conservation and Recovery Act, and major federal facilities regulated under the Clean Air Act. Compliance rates remained above 90 percent for federal facilities regulated under the Safe Drinking Water Act. For the full report, link <http://www.epa.gov/compliance/resources/reports/accomplishments/federal/soff0102.pdf>.

**NOTICE OF AVAILABILITY – RISK ASSESSMENT PRINCIPLES AND PRACTICES** – On 25 March 2004 (69 FR 15326), EPA announcing the availability of a staff paper titled "An Examination of EPA Risk Assessment Principles and Practices." The paper is a product of an EPA staff review of how risk assessment is conducted at EPA. It also presents staff recommendations for EPA and interested parties to consider how EPA can strengthen and, where appropriate, improve its risk assessment practices. The EPA Science Advisor and other senior EPA officials requested this review to further the discussion and examination of some broad questions about risk assessment. Comments must be received by 23 June 2004. For further information, contact Dr. Kerry Dearfield, EPA at (202) 564-4499, or link <http://www.epa.gov/osa/ratf.htm>.

**GENERAL INFORMATION**

**GAO REPORT – EPA COULD TAKE ADDITIONAL STEPS TO HELP MAXIMIZE THE BENEFITS FROM THE 2007 DIESEL EMISSIONS STANDARDS** - GAO has issued a report (GAO-04-313) regarding diesel emission standards that will be implemented in 2007. According to the report, most engine, emissions control, and fuel industry representatives said the needed technologies will be ready on time, but other engine, trucking, and fuel representatives have concerns and would like more help to ensure that the technology will be available. GAO recommended that EPA consider ways to address concerns about technology costs, reliability, and availability by better communication with stakeholders, using an independent panel to assess progress, and consider industry incentives. For further information, contact John Stephenson, GAO at (202) 512-6225, or link <http://www.gao.gov/new.items/d04313.pdf>.

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

### **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>.

### **TOXICOLOGY AND RISK ASSESSMENT CONFERENCE**

**26-30 April 2004 – Cincinnati, Ohio**

EPA and DoD are presenting this conference, which will include a workshop on ecological risk assessment. Topics will include: Compounds of Military Significance: Detection, Protection, and Risk; Operational Risk Analysis in the Air Force; and Toxic Industrial Chemicals and Toxic Industrial Materials as Terrorist Threats. For more information or to register, contact Pat Daunt, EPA at (513) 569-7596, or e-mail: [daunt.pat@epa.gov](mailto:daunt.pat@epa.gov).

### **AMERICAN INDIAN CULTURAL COMMUNICATIONS COURSE**

**27-29 April 2004 – Reno, Nevada**

DoD is sponsoring this course at the Washoe County Nation Guard Armory. The course is designed to present DoD/American Indian/Alaska Native Policy and its implementation at installations. It will be taught primarily by American Indian trainers, with some segments taught by DoD and regional American Indian participants. The topics include: History of Indian Laws and Legal Base for DoD Policy, Federal Laws and Policies Impacting DoD Relationships with American Indians, Introduction to Tribal Concepts and Culture, Cross-Cultural Communication, and Strategies for Consulting with Tribes. There is no registration fee for DoD/federal employees, including contractors. For more information or to register, contact Dr. Donata Renfrow at (678) 357-6513, or e-mail: [donata@mindspring.com](mailto:donata@mindspring.com).

### **INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS**

**27-29 April 2004 – Honolulu, Hawaii**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize 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.rtii.org>.

**PERCHLORATE IN AMERICA'S GROUND WATER****3 May 2004 - Las Vegas, Nevada****TBA June 2004 – Salt Lake City, Utah**

The American Ground Water Trust is offering this workshop to provide an opportunity for information exchange among parties with an interest in perchlorate issues. In the absence of a federal standard for perchlorate in drinking water, states are setting their own standards. This workshop is intended to be a starting point for debate and discussion. Topics will include: perchlorate standards, sources of perchlorate contamination, science as the basis for decision-making, treatment technologies and costs, and legal implications. For more information or to register, link <http://www.agwt.org/workshops.htm>.

**2004 RCRA NATIONAL CORRECTIVE ACTION CONFERENCE****11-12 May 2004 – Orlando, Florida**

EPA is sponsoring this conference with the theme: "Moving Towards Results Based Facility Initiated Corrective Action." The conference will explore future measures for environmental indicators for 2008 and 2020, foster innovations that will drive the RCRA Corrective Action Program, and exchange information and experiences on streamlining the Corrective Action process. For further information, contact Lael Butler, EPA at (404) 562-8453. Early registration is recommended. To register electronically, link <http://www.nationalcaconf.com/2004>.

**ENVIRONMENTAL SUSTAINABILITY MANAGEMENT SYSTEM WORKSHOP****11-13 May 2004 – Covington, Kentucky**

The Kentucky Pollution Prevention Center is sponsoring this workshop to provide environmental management system (EMS) training with a sustainability perspective. Through lectures and hands-on exercises, the workshop will present how an EMS can evolve to an environmental sustainability management system by incorporating values-based strategic planning that considers the environment, the well-being of the individual and the community, as well as economic viability. For more information or to register, call (800) 334-8635, ext. 0965, or link <http://www.kppc.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).

**WATER QUALITY STANDARDS ACADEMY****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>.

**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>.

**NATIONAL SOURCE WATER PROTECTION CONFERENCE****2-4 June 2004 – Washington DC**

EPA's Office of Ground Water and Drinking Water is sponsoring this conference, which will focus on the protection of the ground and surface resources which supply the water used by public drinking water systems. The conference agenda includes numerous breakout sessions, technical training and short courses, a resource fair and a plenary session focusing on financing. For more information, link <http://yosemite.epa.gov/r10/ocrej.nsf/0/a3ee5d746d26e1a588256d1100559ab0?OpenDocument>.

**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>.

**HAZARDOUS WASTE MANIFESTING/DOT RECERTIFICATION COURSE****30 June-1 July 2004 – Virginia Beach, Virginia**

The Army Corps of Engineers is providing recurrent training regarding regulatory requirements of the Hazardous Materials Transportation Act (HMTA) and the Resource Conservation and Recovery Act (RCRA) as it applies to the generation, transportation, and disposal of hazmat, focusing upon hazardous waste. Training topics cover the identification and classification of hazardous wastes for purposes of preparing a hazardous waste manifest and fulfilling the DOT requirements for shipping hazardous wastes. Specifically, training topics include RCRA waste classification, land disposal restrictions and notification, manifesting requirements, identification of a DOT Reportable Quantity, use of the Hazardous Materials Table, DOT requirements for determining a shipping name, properly packaging, labeling, marking and placarding, DOT emergency response requirements, and general security awareness. In addition, the course addresses special EPA and DOT requirements for shipping asbestos and PCBs. For more information or to register, link <http://pdsc.usace.army.mil/>.

**BASIC REQUIREMENTS OF THE CLEAN AIR ACT****7-9 July 2004 – Denver, Colorado**

The Army Corps of Engineers is offering this introductory workshop. Topics include: Emission Factors, National Ambient Air Quality Standards, State Implementation Plans, Prevention of Significant Deterioration, New Source Review, Conformity, National Standards for Hazardous Air Pollutants, Chemical Accident Prevention, Title V Operating Permits, and the Stratospheric Ozone Protection Program. For more information or to register, call (256) 895-7425.

**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>.

**INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS****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>.

**DOD CONSERVATION CONFERENCE****22-27 August 2004 – Savannah, Georgia**

The theme of this year's conference is "Integrating Natural and Cultural Resources with Readiness." Attendance is open to DoD employees, contractors, and invited non-DoD participants. The conference is intended for personnel directly or indirectly involved in conservation issues, including facility planners, military trainers, and attorneys. Plenary and breakout sessions will address successful efforts by DoD to integrate conservation requirements with military mission needs. For more information or to register, link <http://www.dodconservationconference.com>.

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

The Army Center for Health Promotion and Preventative 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. There is no registration fee. For more information or to register, link <http://chppm-www.apgea.army.mil/risk>.

**DECONSTRUCTION AND BUILDING MATERIALS REUSE CONFERENCE****1-3 September 2004 – San Francisco, California**

EPA is offering this conference in coordination with the National Recycling Coalition Annual Congress (29 August-1 September). There will be a special emphasis on federal agency and DoD activities. Topics will include: Where Green Building and Deconstruction Intersect, Used Building Materials Markets, Deconstruction Costs and Benefits, Design for Deconstruction and Reuse, and Research, Standards Development & Certification Programs. For more information or to register, contact Timonie Hood, EPA at (415) 972-3282, or link <http://www.DECON04.com>.

**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>.

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## ALASKA

### Regulatory Developments and Other State Information

**ALASKA FEDERAL RENEWABLE ENERGY FORUM – 25 May 2004 – Anchorage** – The Department of Energy is hosting this forum for federal agencies from 0800-1600 at the Captain Cook Hotel in Anchorage in conjunction with the Clean Energy Symposium. There will be a presentation on the potential installation of wind turbines 350 feet high on Fire Island to provide power to the Anchorage grid. All members of the Federal Executive Agency are invited. For more information, contact the Region 10 Army REC at (303) 844-0959.

### AIR INFORMATION:

**NOTICE OF ADEQUACY – ANCHORAGE CARBON MONOXIDE PLAN** – On 17 March 2004 (69 FR 12651), EPA notified the public that the motor vehicle emissions budgets in the Anchorage Serious Carbon Monoxide (CO) Maintenance Plan, submitted by the Governor on 18 February 2004, are adequate for conformity purposes. As a result of this finding, the Municipality of Anchorage, Alaska Department of Transportation & Public Facilities, and the U.S. Department of Transportation are required to use the motor vehicle emissions budgets in this submitted maintenance plan for future transportation conformity determinations. This finding was effective 1 April 2004. For further information, contact Wayne Elson, EPA at (206) 553-1463, or e-mail: [elson.wayne@epa.gov](mailto:elson.wayne@epa.gov).

### WATER INFORMATION:

**FINAL REPORT – 2002/2003 INTEGRATED WATER QUALITY MONITORING AND ASSESSMENT** – The Alaska Department of Environmental Conservation (DEC) has adopted the final 2002/2003 the Integrated Water Quality Monitoring and Assessment Report. The Report includes a Total Maximum Daily Load (TMDL) Schedule that lists the approximate dates that TMDL plans will be completed on impaired or polluted waters. EPA approved the TMDL list and it became effective 13 February 2004. For more information, contact Ron Klein at (907) 267-7664, or link <http://www.state.ak.us/dec/water/wqsar/pdfs/Final%20Integrated%202002-2003%20rep.ort.pdf>.

**PROPOSED REGULATION – WASTEWATER DISPOSAL GENERAL PERMIT** - The Alaska DEC has proposed to issue a State wastewater disposal general permit. The amendments apply to: Wastewater disposal from excavations on sites located less than one mile from a contaminated site. Eligible projects may include: (1) earthwork activity such as culvert placement; (2) gravel extraction; (3) pipeline installation, inspection or repair; and (4) other similar projects. Comments are due by 9 April 2004. For more information, contact Catherine Seymour at (907) 451-2106, or link <http://www.state.ak.us/dec/water/wwdp/index.htm>.

**PROPOSED REGULATION – COSTAL ZONE MANAGEMENT** – The Alaska Department of Natural Resources (DNR) has proposed amendments to Alaska's Coastal Management Program. The amendments will revise the basic components of the program to meet new statutory requirements. Recently enacted legislation: (1) eliminates the Alaska Coastal Policy Council and creates an Alaska Coastal Program Evaluation Council; (2) eliminates district coastal management enforceable policies, but retains a local role; (3) authorizes DNR to adopt local ordinances as enforceable policies to be applied in consistency reviews of federal projects and Outer Continental Shelf (OCS) development; and (4) adopts certain existing coastal district policies for federal OCS development as State enforceable policies. Comments are due by 2 April 2004. For more information, contact Kim Kruse at (907) 269-7473.

**DEPARTMENTAL DISCUSSION – ASSUMPTION OF NPDES PROGRAM** - Pursuant to legislation, DEC is investigating assuming the National Pollutant Discharge Elimination System (NPDES) water discharge permitting program from EPA. DEC has prepared a final report for the legislature to consider in its debate on whether to assume primacy for Alaska's NPDES program. The draft report includes: (1) an overview of the federal NPDES Program and NPDES permitting in Alaska today; (2) proposed statutory and regulatory changes needed for State primacy; (3) projected costs to transition to primacy and to implement a State run program; and (4) a timeline to achieve primacy. For more information, contact Sharon Morgan at (907) 465-5530, or link [http://www.state.ak.us/dec/dawq/waterpermits/npdes/npdes\\_primacy\\_report\\_final.pdf](http://www.state.ak.us/dec/dawq/waterpermits/npdes/npdes_primacy_report_final.pdf).

**DEPARTMENTAL DISCUSSION – 2003 TMDLs** – The Alaska DEC is discussing proposing total maximum daily loads (TMDLs) for several water bodies: (1) Fish Creek; (2) Little Rabbit Creek; (3) Furrow Creek; (4) Little Survival Creek; (5) Chester Creek; (6) Little Cambell Creek; and (7) Ship Creek. The criteria pollutants for these TMDLs have not been determined yet. DEC anticipates proposing these TMDLs shortly and adopting them by mid-2004. For more information, contact Drew Grant at (907) 465-5304.

### Legislative Developments:

**The 2004 legislative session began 12 January and will end 11 May. For current information on the legislative session, link <http://www.legis.state.ak.us/>.**

**ALASKA HB 524 – SOLID WASTE** - Relates to the protection of land and water from waste disposal. Provides for the regulation of waste management. Introduced and referred to Resources Committee 26 February 2004. Referred to Rules Committee 4 March. Passed House 25 March. The sponsor is the House Rules Committee.

**ALASKA SB 116 – AIR EMISSIONS** - States that, except for the owner and operator of a stationary source exempted under law, the owner and operator of a stationary source is required to obtain an operating permit from the Department of Environmental Conservation if the stationary source: (1) emits or has the potential to emit 100 TPY or more of a regulated air pollutant; (2) emits or has the potential to emit 10 TPY or more of a hazardous air pollutant or 25 TPY or more, in the aggregate, of two or more hazardous air pollutants; (3) contains an emission unit subject to federal new source performance standards or national emission standards for hazardous air pollutants. Carried over to 2004 session. The sponsor is the House Rules Committee.

**ALASKA SB 355 – SOLID WASTE** - Relates to the protection of land and water from waste disposal. Provides for the regulation of waste management. Introduced and referred to Community and Regional Affairs Committee 26 February 2004. Referred to Resources Committee 12 March. Hearing held 22 March. The sponsor is the House Rules Committee.

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## IDAHO

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### AIR INFORMATION:

**ADOPTED REGULATION – CERTIFICATION OF TITLE V SOURCES** - The Idaho Department of Environmental Quality (DEQ) has adopted temporary and permanent amendments to its compliance certification of Title V sources in order to comply with federal changes. The amendments require Title V sources to identify specific information when submitting compliance certification. The temporary amendments were effective 5 February 2004. The permanent amendments will become final and effective upon the conclusion of the 2004 legislative session if approved by the Legislature. For more information, contact Phyllis Heitman at (208) 373-0502, or link [http://www.deq.state.id.us/rules/58\\_0101\\_0302\\_prelim\\_draft.pdf](http://www.deq.state.id.us/rules/58_0101_0302_prelim_draft.pdf).

**TEMPORARY REGULATION – NEW SOURCE REVIEW** – The Idaho DEQ has adopted temporary amendments and is preparing a proposal to adopt permanent federal changes to the New Source Review (NSR) rules. The purpose of these amendments is to adopt the NSR reforms made by EPA. The amendments "include changes in New Source Review applicability requirements for modifications to allow sources of air emissions greater regulatory certainty, flexibility and permit streamlining while ensuring protection of public health and the environment." The temporary rule was effective 5 February 2004. For more information, contact Phyllis Heitman at (208) 373-0502.

### WASTE INFORMATION:

**FINAL RULE – AUTHORIZATION OF STATE HAZARDOUS WASTE MANAGEMENT REVISION** – On 10 March 2004 (69 FR 11322), EPA authorized Idaho's changes to its hazardous waste program under the Resource Conservation and Recovery Act RCRA. EPA decided that these revisions satisfy all the requirements necessary to qualify for final authorization. The authorization was effective on 10 March 2004. For further information, contact Jeff Hunt, EPA at (206) 553-0256.

**TEMPORARY AND PROPOSED REGULATIONS – DISPOSAL OF RADIOACTIVE MATERIALS** – The Idaho DEQ has implemented temporary regulations and adopted amendments (but still needs legislative approval before they are final) to avoid the potential for radioactive material to be introduced into the environment by indiscriminate disposal. The amendments require that authorities be contacted prior to disposal of radioactive material. The amendments will be effective upon adjournment of the legislature in April. For more information, contact John Brueck at (208) 373-0458.

### WATER INFORMATION:

**TEMPORARY AND PROPOSED REGULATIONS – WATER QUALITY STANDARDS** – The Idaho DEQ has adopted temporary amendments and will be proposing permanent amendments to its water quality standards. These amendments will make the State's water quality standards consistent with the Snake River Hell's Canyon TMDL for temperature and regional temperature, i.e., the salmonid spawning and incubation temperature criteria at 13 degrees Celsius (maximum weekly maximum temperature). DEQ plans to propose the amendments in April. For more information, contact Donald Essig at (208) 373-0119.

**TEMPORARY REGULATION – NATIONAL RULE FOR TOXIC CRITERIA** – The Idaho DEQ has adopted temporary amendments and is proposing permanent amendments for toxic criteria under the National Toxic Rule. The amendments correct cross-referencing errors found in section 210 and add chromium (VI) and mercury dissolved total conversation factors which had been omitted previously. The

pending permanent rule will become final and effective upon conclusion of the 2005 legislative session if approved by the Legislature. For more information, contact Donald Essig at (208) 373-0119.

**DEPARTMENTAL DISCUSSION – 2003 TMDL SCHEDULE** – The Idaho DEQ is preparing its 2003 TMDLs. The TMDLs for Willow Creek, Weiser River and American Falls are anticipated to be proposed in early 2004 and comments are now being accepted for these TMDLs. For more information, contact Marti Bridges at (208) 373-0382.

### Legislative Developments

**The 2004 legislative session began 12 January and will end 4 April. For current information on the 2003 session, link <http://www2.state.id.us/legislat/>.**

**IDAHO HB 544 – WATER QUALITY** - Requires the Director of the Department of Environmental Quality (DEQ) to appoint watershed advisory groups. The purpose of these groups is to work with DEQ on the appropriateness, attainability and status of designated beneficial uses within the watershed, and development of Total Maximum Daily Loads (TMDLs). Introduced 27 January 2004 and referred to Environmental Affairs Committee. Passed House 1 March. Passed Senate 18 March. Sent to Governor 22 March. The sponsor is the House Environmental Affairs Committee.

**IDAHO HB 676 – HAZARDOUS WASTE** - Amends existing law to increase fees applicable to the transportation of hazardous waste. Introduced 13 February 2004. Passed House 26 February. Died upon adjournment 20 March. The sponsor is the House Environmental Affairs Committee.

**IDAHO HB 714 – INSPECTION & MAINTENANCE** - Provides for motor vehicle emissions control programs in densely populated counties where vehicle emissions exceed or threaten to exceed air quality standards. Establishes minimum standards for automobile emissions testing programs, but leaves most details under local control. Introduced 17 February 2004. Died upon adjournment 20 March. The sponsor is the House Environmental Affairs Committee.

**IDAHO SJM 105 – LAND USE** - Notifies the President of the United States, the United States Senate and House of Representatives and Idaho's congressional delegation that the Legislature of the State of Idaho considers Mountain Home Air Force Base to be an extremely important component of the strategic military defense of the United States. Introduced 10 February 2004. Passed Senate 12 February. Passed House 25 February. Delivered to Secretary of State 2 March. The sponsor is the Senate State Affairs Committee.



## OREGON

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### AIR INFORMATION:

**PROPOSED REGULATION – TITLE V PERMIT FEE INCREASES** – The Oregon Department of Environmental Quality (DEQ) has proposed an increase to its Title V permit fees. The amendments will adjust the fees by 2%. This will reflect the 2003 Consumer Price Index. The fees will increase as follows: (1) Base fees from \$3,116 to \$3,182; (2) Emission fees from \$36.30/ton to \$37.07/ton; Special Activity Fees from \$312 to \$318; Simple Modification from \$1,247 to \$1,273; Moderate Modification from \$9,349 to \$9,547; complex Modification from \$18,699 to \$19,095; Ambient Air Monitoring Review from \$2,493 to \$2,546. Comments are due by 15 April 2004. For more information, contact Kathleen Craig at (503) 229-6833.

### Legislative Developments

The 2003 legislative session began 13 January. The Senate adjourned 26 August and the House adjourned 27 August. A summary of the significant environmental bills that were enacted and signed was included in the October 2003 Review. For more information on the legislative session, link <http://www.leg.state.or.us>. There will be no regular legislative session in 2004.

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## WASHINGTON

### Regulatory Developments and Other State Information

**PROPOSED REGULATION – KILLER WHALE STATUS** – The Washington Department of Fish and Wildlife has proposed to list the killer whale (*orcinus orca*) as a State endangered species. A public hearing is scheduled for 3 April 2004. For more information, contact Harriet Allen at (360) 902-2515 or link <http://slc.leg.wa.gov/wsr/2004/05/04-05-110.htm>.

### AIR INFORMATION:

**PROPOSED REGULATION – PM 2.5 ATTAINMENT REQUIREMENTS** - The Washington Department of Ecology (DOE) has proposed amendments for its PM 2.5 standards. The purpose of these amendments is for the State to obtain the designation of "attainment/unclassifiable" for PM 2.5 from EPA by the nationwide deadline. DOE expects to reach this designation because the State's PM 2.5 level is below the required EPA levels. DOE expects to reach this designation even though it does not have the required three years of monitoring data. Comments are due by 14 April 2004. For more information, contact Doug Schneider at (360) 407-6874, or link <http://slc.leg.wa.gov/wsr/2004/01/04-01-115.htm>.

**PROPOSED REGULATION – GENERAL AND OPERATING PERMIT REGULATIONS** – The Washington DOE has proposed amendments to its regulations for General and Operating Permit Regulations for Air Pollution Sources. The amendments will align the Energy Facility Site Evaluation Council's regulations with DOE's and federal regulations. These regulations include: (1) New Source Review; (2) Prevention of Significant Deterioration; (3) Air Operating Permit; (4) Acid Rain permit programs for air emissions; (5) federal News Source Performance Standards; and (6) clarifying procedures for permit application form, source registration and penalties for consistency with DOE regulations and State laws. Comments are due by 20 April 2004. For more information, contact Allen Fiksdal at (360) 956-2152, or link <http://slc.leg.wa.gov/wsr/2004/05/04-05-058.htm>.

**PROPOSED REGULATION – PUGET SOUND GASOLINE VAPORS** – The Puget Sound Clean Air Agency has proposed amendments to help reduce emissions of gasoline vapors from fueling motor vehicles by adding training requirements as well as clarifying the recognition and repair of system defects in the Puget Sound area. The amendments are expected to be in effect following publication in April. For more information, contact Dennis McLerran at (206) 689-4010.

### WASTE INFORMATION:

**DEPARTMENTAL DISCUSSION – DANGEROUS WASTE REGULATIONS** – The Washington DOE is discussing proposing amendments to its dangerous waste regulations. These amendments will incorporate several federal hazardous waste regulations: (1) adding mercury-containing devices to the universal waste rule; (2) updating export requirements; (3) adopting air emission permit rules; and (4) making amendments to corrective action rules. The amendments will be proposed in June 2004. For more information, contact Patricia Hervieux at (360) 407-6756, or link <http://www.ecy.wa.gov/laws-rules/wac173303/d0310.pdf>.

### WATER INFORMATION:

**FINAL REGULATION – ADOPTION OF FEDERAL DRINKING WATER STANDARDS** – The Washington Department of Health (DOH) has adopted federal drinking water standards. The amendments are: (1) federal arsenic standard of 10 ppb for Group A public water systems; and (2) long-

term 1 enhanced surface water treatment for Group A systems. The standards will be effective 23 January 2006. For more information, contact Marianne Seifert at (360) 236-4103.

#### **DEPARTMENTAL DISCUSSION – INSTREAM RESOURCE PROTECTION FOR COLUMBIA RIVER**

The Washington DOE is drafting amendments to its instream resource protection program for the mainstem Columbia River. The amendments will establish a new water management program for the Columbia River that defines how DOE will carry out its dual obligations to allocate water and preserve a healthy environment. DOE is seeking scientific advice about the relative effects of off-stream uses in comparison to existing hydropower and fisheries uses of the river. The question of scale is important because off-stream water needs may not insignificantly affect other uses of the river. DOE anticipates holding workshops before proposing the program and is inviting interested parties to participate in drafting the proposed rule. For more information, contact Gerry O'Keefe at (360) 407-6640, or link <http://www.ecy.wa.gov/programs/wr/cr/crhome.html>.

#### **Legislative Developments**

**The 2004 legislative session began 12 January and ended 11 March. For current information on the legislative session, link <http://www.leg.wa.gov/wsladm>.**

**WASHINGTON HB 2244 – INCINERATION BANS** - Limits outdoor burning when a fire safety burn ban is declared. Carried over from 2003. Referred to Rules Committee 16 January 2004. Passed House 11 February. Died upon adjournment 11 March. The sponsor is Representative Jerome Delvin (R).

**WASHINGTON HB 2308 – SOLID WASTE** - Requires the Department of Ecology (DOE) to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills. Prefiled 23 December 2003. Referred to Fisheries, Ecology, and Parks Committee 12 January 2004. Passed House 17 February. Passed Senate 5 March. Signed Governor Gary Locke (D) 24 March. The sponsor is Representative Mark Schoesler (R).

**WASHINGTON HB 2478 – UNDERGROUND STORAGE TANKS** - Revises provisions regulating underground petroleum storage tanks. Establishes a temporary program to provide pollution liability reinsurance at a price that will encourage a private insurance company or risk retention group to sell pollution liability insurance to owners and operators of underground petroleum storage tanks. Introduced and referred to House Financial Institutions and Insurance Committee 15 January 2004. Died upon adjournment 11 March. The sponsor is Representative Jeff Cooper (D).

**WASHINGTON HB 2487 – ELECTRONIC WASTE** - Prohibits any person from knowingly disposing of covered electronic products except by delivery to a person collecting covered electronic products. Prohibits any owner or operator of a solid waste landfill, energy recovery facility, or incinerator to knowingly accept hazardous electronic material for disposal in the landfill, energy recovery facility, or incinerator. Declares that all covered electronic products are assumed hazardous electronic material unless they are proven not to contain concentrations of toxic materials of the toxicity. Introduced and referred to House Fisheries, Ecology and Parks Committee 15 January 2004. Died upon adjournment 11 March. The sponsor is Representative Jeff Cooper (D).

**WASHINGTON HB 2591 – LAND USE** - Directs DOE to review the State and local policies included in the State's approved coastal zone management program, and other State and local policies not included in the program, which if included would further the purposes of protecting the State's coastal zone. Requires that the review be conducted in consultation with other State agencies and local governments administering the policies and programs under review, and, at a minimum, must include the Departments of Natural Resources and Fish and Wildlife, and the governing bodies of the counties included within the state's coastal zone. Introduced and referred to House Fisheries, Ecology and Parks Committee 16 January 2004. Died upon adjournment 11 March. The sponsor is Representative Jeff Cooper (D).

**WASHINGTON HB 2682 – STORMWATER** - Provides that, for the purposes of urban stormwater runoff, it shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of the State, or to cause, permit, or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the provisions of EPA's stormwater regulations. Introduced and referred to House Agriculture and Natural Resources Committee 19 January 2004. Died upon adjournment 11 March. The sponsor is Representative Mark Schoesler (R).

**WASHINGTON HB 2710 – NOISE** - Declares that "significant underwater noise" means underwater sound levels of one hundred eighty decibels or more generated from vessels, sonar devices, acoustic surveys, and other devices that have the potential to harm marine life. Introduced and referred to House Fisheries, Ecology and Parks Committee 20 January 2004. Died upon adjournment 11 March. The sponsor is Representative Ruth Kagi (D).

**WASHINGTON HB 2719 – WATER** - Extends the date for implementation of ballast water discharge requirements to 1 July 2008. Introduced and referred to House Fisheries, Ecology and Parks Committee 16 January 2004. Died upon adjournment 11 March. The sponsor is Representative Mike Cooper (D).

**WASHINGTON HB 2731 – STORMWATER** - Authorizes DOE to issue stormwater general permits under the national pollution discharge elimination system of the federal Clean Water Act if such permits are required to comply with federal standards. Subjects the permits to the following conditions: (1) the implementation and maintenance of best management practices for on-site pollution control is presumed to constitute compliance with the standards and requirements of the permit; and (2) for purposes of stormwater discharges, meeting effluent discharge limits must be demonstrated through implementation of best management practices sufficient to equate to all known and reasonable treatment. Introduced and referred to House Agriculture and Natural Resources Committee 20 January 2004. Died upon adjournment 11 March. The sponsor is Representative William Eickmeyer (D).

**WASHINGTON HB 2822 – ALTERNATIVE FUELS** - Authorizes the use of high-occupancy vehicle lanes by low-emission vehicles. Introduced and referred to House Transportation Committee 21 January 2004. Died upon adjournment 11 March. The sponsor is Representative Brian Sullivan (D).

**WASHINGTON HB 2823 – ALTERNATIVE FUELS** - Provides incentives to reduce air pollution and improve energy security through the use of alternative fuel vehicles. Declares that the goal of the alternative fuel vehicle and electric vehicle tax incentives in this act is to encourage the use of alternative fuel vehicles and electric vehicles and to encourage development of fueling and recharge stations. Introduced and referred to House Technology, Telecommunications and Energy Committee 21 January 2004. Died upon adjournment 11 March. The sponsor is Representative Brian Sullivan (D).

**WASHINGTON HB 2937 – ALTERNATIVE FUELS** - Exempts one hundred percent biodiesel fuel from the additional special fuel tax. Introduced and referred to House Transportation Committee 23 January 2004. Died upon adjournment 11 March. The sponsor is Representative Brian Sullivan (D).

**WASHINGTON HB 3020 – SPILL LIABILITY PLANS** - Requires DOE to adopt rules by 30 June 2006 for ship refueling and bunkering, and transfers of oil between facilities and a tank vessel. Provides that the rules shall include standards requiring deployment of containment equipment prior to the transfer of oil when determined to be safe and effective. Introduced and referred to House Fisheries, Ecology and Parks Committee 26 January 2004. Passed House 13 February. Died upon adjournment 11 March. The sponsor is Representative Mike Cooper (D).

**WASHINGTON HB 3021 – SPILL LIABILITY PLANS** - Provides that, to ensure that the State oil spill program is utilizing the most effective and up-to-date methods and technologies, DOE shall initiate a review of current oil spill prevention and contingency plan requirements to determine their effectiveness in preventing and responding to oil and other hazardous substances spills. Introduced and referred to House Fisheries, Ecology and Parks Committee 26 January 2004. Died upon adjournment 11 March. The sponsor is Representative Phil Rockefeller (D).

**WASHINGTON HB 3056 – LAND USE** - Declares an intent to create a task force that would examine how State and local land use regulation affects military training, and to recommend solutions when such regulation is found to interfere with such training. Requires the committee to report to the Legislature by 31 December 2004, on the committee's findings and on suggested legislative solutions. Introduced and referred to House State Government Committee 28 January 2003. Died upon adjournment 11 March. The sponsor is Representative Barbara Bailey (R).

**WASHINGTON HB 3112 – SPILL LIABILITY PLANS** - Requires DOE to work with stakeholders to develop a report describing: (1) The types of fueling practices being employed by covered vessels and ships; (2) The current spill prevention planning requirements that are applicable under state and federal law for covered vessels and ships; and (3) The current spill response requirements under state and federal law for covered vessels and ships. Directs DOE to report recommendations for regulatory improvements for covered vessel and ship fueling. Introduced and referred to House Fisheries, Ecology and Parks Committee 28 January 2004. Amended, reported from Committee and referred to Transportation Committee 6 February. Passed House 14 February. Died upon adjournment 11 March. The sponsor is Representative Mike Cooper (D).

**WASHINGTON SB 6139 – UNDERGROUND STORAGE TANKS** - Establishes a program to provide pollution liability reinsurance at a price that will encourage a private insurance company or risk retention group to sell pollution liability insurance to owners and operators of underground petroleum storage tanks. Prefiled 9 January 2004. Referred to Natural Resources, Energy, and Water Committee 12 January. Died upon adjournment 11 March. The sponsor is Senator Bob Morton (R).

**WASHINGTON SB 6264 – PERMITTING** - Provides that DOE or local governments may issue general permits for any category of activities if they determine that the activities in such a category are similar in nature, will cause only minimal adverse impacts on fish life when performed separately, and will have only a minimal cumulative impact on fish life. Requires that the general permit must include the following: (1) a precise description of the activities covered by the permit; (2) the conditions and practices an applicant must follow to receive coverage under the permit; (3) the geographic scope of the permit; (4) the method to obtain coverage under the permit; and (5) any requirements for reporting at project completion. Introduced and referred to Senate Parks, Fish and Wildlife Committee 15 January 2004. Passed Senate 16 February. Died upon adjournment 11 March. The sponsor is Senator Dan Swecker (R).

**WASHINGTON SB 6329 – WATER** - Extends the date for implementation of ballast water discharge requirements to 1 July 2008. Introduced and referred to Senate Parks, Fish and Wildlife Committee 16 January 2004. Amended and reported from Committee 4 February. Passed Senate 16 February. Passed House 3 March. Senate concurred in House amendments 8 March. Sent to Governor 11 March. The sponsor is Senator Bob Oke (R).

**WASHINGTON SB 6401 – LAND USE** - Declares that military installations are of particular importance to the economic health of the State of Washington and it is a priority of the State to protect the land surrounding our military installations from encroachment. Requires each county and city planning that has a federal military installation, other than a reserve center, that employs one hundred or more personnel and is operated by the Department of Defense within or adjacent to its border to, in consultation with the commander of the military installation, adopt strategies in its comprehensive plan to identify lands adjacent to military installations, and adopt policies to ensure that those lands are protected from encroachment. Introduced and referred to Senate Land Use and Planning Committee 19 January 2004. Passed Senate 17 February. Passed House 3 March. Signed by Governor 22 March. The sponsor is Senator Marilyn Rasmussen (D).

**WASHINGTON SB 6410 – TRANSPORTATION** - Requires that any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Deletes the provision that states that covering of such loads is not required if six inches of freeboard is maintained within the bed. Introduced

and referred to Senate Highways and Transportation Committee 20 January 2004. Died upon adjournment 11 March. The sponsor is Senator Erik Poulsen (D).

**WASHINGTON SB 6415 – STORMWATER** – Authorizes DOE to issue storm water general permits under the National Pollution Discharge Elimination System of the federal Clean Water Act. Introduced and referred to Senate Natural Resources, Energy and Water Committee 20 January 2004. Passed Senate 16 February. Amended and passed House 9 March. Senate concurred in House amendments 10 March. Sent to Governor 11 March. The sponsor is Senator Bob Morton (R).

**WASHINGTON SB 6487 – ALTERNATIVE FUELS** - Provides that all diesel fuel sold or offered for sale in the State for use in internal combustion engines must contain at least two percent biodiesel fuel by volume. Requires that, on and after 1 July 2006, and until 1 July 2007, at least thirty-five percent of all gasoline sold by each distributor for use in motor vehicles in the State must contain ten percent ethanol by volume. Requires that, on and after 1 July 2007, and until 1 July 2008, at least seventy percent of all gasoline sold by each distributor for use in motor vehicles in the State must contain ten percent ethanol by volume. Requires that, on and after 1 July 2008, at least eighty-five percent of all gasoline sold by each distributor for use in motor vehicles in the State must contain ten percent ethanol by volume. Introduced and referred to Senate Natural Resources Energy and Water Committee 21 January 2004. Died upon adjournment 11 March. The sponsor is Senator Joyce Mulliken (R).

**WASHINGTON SB 6580 – INCINERATION BANS** - Allows the fire marshal to recommend that the Governor prohibit all outdoor burning on public and private land throughout the State or within specific portions of the State whenever the fire marshal finds that conditions of extreme fire hazard exist and that State resources or the protection of life and property may be in danger. Allows the Governor to issue an executive order forbidding all outdoor burning throughout the State or within specific portions of the State. Introduced and referred to Senate Natural Resources, Energy and Water Committee 26 January 2004. Died upon adjournment 11 March. The sponsor is Senator Mark Doumit (D).

**WASHINGTON SB 6641 – SPILL LIABILITY PLANS** - Finds that the primary objective of the State is to adopt a zero spills strategy to prevent any oil or hazardous substances from entering waters of the State. Requires DOE to adopt rules as necessary to carry out the provisions of this act by 30 June 2006. Requires that the rules include standards for the circumstances under which containment equipment should be deployed including standards requiring deployment of containment equipment prior to the transfer of oil when determined to be safe and effective by the department. Requires a process for immediately notifying affected tribes of any oil spill. Introduced and referred to Natural Resources, Energy and Water Committee 27 January 2004. Passed Senate 13 February. Passed House 3 March. Sent to Governor 11 March. The sponsor is Senator Betti Sheldon (D).

**WASHINGTON SB 6685 – ALTERNATIVE FUELS** - Provides incentives to reduce air pollution and improve energy security through the use of alternative fuel vehicles. Introduced and referred to Senate Natural Resources, Energy and Water Committee 29 January 2004. Died upon adjournment 11 March. The sponsor is Senator Brian Murray (R).

**WASHINGTON SJM 8039 – LAND USE** - Requests relief for military installations in Washington State from the latest round of closures under the Base Realignment and Closure process. Introduced and referred to Senate Government Operations and Elections 26 January 2004. Reported from Committee 2 February. Amended and passed Senate 13 February. Adopted in House 2 March. Filed with Secretary of State 11 March. The sponsor is Senator Paul Shin (D).

**WASHINGTON JOINT COMMITTEE ON VETERANS AND MILITARY AFFAIRS - LAND USE** – The Joint Committee was established to examine military base closures in the State. Specifically, the Committee will be examining sites at Whidbey Island and Fairchild Air Force Base. For more information, contact Diane Smith at (360) 786-7410, or link <http://www.leg.wa.gov/wsladm/jcvmarpt.pdf>.

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