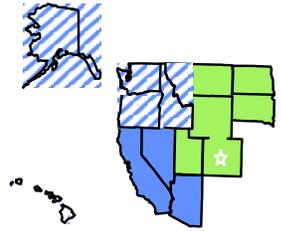




**US Army Environmental Center  
Western Regional Environmental Office  
REGION 10 – JUNE 2004**



**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 IRON AND STEEL FOUNDRIES** – On 22 April 2004 (69 FR 21905), EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for iron and steel foundries. EPA identified these facilities as a major source of hazardous air pollutant (HAP) emissions. These standards require all major sources to meet HAP emissions standards reflecting application of the maximum achievable control technology (MACT). The HAP emitted by facilities in the iron and steel foundries source category include metal and organic compounds. When fully implemented, the final rule will reduce HAP emissions from iron and steel foundries by over 820 tons per year. The standards were effective 22 April 2004. For further information, contact Kevin Cavender, EPA at (919) 541-2364.

**FINAL RULE – NESHAP FOR SURFACE COATING OF AUTOMOBILES AND LIGHT DUTY TRUCKS**  
On 26 April 2004 (69 FR 22601), EPA promulgated NESHAP for automobile and light-duty truck surface coating operations located at major sources of HAP. The final rule requires these operations to meet HAP emission standards reflecting the application of the MACT. The final standards are expected to reduce nationwide organic HAP emissions from major sources in this source category by approximately 60 percent. EPA also amended the Surface Coating of Miscellaneous Metal Parts and Products and the Surface Coating of Plastic Parts and Products NESHAPs to clarify the interaction between these rules and the Surface Coating of Automobiles and Light-Duty Trucks NESHAP. Additionally, EPA amended the Resource Conservation and Recovery Act (RCRA) Air Emission Standards for Equipment Leaks for owners and operators of hazardous waste treatment, storage, and disposal facilities to exempt air emissions from certain activities covered by the final NESHAP from these RCRA standards. The rule will be effective 25 June 2004. For further information, contact David Salman, EPA at (919) 541-0859.

**FINAL RULE – IMPLEMENTATION OF 8-HOUR OZONE STANDARD – PHASE 1** – On 30 April 2004 (69 FR 23951), EPA took final action on key elements of the program to implement the 8-hour ozone national ambient air quality standard (NAAQS). This final rule addresses the following topics: classifications for the 8-hour NAAQS; revocation of the 1-hour NAAQS; how anti-backsliding principles will ensure continued progress toward attainment of the 8-hour ozone NAAQS; attainment dates; and the timing of emissions reductions needed for attainment. This document is Phase 1 of the program to implement the 8-hour ozone NAAQS. EPA will issue a second rule, Phase 2, within the next several months to address the remaining 8-hour implementation issues: requirements for reasonable further progress, requirements for modeling and attainment demonstrations, and requirements for reasonably available control measures and reasonably available control technology. Phase 1 will be effective 15 June 2004. For further information, contact John Silvasi, EPA at (919) 541-5666.

**FINAL RULE – AIR QUALITY DESIGNATIONS FOR 8-HOUR OZONE NAAQS** – On 30 April 2004 (69 FR 23857), EPA promulgated air quality designations and classifications for every area in the United States for the 8-hour ozone national ambient air quality standard. EPA issued this rule to establish the boundaries and classifications for areas designated as nonattainment. EPA also promulgated the first deferral of the effective date, to 30 September 2005, of the nonattainment designation for Early Action Compact areas that have met all milestones through 31 March 2004. The rule will be effective 15 June 2004. For further information, contact Sharon Reinders, EPA at (919) 541-5284.

**FINAL RULE – MOTOR VEHICLE AND ENGINE COMPLIANCE PROGRAM FEES** – On 11 May 2004 (69 FR 26221), EPA updated the Motor Vehicle and Engine Compliance Program fees regulation promulgated in 1992 under which the Agency collects fees for certain Clean Air Act compliance programs it administers, including those for light-duty vehicles and trucks, heavy-duty highway vehicles and engines, and highway motorcycles. EPA updated existing fees to reflect the increased costs of administering these compliance programs since the initial 1992 rulemaking. EPA also added a fee program for similar compliance programs for certain nonroad engines and vehicles for which emission standards have been finalized. The rule will be effective 12 July 2004. For further information, contact Lynn Sohacki, EPA at (734) 214-4851.

**PROPOSED RULE – REGIONAL HAZE REGULATIONS AND GUIDELINES FOR BART DETERMINATIONS**- On 5 May 2004 (69 FR 25183), EPA proposed new best available retrofit technology (BART) provisions and repropoed the BART guidelines promulgated under the regional haze rule in 2001. EPA also proposed to amend the deadlines for regional haze plans to conform to new statutory deadline. Comments are due by 6 July 2004. For further information, contact Kathy Kaufman, EPA at (919) 541-0102.

**PROPOSED RULE – NESHAP FOR HAZARDOUS WASTE COMBUSTORS** – On 20 April 2004 (69 FR 21197), EPA proposed NESHAP for hazardous waste combustors (HWC). These combustors include hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, boilers and process heaters, and hydrochloric acid production furnaces. EPA has identified these HWCs as major sources of HAP emissions. These proposed standards will, when final, require HWCs to meet HAP emission standards reflecting the application of MACT. The HAP emitted by these facilities include arsenic, beryllium, cadmium, chromium, dioxins and furans, hydrogen chloride and chlorine gas, lead, manganese, and mercury. Comments are due by 6 July 2004. For further information, contact Michael Galbraith, EPA at (703) 605-0567.

**NOTICE – PROCESS FOR EXEMPTING CRITICAL USES OF METHYL BROMIDE** – On 7 May 2004 (69 FR 25570), EPA published a notice soliciting applications for the Critical Use Exemption from the phaseout of methyl bromide. This application process offers users of methyl bromide the opportunity to provide technical and economic information to support a "critical use" claim. Methyl bromide is a chemical pesticide that has been identified under the Montreal Protocol on Substances that Deplete the Ozone Layer and the Clean Air Act, as an ozone-depleting substance. It is scheduled for complete phaseout by 1 January 2005. The Critical Use Exemption is designed to allow continued production and import of methyl bromide after the phaseout for those uses that have no technically and economically feasible alternatives. Applications for the Critical Use Exemption must be submitted by 8 August 2004. For further information, contact Bill Chism, EPA at (703) 308-8136.

### **GENERAL INFORMATION:**

**FINAL RULE – COMPREHENSIVE PROCUREMENT GUIDELINE IV FOR PRODUCTS CONTAINING RECOVERED MATERIALS** – On 30 April 2004 (69 FR 24027), EPA amended the Comprehensive Procurement Guideline (CPG) by designating seven new items that are or can be made with recovered materials, including: modular threshold ramps; nonpressure pipe; roofing materials; office furniture; rebuilt vehicular parts; bike racks; and blasting grit. In addition, EPA revised the designations for three items, including cement and concrete, railroad grade crossing surfaces, and polyester carpet. The CPG implements portions of the Resource Conservation and Recovery Act (RCRA) and the Executive Order "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition," which require EPA to designate items that are or can be made with recovered materials and to recommend practices that procuring agencies can use to procure such designated items. Once EPA designates an item, any procuring agency that uses appropriated federal funds to procure that item must purchase the item containing the highest percentage of recovered materials practicable. The rule will be effective 2 May 2005. For further information, contact Terry Grist, EPA at (703) 308-7257.

**GENERAL INFORMATION**

**FINAL RULE – MULTIYEAR PROCUREMENT AUTHORITY FOR ENVIRONMENTAL REMEDIATION SERVICES FOR MILITARY INSTALLATIONS** – On 13 May 2004 (69 FR 26507), DoD adopted as final an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 827 of the National Defense Authorization Act for Fiscal Year 2003. Section 827 authorizes DoD to enter into multiyear contracts for environmental remediation services for military installations. 10 U.S.C. 2306c provides authority for DoD to enter into contracts for periods of not more than 5 years for certain services, and for items of supply related to those services, even though funds would otherwise be available for obligation only within the fiscal year for which appropriated. Section 827 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314) amended 10 U.S.C. 2306c to add environmental remediation services for military installations to the types of services for which multiyear contracting is authorized. For further information, call (703) 602-0296.

**NOTICE OF FINDING – LISTING OF GREATER SAGE-GROUSE AS THREATENED OR ENDANGERED** – On 21 April 2004 (69 FR 21484), the U.S. Fish and Wildlife Service (FWS) announce a 90-day finding for three petitions to list the greater sage-grouse (*Centrocercus urophasianus*) as threatened or endangered, under the Endangered Species Act. FWS found that these petitions and additional information available in its files present substantial information indicating that listing the greater sage-grouse may be warranted. As a result of this finding, FWS is initiating a status review and asking the public to submit any pertinent information concerning the status of or threats to this species. Comments are due by 21 June 2004. For further information, contact Pat Deibert, FWS at (307) 772-2374,

**NOTICE OF AVAILABILITY – DRAFT PHYSICAL STREAM ASSESSMENT** – On 14 May 2004 (69 FR 26823), the Federal Interagency Mitigation Workgroup (FIMW) released a technical resource document entitled: "Physical Stream Assessment: A Review of Selected Protocols for use in the Clean Water Act (CWA) Section 404 Program." The document is intended as a reference for regulatory agencies, resource managers, and restoration ecologists in selecting, adapting, or devising stream assessment methods that are appropriate for impact assessment and mitigation. FIMW is seeking public review before finalizing the document. Comments are due by 28 June 2004. For further information, contact Palmer Hough, EPA at (202) 566-1374.

**NOTICE OF AVAILABILITY – INTERIM RECOMMENDATIONS FOR AIRBORNE EXPOSURE LIMITS FOR CHEMICAL WARFARE AGENTS H AND HD** – On 3 May 2004 (69 FR 24164), The Centers for Disease Control and Prevention (CDC) released interim recommendations for worker and general population airborne exposure limits (AELs) for chemical warfare Agents H and HD (sulfur mustard). The exposure limits are: (1) General population limit: 0.00002 mg/m<sup>3</sup>; averaging period: 12 hours; (2) Worker population limit: 0.0004 mg/m<sup>3</sup>; averaging period: 8 hours; (3) Short-Term exposure limit: 0.003 mg/m<sup>3</sup>; averaging period: <=15 minutes; and (4) Immediately dangerous to life or health: 0.7 mg/m<sup>3</sup>; averaging period: <=30 minutes. These revised exposure limits replace CDC's previously recommended AELs originally issued in 1988. These limits are interim criteria pending improved characterization of carcinogenic potential associated with sulfur mustard. For further information, link <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-9946.htm>.

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

### **ENVIRONMENTAL MANAGEMENT SYSTEM DESIGN – PHASE II**

**9-10 June 2004 – San Diego, California**

**23-24 June 2004 – San Francisco, California**

EPA and the Federal Network for Sustainability are offering Phase II of the Environmental Management System (EMS) Design training. Phase I was presented last year. Participants who did not take Phase I should have an understanding of environmental policy, identifying aspects and impacts, and creating a “significant” aspects register. A brief overview of Phase I will be presented at the beginning of the class. For more information or to register, contact Kaye McKinsey at (206) 553-1616.

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

**15-17 June 2004 – Edgewood, Maryland**

**22-24 June 2004 – San Antonio, Texas**

The Army Center for Health Promotion and Preventive 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>.

### **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>.

### **IMPLEMENTING A PERFORMANCE-BASED EMS**

**21-23 June 2004 – Salt Lake City, Utah**

The Utah Department of Environmental Quality is hosting this course for government, military, and other public sector personnel who are seeking to use ISO 14001 and EMS to improve management of the environment within their organizations. The course will cover highly effective techniques to test the effectiveness of established environmental programs and how organizations successfully implement and operate EMS that deliver real improvement in environmental performance. For more information or to register, contact Sonja Wallace at (801) 536-4477.

**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>.

**IMPLEMENTING AND AUDITING A PERFORMANCE-BASED EMS****23-25 June 2004 – Denver, Colorado**

The Colorado Department of Public Health and Environment is offering five sessions of this course (June-October). The course is designed for government, military, and other public sector personnel who are seeking to use ISO 14001 and EMS to improve management of the environment within their organizations. The course will cover highly effective techniques to test the effectiveness of established environmental programs and how organizations successfully implement and operate EMS that deliver real improvement in environmental performance. For more information or to register, contact Linda Dunwoody at (678) 819-0693, or link <http://www.ermcvs.com>.

**AUDITING A PERFORMANCE-BASED EMS****24-25 June 2004 – Salt Lake City**

The Utah Department of Environmental Quality is hosting this course for government, military, and other public sector personnel who are seeking to use ISO 14001 and EMS to improve management of the environment within their organizations. The course will focus on how to conduct an EMS audit and provide basic auditing tools for regulatory staff responsible for evaluating the effectiveness of EMS used by entities in regulatory incentive programs. For more information or to register, contact Sonja Wallace at (801) 536-4477.

**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/>.

**DOD PERCHLORATE CONFERENCE****30 June-1 July 2004 – San Diego, California**

This workshop is open to DoD personnel only. The purpose of the workshop is to ensure consistent DoD perchlorate-related messages. The workshop will allow for information exchange among internal DoD personnel involved with perchlorate issues in order to keep abreast of latest updates of process, policy, and research results. The workshop is designed for environmental managers, IRP managers, risk assessors, public affairs specialists, legal representatives, risk communications specialists, and command level personnel. For more information or to register, call (757) 953-0947.

**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.

**NATIONAL ENVIRONMENTAL MONITORING CONFERENCE****19-22 July 2004 – Washington, DC**

This EPA conference provides the principal forum for addressing policy and technical issues affecting monitoring in all environmental media (i.e., water, air, soil, and wastes) and across all environmental programs. The focus will be on new approaches for analyzing for conventional and emerging pollutants in water, soil, and air, as well as homeland security issues as they apply to environmental monitoring for terrorism agents. For more information or to register link <http://www.nemc.us/>.

**HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE****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>.

**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. 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 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. 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 Lisa Vanderpool, EPA at (415) 972-3316, or link <http://www.DECON04.com>.

**CONFERENCE ON COASTAL AND ESTUARINE HABITAT RESTORATION****12-15 September 2004 – Seattle, Washington**

This conference will advance the knowledge, pace, practice and success of coastal and estuarine habitat restoration. It will also highlight the unique resources and restoration efforts in and around the Pacific Northwest. The latest products, tools and services available from businesses, government agencies and non-profit organizations will be displayed at the Restoration Expo. For more information or to register, link <http://www.estuaries.org/2ndnationalconference.php>.

**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

#### AIR INFORMATION:

##### **PROPOSED RULE – APPROVAL OF ANCHORAGE CARBON MONOXIDE MAINTENANCE PLAN –**

On 10 May 2004 (69 FR 25869), EPA proposed to approve the carbon monoxide (CO) maintenance plan for the Anchorage nonattainment area. EPA also proposed to redesignate the Anchorage area to attainment for CO. Comments are due by 9 June 2004. For more information, contact Connie Robinson, EPA at (206) 553-1086.

#### WATER INFORMATION:

**DEPARTMENTAL DISCUSSION – OIL SPILL PREVENTION AND RESPONSE BEST AVAILABLE TECHNOLOGY REVIEW** – The Alaska Department of Environmental Conservation (DEC) is conducting a Best Available Technologies (BAT) Conference. The objective of the conference is to investigate and review proven technologies used in the worldwide spill prevention and response arena, as well as new innovative technologies that could be effective in Alaska. Specific technology categories that are to be reviewed as part of the BAT Conference include: 1) leak detection for crude oil transmission pipelines; 2) secondary containment liners for oil storage tanks; 3) fast water booming; 4) viscous oil pumping systems; 5) well capping; and 6) source control technologies. DEC will use the information gained through the Conference proceedings to assist in their evaluation of Oil Discharge Prevention and Contingency Plans (C-Plans) for various C-Plan holders throughout Alaska. C-Plan holders will be required to use BAT. The Conference will be held on 27-28 May in Anchorage. For more information, contact Betty Schorr at (907) 269-7556.

**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.

**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 ended 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. Substituted and referred to Senate Rules Committee 5 April. Passed Senate 2 May. 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; and (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. Died upon adjournment 11 May. 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. Died upon adjournment 11 May. The sponsor is the House Rules Committee.

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## IDAHO

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### AIR INFORMATION:

**FINAL TEMPORARY REGULATION – NEW SOURCE REVIEW** – The Idaho Department of Environmental Quality (DEQ) has adopted temporary amendments and proposed permanent amendments to its New Source Review (NSR) rules. The purpose of these amendments is to adopt the NSR reforms made by EPA in December 2002 and October 2003. The amendments include changes in NSR 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. Comments on the proposed amendments are due 9 June. For more information, contact Phyllis Heitman at (208) 373-0502.

### WATER INFORMATION:

**FINAL REGULATION – DRINKING WATER SYSTEM OPERATOR CERTIFICATION** – The Idaho DEQ has implemented temporary regulations and is preparing permanent amendments to its regulations regarding drinking water system operator certification. The amendments include: (1) the standards by which fees will be imposed for operator applications, certification exams, certification renewals, and course evaluations for continuing education units (CEUs); (2) certification requirements for systems; (3) addition of optional voluntary certification; (4) separate eligibility criteria for certifying treatment operators and distribution operators; (5) length of certification renewal cycle; (6) number of CEUs required per certification renewal cycle; and (7) certificate signatures. The regulations were effective 16 April. For more information, contact Chris Lavelle at (208) 373-0502.

**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 ended 4 April. A summary of significant environmental legislative activities is presented below. For more information on the 2004 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. Vetoed by Governor Dirk Kempthorne (R) 2 April. 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:

**FINAL REGULATION – BOUNDARY CHANGES TO NEW SOURCE REVIEW OFFSETS** – The Oregon Department of Environmental Quality (DEQ) has adopted amendments to its New Source Review Program to: (1) make the requirements for creating and using emission offsets clear and consistent, without changing the stringency of the requirements; and (2) allow offsets to come from outside a designated maintenance area if the reductions creating the emissions offsets affected the same area as the proposed increase in emissions. The amendments were effective 14 April. For more information, contact David Kauth at (503) 229-5655.

**DEPARTMENTAL DISCUSSION – REGIONAL GREENHOUSE GAS REDUCTION INITIATIVE** - In September 2003, the Governors of Washington, Oregon and California committed to a regional greenhouse gas reduction initiative. The Governors concluded that global warming will have serious adverse consequences on the economy, health and environment of the west coast states and that the states must act individually and regionally to reduce greenhouse gas emissions and to achieve a variety of economic benefits from lower dependence on fossil fuels. As an initial step, the Governors directed their staffs to develop joint policy recommendations on reduction strategies that require regional cooperation and action. Representatives from the three states have met to develop regional emission reduction strategies and to coordinate climate protection measures by each state. Multi-state workgroups were formed to address the following topics: (1) hybrid vehicle procurement; (2) ports and highway diesel emissions; (3) renewable energy; (4) energy efficiency; and (5) measurement. The draft strategies will be refined as part of a larger package of recommendations on climate change to be delivered to the Governors by September 2004. For more information, contact Charlie Stephens at 503 378-4298.

### WATER INFORMATION:

**FINAL REGULATION – COMPLIANCE WITH FEDERAL CLEAN WATER ACT** – The Oregon DEQ has adopted amendments to conform to the federal Clean Water Act. Rules governing the Oregon Water Resources Department and the Department of Fish and Wildlife license reviews are inconsistent with the DEQ rules for the certification of hydroelectric projects. The amendments align DEQ rules with: (1) governing statutes, (2) rules of coordinating agencies, (3) current DEQ practices, and (4) the Clean Water Act. DEQ has also adopted amendments to change certification fees. These fees are for the certification activities requiring federal licenses and permits to comply with water quality requirements and standards. The fees apply to: (1) most river dredging; (2) wetland filling; and (3) other instream activities. The fees do not apply to hydropower licensing. The amendments were effective 15 April 2004. For more information, contact Greg McMurray at (503) 229-6978.

### Legislative Developments

There was no regular legislative session in 2004. For information on the 2003 legislative session, link <http://www.leg.state.or.us>.

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## WASHINGTON

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### AIR INFORMATION:

**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.

**DEPARTMENTAL DISCUSSION – REGIONAL GREENHOUSE GAS REDUCTION INITIATIVE** - In September 2003, the Governors of Washington, Oregon and California committed to a regional greenhouse gas reduction initiative. The Governors concluded that global warming will have serious adverse consequences on the economy, health and environment of the west coast states and that the states must act individually and regionally to reduce greenhouse gas emissions and to achieve a variety of economic benefits from lower dependence on fossil fuels. As an initial step, the Governors directed their staffs to develop joint policy recommendations on reduction strategies that require regional cooperation and action. Representatives from the three states have met to develop regional emission reduction strategies and to coordinate climate protection measures by each state. Multi-state workgroups were formed to address the following topics: (1) hybrid vehicle procurement; (2) ports and highway diesel emissions; (3) renewable energy; (4) energy efficiency; and (5) measurement. The draft strategies will be refined as part of a larger package of recommendations on climate change to be delivered to the Governors by September 2004. For more information, contact Charlie Stephens at 503 378-4298.

### 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. For more information, contact Patricia Hervieux at (360) 407-6756, or link <http://www.ecy.wa.gov/laws-rules/wac173303/d0310.pdf>.

### WATER INFORMATION:

**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. DOE 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/crihome.html>.

### Legislative Developments

The 2004 legislative session began 12 January and ended 11 March. A summary of significant environmental legislative activities was presented in the May Review. For more information on the legislative session, link <http://www.leg.wa.gov/wsladm>.

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