

# Central Region Review



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



★ JANUARY 2005 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in federal Regions 6 and 7. The *REVIEW* is prepared by Versar, Inc., in support of the Central Regional Environmental Office (CREO), to assist you in your compliance efforts. Current and past issues of this *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please e-mail [CREO.regulatory.specialist@nwk02.usace.army.mil](mailto:CREO.regulatory.specialist@nwk02.usace.army.mil) or call (816) 983-3327 if you have any questions or suggestions, or if you would like to subscribe to the *REVIEW*.

## CONTENTS

Region 6 State Activity – <a href="#">Arkansas</a>	2
Region 6 State Activity – <a href="#">Louisiana</a>	2
Region 6 State Activity – <a href="#">New Mexico</a>	5
Region 6 State Activity – <a href="#">Oklahoma</a>	7
Region 6 State Activity – <a href="#">Texas</a>	10
Region 7 State Activity – <a href="#">Iowa</a>	15
Region 7 State Activity – <a href="#">Kansas</a>	18
Region 7 State Activity – <a href="#">Missouri</a>	20
Region 7 State Activity – <a href="#">Nebraska</a>	23
<a href="#">Federal Actions</a>	24
<a href="#">Regional Meetings</a>	29
<a href="#">Training Courses and Workshops</a>	29
<a href="#">Conferences and Symposiums</a>	30
<a href="#">Acronyms and Abbreviations</a>	32

## CENTRAL REGIONAL ENVIRONMENTAL OFFICE PERSONNEL DIRECTORY

### CREO Chief/DoD Region 7 REC:

Bart Ives	(816) 983-3449
<b>Army Senior REC</b>	(816) 983-3445
<b>Army Region 6 REC</b>	(816) 983-3450
<b>Army Region 7 REC</b>	(816) 983-3447
<b>Regional Counsel</b>	(816) 983-3448
<b>Project Manager</b>	(816) 983-3451
<b>Regulatory Specialist</b>	(816) 983-3327
<b>Administrative Assistant</b>	(816) 983-3446
<b>General Office Number</b>	(816) 983-3548

**Assistance in Environmental Regulations Impact.** The CREO has, in the past, successfully assisted installations in moderating environmental regulations that impact on current operations. If you need assistance in this regard, please contact the CREO Chief/ DoD Region 7 REC at (816) 983-3449 or Regional Counsel at (816) 983-3448. CREO stands ready to assist you in resolving these types of issues.

**Note:** The list of **Acronyms and Abbreviations** listed on the AEC web site and DENIX is once again included in the Central Region Review.

[\[Top\]](#)

## REGION 6 STATE ACTIVITY

### Regulatory & Legislative Web Sites

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

### ARKANSAS

### Legislative/Regulatory Activity

**Note:** State of Arkansas legislature will convene from 10 January to 10 March 2005 for regular session.

#### STATE OF ARKANSAS PROPOSED RULES

(UPDATE) **AR Department of Environmental Quality Proposed Regulation: Amendments to Recycling Regulations (Regulation 28).** The Department has proposed revisions to Regulation 28 (County Recycling Programs) of the State of Arkansas. The revisions will change the reporting requirements for recycling from semi-annual to annual and require facilities to collect three or more materials from the acceptable recycling list. They will also add electronics, whole tires, yard waste, and lead acid batteries to the list of acceptable materials for recycling. Additionally, the revisions will make administrative changes to the format and style of the regulations. ADEQ staff reports that the Arkansas Pollution Control and Ecology (APC&E) Commission adopted the rule on December 2004 and anticipates that the rule will become effective by the end of 2004. The draft document is available at [http://www.adeq.state.ar.us/regs/drafts/reg28\\_draft\\_docket\\_04-004-R/reg28\\_draft\\_docket\\_04-004-R\\_markup.pdf](http://www.adeq.state.ar.us/regs/drafts/reg28_draft_docket_04-004-R/reg28_draft_docket_04-004-R_markup.pdf). For additional information, please call Deborah Pitts at (501) 682-0883. 3

[\[Top\]](#)

### LOUISIANA

### Legislative/Regulatory Activity

**Note:** State of Louisiana legislature will convene from 25 April to 23 June 2005 for regular session.

#### STATE OF LOUISIANA FINAL RULES

**(Effective 20 December 2004) LA Department of Environmental Quality Final Regulation Published 20 December 2004: Increase in Penalty for a "Major" Violation (OS060) (LAC 33:I.503, 505, 507 and 705).** LDEQ has finalized amendments to the regulations that set the penalties for violations. The amendments increase the maximum penalty for violations that are "major" from \$27,500 to \$32,500. The amendments also correct the statutory maximum for a penalty event that is a violation of a previous enforcement action. Additionally, the amendments change the regulations to clarify the confidentiality of public records. Staff has stated that this rule is applicable to violations in all media. The regulations are final, effective 20 December 2004. The final version of the amendments is available at <http://www.deq.state.la.us/planning/regs/pdf/OS060fin.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

**(Effective 20 December 2004) LA Department of Environmental Quality Final Regulation Published 20 December 2004: Repeal of Creditable Nitrogen Oxides (NO<sub>x</sub>) Reductions Trading -- AQ242 (33 LAC:III.504).** LDEQ has repealed its inter-pollutant trading regulations. The revision also repeals the option of using

creditable NO<sub>x</sub> reductions to offset significant increases of VOCs. The final regulation only allows emission reductions claimed as offset credit to come from decreases of the same pollutant or pollutant class. The Department intends for the revision to prevent potential increases in the release of highly reactive VOC that may lead to exceedances in the Baton Rouge ozone non-attainment area. The regulations are final, effective 20 December 2004. The rule is online at <http://www.deq.state.la.us/planning/regs/pdf/AQ242pro.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

**(Effective 20 December 2004) LA Department of Environmental Quality (LDEQ) Renewed Emergency Rule: Remediation of Sites with Contaminated Media - WS084E2 (LAC 33:V.Chapter 109).** The Department has renewed an emergency regulation to remove a regulatory hurdle that deters site remediation. Prior to this emergency ruling, the existing regulation caused contaminated environmental media to retain the description of having RCRA-listed waste "contained-in", thereby slowing the remediation of the site or possibly halting it completely due to administration and disposal issues. The incentive to remediate pollution stems from the substantially reduced disposal and transportation costs for contaminated environmental media that are not required to be managed in the same manner as hazardous waste. The rule results in simplification of the waste handling process by reducing administrative requirements and providing greater consistency with non-RCRA waste handling requirements and practices. LDEQ has renewed the rule again. The rule will be in effect for 120 days or until a final rule is promulgated. The renewed rule is available online at <http://www.deq.state.la.us/planning/regs/pdf/HW084E4.pdf>. For additional information, please call John Rogers at (225) 765-0168.

**(Effective 20 November 2004) LA Department of Environmental Quality Final Regulation: Codification of Departmental Hazardous Waste Delisting Policies (HW086) (LAC 33:V.105 and 4999.Appendix E).** LDEQ has finalized amendments to its regulations that govern hazardous waste delisting. The amendments codify existing departmental policies regarding exclusion from hazardous waste regulations and standardize the provisions on data submittal, re-opener language and notification requirements in order to ensure consistency for petitioners who request hazardous waste exclusions. The amendments require petitioners requesting a hazardous waste exclusion to use an independent laboratory and an independent data validator to perform the necessary testing. Additionally, the amendments require that all four sampling rounds include analyses of dioxins and furans. The rule is final, effective 20 November 2004. An updated version of the rule is available at <http://www.deq.state.la.us/planning/regs/pdf/HW086fin.pdf>. For additional information, please call Judith Schuerman at (225) 219-3550.

**(Effective 20 November 2004) LA Department of Environmental Quality Final Regulation Published 20 November 2004: Incorporation by Reference of Federal Accidental Release Prevention Requirements (AQ245).** LDEQ has amended its Chemical Accident Prevention requirements. The amendments update the accidental release prevention requirements through incorporation of the federal regulations by reference. The recent federal changes updated the reporting requirements of the accident prevention regulations. The rule is final, effective 20 November 2004. An updated version of the rule is available at <http://www.deq.state.la.us/planning/regs/pdf/AQ245fin.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

## **STATE OF LOUISIANA PROPOSED RULES**

**(NEW) LA Department of Environmental Quality Proposed Regulation: Proposal to Adopt Federal and State New Source Review Standards (AQ246F and AQ246L) (LAC 33:III.509).** The Department is proposing amendments to its Prevention of Significant Deterioration regulations. The proposed amendments adopt federal revisions, that include changes to the methods for calculating emissions before and after changes to a source; the addition of a clean unit exclusion for emissions increases from units with controls installed in the last 10 years; the addition of an exclusion for certain projects which increase emissions of one pollutant while decreasing emissions of another pollutant; and a provision that allows facilities to trade emissions increases and decreases under an emissions cap. LDEQ will also make state-specific revisions to the regulations that differ from the federal changes. These revisions will delete the demand growth exclusion included in the federal rule. The revisions will also reduce the allowable timeframe for automatic designation of "clean unit status" from 10 to 5 years and will not allow comparable controls in place of BACT or LAER (Lowest Achievable Emission Rate). The revisions will allow only one baseline period to be selected for the calculation of emissions from multiple units or of multiple pollutants. Additionally, the revisions will not allow projection of malfunction emissions, will add consequences for the underestimation of projected actual emissions, and will clarify what activities equal routine maintenance, repair and

replacement. LDEQ will accept comments on the advanced drafts through 20 January 2005. The Department will not hold a hearing on the advance draft. The Department has issued advance draft documents of the federal (AQ246F) and state (AQ246L) revisions, available at [http://www.deq.state.la.us/planning/regs/pdf/AQ246F\\_advance\\_draft.pdf](http://www.deq.state.la.us/planning/regs/pdf/AQ246F_advance_draft.pdf) and [http://www.deq.state.la.us/planning/regs/pdf/AQ246L\\_advance\\_draft.pdf](http://www.deq.state.la.us/planning/regs/pdf/AQ246L_advance_draft.pdf). For additional information, please contact Keith Jordan at (225) 219-3004.

**(NEW) LA Department of Environmental Quality Proposed Regulation Published 20 December 2004: Amendments to Standards for Cooling Water Intake Structures (WQ057) (LAC 33:IX.2501, 2707, et al.).** LDEQ has proposed amendments to its regulations that govern facilities with cooling water intake structures. The Department has proposed the amendments to mirror changes to the federal regulations that establish water protection standards for such structures at existing Phase II facilities (facilities that generate and transmit electric power or facilities that generate and sell electric power to another entity for transmission). The amendments add permit application requirements for Phase II facilities as well as requirements for the location, design, construction, and capacity of cooling water intake structures at such facilities. The Department will hold a public hearing 25 December 2004 with comments due on that day. The proposal is available at <http://www.deq.state.la.us/planning/regs/pdf/WQ057pro.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

**(UPDATE) LA Department Of Environmental Quality Proposed SIP Revision: Revision To Shreveport-Bossier City Early Action Compact Air Quality Improvement Plan (0408Pot1).** The Department has proposed a revision to the State Implementation Plan (SIP). The revision is for the Shreveport-Bossier City Metropolitan Statistical Area Early Action Compact Air Quality Improvement Plan. The revision concerns the USEPA commitment not to re-designate areas participating in the EAC Program as non-attainment after a designation of attainment. The commitment not to re-designate areas as non-attainment stands even if an area subsequently violates the 8-hour ozone standard during the term of the early action compact. The Shreveport-Bossier City area was designated as attainment for the 8-hour ozone standard on 15 June 2004. Staff reports that this revision will be submitted to USEPA by 31 December 2004. For additional information, please call Vivian Aucoin at (225) 219-3575.

**(UPDATE) LA Department of Environmental Quality Proposed Regulation Published 20 December 2003: Toxicity Equivalency (TEQ) Concept in Dioxin Criteria - WQ052 (33 LAC IX.1113).** LDEQ has proposed a rule to incorporate the TEQ concept for dioxin exposure in water quality standards by using TEFs. The Department believes using TEFs will allow a more accurate estimate of human health risks associated with exposure to dioxin and dioxin-like compounds. The TEQ concept is used to estimate the risks associated with exposure to chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans (CDD/CDF), as well as 2,3,7,8-TCDD. This procedure uses a set of derived TEFs to convert the concentration of any CDD/CDF congener into an equivalent concentration of 2,3,7,8-TCDD. Currently, both EPA and WHO recommend incorporating the TEQ concept as a better estimate of risk than using dioxin. Staff reports that the Department did not finalize the rulemaking by the deadline set by the Administrative Procedure Act. Staff reports that the Department will probably review the rule in 2005 and decide whether or not to proceed with a new rulemaking. For additional information, please call David Hughes at (225) 219-3590.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**(UPDATE) LA Department of Environmental Quality Final TMDL: Revised Dissolved Oxygen Criteria for Beaucoup Creek, Middle Fork Bayou D'Arbonne, Bayou Cocodrie, and Cocodrie Lake - WQ042 (33 LAC IX.1123.C3).** Staff reports that USEPA approved the Vermillion-Teche Basin (Bayou Cocodrie and Cocodrie Lake) TMDL in November 2004. For additional information, please call Emelise Cormier at (225) 765-0355.

**(Effective 18 October 2004) National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana.** LDEQ has submitted updated regulations for receiving delegation of EPA authority for implementation and enforcement of NESHAPs for certain sources (both part 70 and non-part 70 sources). These regulations apply to certain NESHAPs promulgated by EPA, as amended through 1 July 2003, for 40 CFR part 63 standards. The delegation of authority under this notice does not apply to sources located in Indian Country. EPA is providing notice that it has approved delegation of certain NESHAPs to LDEQ by letter on 18 October 2004. This rule is effective on 18 October 2004, without further notice, unless EPA receives adverse comment by 13 January 2005. If

EPA receives such comment, EPA will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect.

[\[Top\]](#)

**Note:** State of New Mexico legislature will convene from 18 January to 19 March 2005 for regular session.

## STATE OF NEW MEXICO FINAL RULE

**(Effective 1 January 2005) NM Albuquerque/Bernalillo County Air Quality Control Board Final Regulation Published 14 December 2004: Incorporation by Reference of Federal Regulations for New Source Performance Standards (NSPS) and Emissions Standards for Stationary Sources (20.11.63 NMAC, 20.11.64 NMAC).** The Albuquerque/San Bernalillo Air Quality Control Board has adopted amendments to its regulations that govern NSPS for stationary sources and that govern emission standards for hazardous air pollutants for stationary sources. The amendments incorporate by reference updates to the relevant federal regulations through 1 July 2004. The Board has excluded federal NSPS for municipal solid waste landfills from local enforcement and that emission standards for emissions of radionuclides other than radon from Department of Energy facilities be excluded from local enforcement. *For additional information, please call Neil Butt at (505) 768-2600.*

**(Effective 31 December 2004) NM Office of the State Engineer Final Amendments to Active Water Resource Management Rules (NMAC 19.25.4).** The Office of the State Engineer has adopted new Active Water Resource Management (AWRM) regulations that allow the State Engineer to create water master districts and to appoint water masters to determine the distribution of waters in such districts. The regulations also provide guidance to the State Engineer on the determination of administrable water rights. The rules implement long-standing statutory mechanisms at NMSA §72-3-1-5. Staff reports that the Office is currently reviewing comments and hopes to have the regulations finalized by the end of 2004. The final version of the regulations is available at <http://www.ose.state.nm.us/doing-business/ActiveWaterMgt/ActiveWaterMgt-2004-12-10.pdf>. *For additional information, please call Paul Wells at (505) 827-6120.*

**(Effective 31 December 2004) NM Environment Department Final Regulation Published 14 December 2004: Amendments to Emissions Reporting Requirements (20.2.73 NMAC).** NMED has adopted revisions to its regulations governing notice of intent and emissions inventory requirements. The revisions add PM<sub>2.5</sub> to the list of pollutants that require the submission of an annual emissions report from sources that emit 100 tons per year or more. The revisions also add PM<sub>2.5</sub> and ammonia to the reporting list for emissions content reports and add a provision that allows the Department to request reporting of speciated hazardous air pollutants in an emissions content report. The regulations are final, effective 31 December 2004. The changes are available at <http://www.nmcpr.state.nm.us/nmregister/xv/xv23/20.2.73amend.pdf>. *For additional information, please call Geraldine Madrid-Chavez at (505) 827-2425.*

**(Effective 15 December 2004) NM Environment Department Final Regulation: Revisions to Title V Regulations (20.2.71 NMAC).** NMED has adopted revisions to its Title V fee regulations to increase the dollar per ton amount collected and make technical corrections to clarify the fee process. The revisions increase the per ton fee for emissions of SO<sub>2</sub>, NO<sub>x</sub>, CO, TSP and VOC. The revisions increase the hazardous air pollutants fee from \$150.00 per ton to \$165.00 per ton. Staff reports that the Department did not revise 20.2.2 to add a definition for "excess emissions" as planned. The final revisions are available at <http://www.nmcpr.state.nm.us/nmregister/xv/xv22/20.2.71amend.pdf>. *For additional information, please contact Erik Aaboe at (505) 955-8081.*

## STATE OF NEW MEXICO PROPOSED RULE

**(UPDATE) NM Office of the State Engineer Proposed Regulation Published 28 May 2004: New Surface Water Administration Regulations (NMAC 19.26.2).** The Office has proposed new surface water administration regulations. The proposed regulations implement existing statutes by establishing standards and

procedures for the State Engineer to follow while administering the appropriation, allocation and use of surface water in the state. The proposed regulations set out application procedures for permits to appropriate surface water and also set out application procedures for permits to change existing surface water rights. Additionally, the proposed regulations establish procedures for the change of ownership of a surface water right, and for the lease of a surface water right. The Office has issued a final draft of the regulations for public comments that were due 3 December 2004 and staff is reviewing the comments. The final draft of the proposed regulations is available at <http://www.seo.state.nm.us/doing-business/Surface-Regs/SurfaceRulesRegs-2004-11-04.pdf>. For additional information, please contact Paul Wells (505) 827-6120.

**(UPDATE) NM Environment Department Proposed Regulation Published 31 August 2004:**

**Revisions to Title V Permit Regulations (20.2.70).** The Department is discussing revisions to its Title V Operating Permit regulations that will clarify the Department's use of air quality modeling analyses in Title V permitting. The revisions will also clarify how state ambient air quality standards apply to the permit program. Additionally, the revisions will add language that demonstrates how the modeling requirements comply with state and national ambient air quality standards. NMED has postponed the public hearing scheduled for 4 November 2004 until the Environmental Improvement Board's January 2005 meeting. An updated draft of the revisions is available: [http://www.nmenv.state.nm.us/aqb/projects/Part\\_70/Part70proposed.pdf](http://www.nmenv.state.nm.us/aqb/projects/Part_70/Part70proposed.pdf). For additional information, please contact Rita Trujillo at (505) 955-8024.

**(UPDATE) NM Environment Department Proposed Regulation: Replacement of Liquid Waste**

**Disposal Regulations (20.7.3 NMAC).** NMED is proposing amendments to repeal and replace the regulations on liquid waste disposal. The replacement regulation would: (i) address the growing concern of ground water contamination generated by septic systems; (ii) provide greater clarity by describing "areas of concern" that invoke stricter standards; (iii) provide for a time period for undeveloped lots to come within current standards over a period of time; (iv) provide language to permit unpermitted systems; and (v) provide maintenance standards for conventional and non-conventional systems. Public hearings were held on 7, 8 and 9 December 2004. Comments were due 9 December. Staff reports that NMED is currently reviewing comments received. An updated draft of the document may be found online at <http://www.nmenv.state.nm.us/fod/LiquidWaste/LWDR.latest.draft.pdf>. For additional information, please contact Geraldine Madrid-Chavez at (505) 827-2425.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**(NEW) NM Environment Department Departmental Discussion: New Regulation to Address**

**Airborne Dust.** NMED is discussing the possibility of adding a dust regulation to its air quality regulations. The regulation could apply to sources such as construction activities, unpaved roads and parking lots, agricultural activities and materials storage and handling. The Department held a public meeting to solicit comments regarding the possible regulation on 2 December 2004. Staff reports that NMED plans to organize a stakeholder workgroup in early 2005 and that NMED might have draft regulatory language available in early 2005. For additional information, please contact Andy Berger at (505) 955-8034.

**CREO Comment:** NMED has been informed that the US Army wishes to participate in any stakeholder workgroup that is formed.

**(UPDATE) NM Environment Department Draft Amendments: Plans for State Delegation for the**

**NPDES Permit Program.** The Department is proposing to seek state delegation for the National Pollution Discharge System (NPDES) permit program from EPA. The NPDES permit program is authorized by the federal Clean Water Act to control water pollution through regulation of point sources that discharge pollutants into waters of the United States. Delegation of the program will allow New Mexico to take authority over the quality of its water resources rather than deferring to the federal government. The Department held public meeting 24 May 2004. Interested parties were invited to attend. During the May 2004 meeting, many parties expressed interest in attending another meeting specifically geared toward construction stormwater permit holders and their concerns. The Department held informational meetings 21 July 2004 in Santa Fe and 22 July 2004 in Las Cruces in response to those requests. The Department has released on their website a draft of the proposed changes to the Water Quality Act for the purpose of assuming the NPDES Permit Program (please refer to the link in the summary above). The amendments are expected to be introduced at the Legislature's interim session. The Department must have a primacy package to the EPA by 2006. This includes regulations, and a plan for implementation. Due to time constraints, the Department expects that rather than having stakeholders design the primacy regulations, the state will more likely write a draft plan and open it for public comment. An advisory group composed of selected

representatives has been meeting to work on the regulations. The group was scheduled to meet again on 20 December 2004. Further information on the delegation process is available at <http://www.nmenv.state.nm.us/swqb/NPDES/index.html>. For additional information, please contact Marcy Leavitt at (505) 827-2918.

**(UPDATE) NM Environment Department Water Quality Planning Final List: Amendment to the 2004 Integrated 303(d)/305(b) List of Assessed Surface Waters.** The Department has finalized changes to its 2004 303(d) List that was approved by Water Quality Control Commission in June 2004. NMED has issued the proposal for the purpose of soliciting public comment on changes to the Sedimentation/Siltation listings in the San Juan River Basin and changes to Nutrient/Eutrophication Biological Indicators in the Mora River. Staff reports that EPA approved the changes in early December 2004. The final changes are available at [http://www.nmenv.state.nm.us/wqcc/303d-305b/2004/FinalDraft/AppendixB/ProposedC changes-2004\\_IntegratedListEntries-Mora+SanJuanRivers.pdf](http://www.nmenv.state.nm.us/wqcc/303d-305b/2004/FinalDraft/AppendixB/ProposedC%20changes-2004_IntegratedListEntries-Mora+SanJuanRivers.pdf). For additional information, please contact Lynette Guevara at (505) 827-2904.

**(UPDATE) NM Environment Department Departmental Discussion: Ozone Levels in San Juan County.** NMED is discussing the potential need for a management plan for ozone in San Juan County. Monitoring stations in San Juan County that measure ozone have measured concentrations that approach one of the federal health-based standards. These measurements were unexpectedly high for a rural area. If ozone concentrations in San Juan County exceed the federal ozone standards, the Department would have to implement a plan to reduce air pollution in order to protect public health. NMED is focusing resources to determine causes and solutions to this problem so that the ozone concentrations in San Juan County will not increase. The voluntary emissions reduction program stakeholders group held an initial conference call on 24 May 2004. The Task Force sought task force member comment on the New Mexico Environment Department's Voluntary Program for Emissions Reductions in San Juan County. The Task Force specifically solicited comments on a Memorandum of Understanding created to formalize agreements between participating companies and the Department. The Task Force held a general meeting 2 December 2004 to discuss updates to the San Juan County Early Action Compact. The New Mexico Environmental Improvement Board approved the incorporation of the Clean Air Action Plan into the State Implementation Plan at a 9 December 2004 meeting. The revision will not include enforceable emissions control measures. Staff reports that the Department will submit the revision to USEPA by the end of 2004. For additional information, please contact Andy Berger at (505) 955-8034.

[\[Top\]](#)

## OKLAHOMA

## Legislative/Regulatory Activity

**Note:** State of Oklahoma legislature will convene from 7 February to 27 May 2005 for regular session. An organizational session will be held on 4 January 2005.

### STATE OF OKLAHOMA PROPOSED RULE

**(NEW) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Increase Annual Operating Fees for Hazardous Air Pollutants and Updates to the State Toxics Program (OAC 252:100-5 And OAC 252:100-41).** ODEQ has proposed amendments to its air quality regulations that will increase annual operating fees for stationary sources that emit hazardous air pollutants, toxic air contaminants and volatile organic compounds. The amendments will revise the state air toxics program and will relocate state-only requirements for emissions from stationary sources to a new Subchapter 42. The proposed effective date for the new Subchapter 42 is 1 October 2005. If the Department does not receive necessary funding, it will revoke Subchapter 42 before the effective date and maintain the current program in Subchapter 41. The Department will hold a public hearing before the Air Quality Council on 19 January 2005. Comments are due 12 January 2005. The Department will bring the proposal before the Environmental Quality Board 4 March 2005. For additional information, please contact Morris Moffett at (405) 702-4100.

**(NEW) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Updates to Water Quality Permitting Standards (OAC 252:4-7-73, 252:4-7-74, 252:606-1-4, 252:611-1-3).** ODEQ is proposing amendments to its water quality permitting and general water quality standards. The amendments will revise permit procedural rules to add permit categories that were inadvertently omitted from the

permit process regulations. The amendments will also update the Oklahoma Pollutant Discharge Elimination System (OPDES) standards to incorporate by reference federal changes as of 1 July 2004. Additionally, the amendments will update the general water quality regulations to incorporate by reference federal changes as of 1 July. The Department will hold a public hearing before the Water Quality Division on 18 January 2005. Comments are due 14 January 2005. The Department will bring the proposal before the Environmental Quality Board 4 March 2005. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

**(NEW) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Requirements for Non-industrial Wastewater (OAC 252:619, 252:621-1-1).**

The Department has proposed amendments to its non-industrial wastewater rules to consolidate all of the rules for non-industrial total retention lagoon systems into a new Chapter 619. The amendments will also adopt revisions in Chapter 621 that will be applicable to non-industrial flow-through impoundments and public water supply impoundments. The revisions will also apply to the land application of wastewater from these impoundments. ODEQ will hold a public hearing before the Water Quality Division on 18 January 2005. Comments are due 14 January 2005. The Department will bring the proposal before the Environmental Quality Board 4 March 2005. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

**(NEW) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Water Pollution Control Facility Requirements (OAC 252:656).** ODEQ has proposed amendments to its water pollution control facility construction regulations to revise the procedures for wastewater treatment and collection system construction. The amendments will also clarify requirements associated with construction at water pollution control facilities. The Department will hold a public hearing before the Water Quality Division on 18 January 2005. Comments are due 14 January 2005. ODEQ will bring the proposal before the Environmental Quality Board 4 March 2005. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

**(NEW) OK Department Of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Water Quality Standards Implementation Rules (OAC 252:690-3).** ODEQ has proposed amendments to its regulations that implement state water quality standards. The amendments will update the incorporation by reference of federal rules as of 1 July 2004 and also revise the 7Q2 calculation procedure as well as revise background and ammonia monitoring requirements. Additionally, the amendments will make revisions to the requirements for Whole Effluent Toxicity testing. The Department will hold a public hearing before the Water Quality Division on 18 January 2005. Comments are due 14 January 2005. ODEQ will bring the proposal before the Environmental Quality Board 4 March 2005. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

**(NEW) OK Water Resources Board Proposed Regulation Published 15 December 2004: Amendments to Water Quality Standards Implementation Regulations (OAC 785:46).** The Board has proposed amendments to its water quality standards implementation regulations. The amendments will make a variety of changes, some of which include: revisions to testing procedures to allow additional practices; the addition of references for chlorides, sulfates, and total dissolved solids criteria; and revisions to the requirements for the determination of whether a beneficial use for a waterbody is supported. The Board will hold a public hearing 21 January 2005. Comments are due on that day. *For additional information, please contact Derek Smithee at (405) 530-8800.*

**(NEW) OK Department of Environmental Proposed Regulation Published 11 December 2004: Revisions to the Hazardous Waste Regulations through the Adoption of Federal Amendments (OAC 252:205-3-1).** ODEQ has proposed amendments to its hazardous waste regulations. The amendments will update the incorporation by reference of the federal regulations. The amendments will incorporate the regulations as of 1 July 2004 and will include a revision to the used oil management standards. ODEQ will hold a public hearing 11 January 2005 with comments are due on that day The Department plans to bring the amendments before the Environmental Quality Board on 4 March 2005. *For additional information, please contact Gail Hamill at (405) 702-5100.*

**(UPDATE) OK Department of Environmental Quality Proposed Rule Published 15 June 2004: Minor Correction to a Reference Error For PSD Requirements (OAC 252:100-3, 252:100-7).** ODEQ has proposed a rulemaking that will make a minor amendment to Section 3-4 of Subchapter 3. The amendment will correct an error in a reference to the Prevention of Significant Deterioration requirements that were moved from Part 5

of Subchapter 7 to Part 7 of Subchapter 8. The regulations received gubernatorial approval on 6 October 2004. The proposed changes to Subchapter 3 and Subchapter 7 are available at [http://www.deq.state.ok.us/AQDnew/proposedrules/jul04/sc3\(6-15-04\).pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jul04/sc3(6-15-04).pdf) [http://www.deq.state.ok.us/AQDnew/proposedrules/jul04/sc7\(6-15-04\).pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jul04/sc7(6-15-04).pdf). For additional information, please contact Scott Thomas at (405) 702-4100.

**(UPDATE) OK Department of Agriculture, Food And Forestry Proposed Regulation Published 1 September 2004: Repeal of Restricted Zones for the Application of Hormone Type Pesticides (OAC 35:30-17-31 through 35:30-17-53).** The Department has proposed the repeal of the regulations that allow establishment of restricted areas for the application of hormone type pesticides. The current regulations restrict the application of hormone type pesticides in certain areas without a special permit. The Department of Agriculture is proposing the repeal of the regulations due to the passage of House Bill 2402 in the 2004 legislative session that revokes the Department's authority to establish the restricted areas. These regulations were submitted for gubernatorial and legislative review 25 October 2004. For additional information, please contact Teena Gunter at (405) 522-4576.

**(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Review Of Industrial Wastewater Systems Regulations (OAC 252:616).** ODEQ has convened a workgroup to review and possibly revise the regulations for industrial surface impoundments and for the land application of industrial sludge and wastewater. The Department has proposed an initial round of amendments based on the regulation review. These amendments will revise the language of the regulation for clarity and for consistency with other rules. The amendments will also prohibit the land application of industrial sludge in scenic river basins and add requirements for the use of Class III wastewater for dust suppression. A workgroup meeting was scheduled for 16 December 2004. The Department will hold a hearing on the proposed changes on 18 January 2005 with comments due on 14 January. For additional information, please contact Shellie Chard McClary at (405) 702-8154.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**OK Department of Environmental Quality, Air Quality Council Meeting.** Topics to be discussed include Subchapter 5, to increase the operating fees collected from sources that emit VOCs, HAPs and/or Toxic Air Contaminants as defined in Subchapter 41; partitioning Subchapter 41 into 2 subchapters, Control Of Emission Of Hazardous Air Pollutants And Toxic Air Contaminants to clarify and modify state only requirements for emission stationary source standards and relocate these standards to Subchapter 42, Control Of Toxic Air Pollutants (TAPS), Appendix O, Toxic Air Pollutants Ambient Air Concentration Standards (TAP AACS). Subchapter 41 will contain the federal standards for HAPs and asbestos. Subchapter 42 the state air toxics program. The meeting will be held on 19 January 2005 in Oklahoma City, Oklahoma. For additional information, please contact Scott Thomas at (405) 702 4100.

**(NEW) OK Department of Environmental Quality Draft Report: TMDLs for the Fort Cobb Watershed.** The Department has issued a draft report on plans to restore water quality in the Fort Cobb watershed. The report evaluates the potential impacts of excess nutrients, suspended solids, siltation, turbidity and pesticides on the beneficial uses of Cobb Creek, Lake Creek, Willow Creek, Fivemile Creek and Fort Cobb Lake in the watershed. The report recommends a 65% reduction in phosphorus loading to Fort Cobb Lake as well as turbidity reductions for Lake Creek. ODEQ will hold a public meeting to discuss the report and receive comments on 13 January 2005. The comment period opened 1 December 2004 and comments are due 25 February 2005. The draft report is available at <http://www.deq.state.ok.us/WQDnew/ftcobb/tmdlldrft.pdf>. For additional information, please contact Steve Webb at (405) 702-8195

**(UPDATE) OK Department Of Environmental Quality Proposed SIP Revisions: Attainment of the 8-Hour Ozone Standard in OK.** ODEQ has proposed early State Implementation Plan (SIP) submittals for Oklahoma City and Tulsa to address attainment of the 8-hour ozone standard in Oklahoma. The early SIP submittal would be the result of a local EAC. The EAC concept allows an area to defer on official designation of non-attainment for ozone if an early approvable SIP is submitted. The Department held a public hearing on the Oklahoma City SIP submittal on 30 November 2004. Comments on the Oklahoma City SIP submittal were due on that day. The Department then held a public hearing on the Tulsa SIP submittal on 1 December 2004. Comments on the Tulsa SIP submittal were due on that day. Staff reports that ODEQ plans to submit the revisions to USEPA by the end of 2004. The proposed Oklahoma City and Tulsa SIP submittals are available at [http://www.deq.state.ok.us/AQDnew/whatsnew/SIP/EAC\\_SIP.htm](http://www.deq.state.ok.us/AQDnew/whatsnew/SIP/EAC_SIP.htm). For additional information, please contact Leon

Ashford at (405) 702-4173.

[\[Top\]](#)

**Note:** State of Texas legislature will convene from 11 January to 30 May 2005 for regular session.

## STATE OF TEXAS PROPOSED LEGISLATION

(NEW) **Texas H.B. 116 - Land Use.** Texas H.B. 116 establishes a program to provide grants to make voluntary purchases of development rights in real property including land for open spaces. Prospects for consideration are uncertain. The sponsor is a member of the majority party, but this bill is a pre-file and has not yet been referred to a committee. The Texas Legislature has not yet established committee assignments for the upcoming session. The bill was pre-filed on 15 November 2004. To view the bill, please go to <http://www.capitol.state.tx.us/tlo/79R/billtext/HB00116I.HTM>. Sponsor: Representative Charlie Geren (R)

(NEW) **Texas H.B. 217 - Noise Pollution.** Texas H.B. 217 gives authority to certain counties to enact noise regulations. Prospects for consideration of this bill are uncertain. The sponsor is a member of the minority party. This measure was prefiled on 14 December 2004 and has not yet been referred to the appropriate committee of jurisdiction. Additional information regarding its outlook will be available at the beginning of the 2005 legislative session. To view the bill, please go to <http://www.capitol.state.tx.us/tlo/79R/billtext/HB00217I.HTM>. Sponsor: Representative Kevin Bailey (D)

**CREO Comment:** This bill applies to counties with a population over 3.3 million.

(NEW) **Texas S.B. 123 - Air, Air Pollution Prevention.** This bill was prefiled 20 December 2004 and pertains to air quality control measures pursuant to an early action compact. Prospects for consideration are uncertain. The sponsor is a member of the majority party. This measure is a prefiled bill and has not yet been referred to the appropriate committee of jurisdiction. To view the bill, please go to <http://www.capitol.state.tx.us/tlo/79R/billtext/SB00123I.HTM>. Sponsor: Senator Gonzalo Barrientos (D)

## STATE OF TEXAS FINAL RULE

**(Effective 23 December 2004) TX Commission on Environmental Quality Adopted Rule: Radionuclide Standards for Drinking Water (2004-038-290-WT) (30 TAC 290.108).** TCEQ has adopted revisions to Chapter 290 to incorporate the new maximum contaminant level for uranium in drinking water, and some new measurement provisions needed to comply with new rules promulgated by EPA. The changes include an MCL for uranium, which was not previously regulated under state law, and revisions to the monitoring requirements for combined radium-226 and radium-228, gross alpha particle radioactivity, and beta and photon radioactivity. The changes also revise the MCL for arsenic. This amendment does not include, nor does it address, management of materials resulting from drinking water treatment processes. Implementation issues are being discussed with utilities that may need to treat their drinking water and manage the resulting materials. The TCEQ adopted the proposal 1 December 2004 with an effective date of 23 December 2004. An updated version of the rule is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/04038290\\_adoCLEAN.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04038290_adoCLEAN.pdf). For additional information, please call Ray Henry Austin (512) 239-6814.

**(Effective 23 December 2004) TX Commission on Environmental Quality Adopted Rule: Repeal of Motor Vehicle Idling Limitations (2004-043-114-AI) (30 TAC 114.500 - 114.509).** TCEQ has adopted the repeal of motor vehicle idling limitations. The rulemaking repeals current rules that prohibit motor vehicles over 14,000 pounds from idling for more than 5 consecutive minutes within the Houston-Galveston Non-attainment area counties from 1 April to 31 October of each calendar year. The Houston-Galveston Non-attainment counties are Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties. TCEQ adopted the proposal 1 December 2004 with an effective date of 23 December 2004. An updated version of the rule is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/04043114\\_adoCLEAN.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04043114_adoCLEAN.pdf). For additional information, please call Debra Barber at (512) 239-0412.

**(Effective 23 December 2004) TX Commission on Environmental Quality Adopted Rule: Cap and Trade Rules for Highly Reactive Volatile Organic Compounds (2004-058-101-AI) (30 TAC 115).** The Commission adopted the implementation of a cap and trade program for HRVOCs that limit HRVOC emissions from regulated sources while the trade regulations allow sources to buy and sell allowances, which are the authorization to emit a fixed amount of a pollutant, on the open market. TCEQ is targeting implementation of the program for 2006. TCEQ adopted the proposal 1 December 2004 with an effective date of 23 December 2004. An updated draft of the proposal is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/04058101\\_adoCLEAN.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04058101_adoCLEAN.pdf). For additional information, please contact Cory Chisum at (512) 239-0539.

**(Effective 23 December 2004) TX Commission on Environmental Quality Final Regulation: Technical Corrections to Fugitive VOC Emission Rules (2004-052-115-AI) (30 TAC 115.352, 115.354-115.357, 115.359).** TCEQ adopted technical corrections to the rules that govern fugitive Volatile Organic Compound (VOC) emissions that include minor corrections to the language of the rule. Based on the request of an industry group, TCEQ also adopted language that would remove some of the general VOC rules to the sections of the regulations that pertain to HRVOCs. The rulemaking also removes certain record-keeping requirements from the general volatile organic fugitive emissions rules. TCEQ adopted the proposal 1 December 2004 with an effective date of 23 December 2004. An updated version of the rulemaking is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/04052115\\_adoCLEAN.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04052115_adoCLEAN.pdf). For additional information, please contact Alan Henderson at (512) 239-1510.

**(Effective 23 December 2004) TX Commission on Environmental Quality Final Regulation: Extension of NO<sub>x</sub> Emission Compliance Dates for Water Heaters (2004-076-117-AI) (30 TAC 117.460 and 117.465).** TCEQ has drafted a proposal that will extend the compliance dates for water heaters to meet NO<sub>x</sub> emissions limits. The compliance date for water heaters less than or equal to 50 gallons will be changed to 1 January 2006 and the compliance date for small water heaters greater than 50 gallons will be changed to 1 January 2007. The proposal will also exempt power-vent and direct-vent units from the water heater emissions standard of 10.0 nanogram per joule (ng/J) heat output limit. TCEQ adopted the proposal 1 December 2004 with an effective date of 23 December 2004. The final version of the proposal is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/04076117\\_adoCLEAN.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04076117_adoCLEAN.pdf). For additional information, please call Alan Henderson at (512) 239-1510.

**CREO Comment:** This regulation applies to manufacturers, distributors, retailers, and installers of water heaters, small boilers, and process heaters. Units of government, industry, and consumers who purchase water heaters will not be affected by the proposed amendments.

**(Effective 9 December 2004) TX Commission on Environmental Quality Final Regulation Published 30 July 2004: Implementation of Large Vehicle Idling Prohibitions in Certain Local Jurisdictions (2004-072-114-AI) (30 TAC 114.510-512, 114.517).** TCEQ has finalized regulations that allow implementation of idling limits for gasoline and diesel-powered engines in heavy-duty motor vehicles (vehicles with a gross vehicle weight rating over 14,000 lbs) within the jurisdiction of any local government that has signed a Memorandum of Agreement with TCEQ to delegate enforcement to that local government. In these jurisdictions, the regulation prohibits idling for longer than five consecutive minutes when the vehicle is not in motion between 1 April and 31 October 2004. TCEQ Commissioners approved the proposal 17 November with an effective date of 9 December 2004. The adopted version of the regulations is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/04072114\\_adoCLEAN.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04072114_adoCLEAN.pdf). For additional information, please call Joseph Thomas at (512) 239-4580.

**CREO Comment:** The DoD Regional Environmental Coordinator for Region 6 submitted comments to exempt U.S. military, National Guard and Reserve Forces vehicles. DoD comments requesting exemption for military vehicles were included in the adopted version.

**(Effective 9 December 2004) TX Commission on Environmental Quality Final Regulation Published 30 July 2004: Amendments to Reduce Ozone Precursors in San Antonio and Austin Early Action Compact Areas (2004-073-115-AI) (30 TAC 115.227, 115.229, 115.412, 115.413, 115.415-417,**

**115.419, 115.512, 115.516, 115.517, 115.519**). TCEQ has finalized amendments to Chapter 115 to reduce ozone precursors in the San Antonio EAC area and the Austin EAC area. The amendments are intended to enable the areas to attain and maintain the 8-hour ozone standard by 2007. The amendments lower exemption levels for motor vehicle fuel dispensing facilities subject to Stage 1 vapor recovery controls from 125,000 gallons to 25,000 gallons a month. The amendments also add the counties in the two EAC areas to those subject to control requirements for cold solvent cleaning, open-top vapor degreasing, and conveyORIZED degreasing. Additionally, the amendments add the counties in the two EAC areas to those subject to control requirements for cutback asphalt. The regulation is final, effective 9 December 2004. The adopted version of the amendments is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/04073115\\_adoClean.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04073115_adoClean.pdf). For additional information, please call Emily Barrett at (512) 239-3546.

**(Effective 18 November 2004) TX Commission on Environmental Quality Final Regulation: Emissions Reductions for Portable Fuel Containers (2004-033-115-AI) (30 TAC 115)**. TCEQ has finalized portable fuel container regulations. The regulations will set emissions reduction criteria for portable fuel containers sold in Texas after 1 January 2006. The regulations will limit emissions of VOCs through the use of portable fuel containers designed to minimize spillage and fugitive evaporative emissions. The regulations will also specify performance standards, testing requirements, and labeling requirements for portable fuel containers manufactured on or after 1 January 2006, for sale in Texas. The rules are final, effective 18 November 2004. The adopted version is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/04033115\\_ado.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04033115_ado.pdf). For additional information, please call Joseph Thomas at (512) 239-4580.

CREO Comment: This does not affect portable containers that are already owned.

**(Effective 18 October 2004) TX Commission on Environmental Quality Draft Plan: July 2004 Update to Water Quality Management Plan**. TCEQ has issued a draft July 2004 update of the Water Quality Management Plan (WQMP). The WQMP is developed and promulgated in accordance with the requirements of the federal CWA, Chapter 208. The July 2004 draft contains projected effluent limit updates. The Commission issued a final draft 7 September 2004. Staff reported that the draft was submitted to EPA with approval expected sometime in November 2004. Staff now reports that EPA approved this update on 18 October 2004. The final version of the update is available at [http://www.tnrcc.state.tx.us/permitting/waterperm/wqmp/july\\_04\\_final.pdf](http://www.tnrcc.state.tx.us/permitting/waterperm/wqmp/july_04_final.pdf). For additional information, please call Nancy Vignali at (512) 239-1303.

## STATE OF TEXAS PROPOSED RULE

**(NEW) TX Commission on Environmental Quality Proposed Regulation Published 3 December 2004: Amendments to Transportation Conformity Regulations for Consistency with Federal Changes (2005-002-114-AI) (30 TAC 114.260)**. The Commission has proposed amendments to its transportation conformity regulations. The amendments will incorporate by reference the 1 July 2004 federal changes. The changes include the application of conformity for one-hour non-attainment or maintenance areas until the effective date of revocation of the one-hour ozone National Ambient Air Quality Standard; for eight-hour attainment areas with or without Motor Vehicle Emission Budgets; for PM<sub>2.5</sub> non-attainment and maintenance areas; for areas with limited maintenance plans; and for areas with insignificant motor vehicle emissions. TCEQ held a public hearing on the proposed amendments 21 December 2004. Comments are due 3 January 2005. The draft amendments are available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/proposals/05002114\\_pro-clean.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/05002114_pro-clean.pdf). For additional information, please contact Debra Barber (512) 239-0412.

**(NEW) TX Commission on Environmental Quality Proposed Regulation: Revisions to NO<sub>x</sub> Rule to Implement Increment of Progress Control Measures (2005-004-117-AI) (30 TAC 117)**. TCEQ has proposed amendments to its regulations that govern NO<sub>x</sub> emissions. The amendments will revise NO<sub>x</sub> control measures on lean-burn and rich-burn internal combustion engines in order to meet EPA requirements for the NO<sub>x</sub> portion of the 5% Increment of Progress State Implementation Plan revision in the Dallas/Fort Worth Ozone Non-attainment area. The amendments will also clarify requirements for businesses that meter and monitor NO<sub>x</sub> emissions in ozone non-attainment areas. TCEQ will hold public hearings 3, 4 and 5 January 2005. Comments are due 6 January 2005. The proposed amendments are available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/proposals/05004117\\_pro.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/05004117_pro.pdf). For additional information, please contact Emily Barrett (512) 239-3546.

**(UPDATE) TX Commission on Environmental Quality Draft Regulation: Revisions to VOC Rules for**

**the Dallas/Fort Worth Non-attainment Area (2005-005-115-AI) (30 TAC 115.10, 115.229 and 115.429).** The Commission has proposed amendments to its regulations the control pollution from VOCs. The revisions will expand VOC control requirements for the Dallas/Fort Worth non-attainment area to include all counties. The revisions will require operators of fuel dispensing facilities in Ellis, Johnson, Kaufman, Parker and Rockwall counties that dispense between 10,000 and 125,000 gallons of gasoline in a month to implement Stage I vapor recovery controls. The revisions will also require operators of surface coating facilities in Ellis, Johnson, Kaufman, Parker and Rockwall counties to implement VOC emissions control measures. TCEQ will hold public hearings 3, 4, and, 5 January 2005. Comments are due 6 January 2005. Updated amendments are available at [http://www.tnrc.state.tx.us/oprd/rule\\_lib/proposals/05005115\\_proCLEAN.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/proposals/05005115_proCLEAN.pdf). For additional information, please contact Emily Barrett (512) 239-3546.

**(UPDATE) TX Commission on Environmental Quality Proposed and Adopted SIP Revision: Early Action Compact Plans.** TCEQ is proposing revisions to the SIP that incorporates Early Action Compact Plans submitted to the Commission at the end of March 2004. The plans are for the three near-non-attainment areas of Austin-San Marcos, San Antonio, and Northeast Texas. These three areas each entered into an EAC with the Commission and EPA, and committed to developing Clean Air Action plans for the attainment and maintenance of the 8-hour ozone standard within the areas. The Commission adopted the revisions 17 November 2004. Submission of SIP Revision to EPA is expected 31 December 2004. The EAC plans for the Austin, San Antonio and Northeast Texas areas are available at [http://www.tnrc.state.tx.us/oprd/sips/AUS\\_EAC\\_032904.pdf](http://www.tnrc.state.tx.us/oprd/sips/AUS_EAC_032904.pdf), [http://www.tnrc.state.tx.us/oprd/sips/SA\\_EAC\\_ExecSum\\_033104.pdf](http://www.tnrc.state.tx.us/oprd/sips/SA_EAC_ExecSum_033104.pdf), and [http://www.tnrc.state.tx.us/oprd/sips/NET\\_EAC\\_033104.pdf](http://www.tnrc.state.tx.us/oprd/sips/NET_EAC_033104.pdf). For additional information, please contact Heather Evans at (512) 239-1970

**(UPDATE) TX Commission on Environmental Quality Draft Regulation: Technical Corrections to Fugitive VOC Emission Rules (2004-052-115-AI) (30 TAC 115.352, 115.354-115.357, 115.359).** TCEQ is preparing technical corrections to the rules that govern fugitive VOC emissions. The technical corrections would include minor corrections to the language of the rule. Based on the request of an industry group, the Commission also plans to propose language that would remove some of the general VOC rules to the sections of the regulations that pertain to HRVOC. The rulemaking would also remove certain record-keeping requirements from the general volatile organic fugitive emissions rules. TCEQ is scheduled to review the rules on 1 December 2004. An updated version of the rulemaking is available at [http://www.tnrc.state.tx.us/oprd/rule\\_lib/adoptions/04052115\\_ado.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/04052115_ado.pdf). For additional information, please contact Alan Henderson at (512) 239-1510.

**(UPDATE) TX Commission on Environmental Quality Proposed Revisions: Amendments to Regulations on Graywater Use (2003-056-317-WT) (30 TAC 210, 30 TAC 285).** TCEQ has proposed amendments to its regulations that govern graywater use. The amendments will implement House Bill 2661, passed by the 78th Legislature in 2003. The amendments will expand the definition of graywater as well as establish criteria for the use of graywater for irrigation and other agricultural purposes, commercial purposes, industrial purposes and institutional purposes and will also add requirements for installers and for design engineers of wastewater systems. TCEQ approved the regulations 15 December 2004. The scheduled effective date is 6 January 2005. The adopted version of the amendments for sections 210, 285 and 317 are available at [http://www.tnrc.state.tx.us/oprd/rule\\_lib/adoptions/03056210\\_ado-clean.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/03056210_ado-clean.pdf), [http://www.tnrc.state.tx.us/oprd/rule\\_lib/adoptions/03056285\\_ado-clean.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/03056285_ado-clean.pdf), and [http://www.tnrc.state.tx.us/oprd/rule\\_lib/adoptions/03056317\\_ado-clean.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/03056317_ado-clean.pdf). For additional information, please call Kathy Ramirez at (512) 239-6757.

**(UPDATE) TX Commission on Environmental Quality Draft Regulation: Adoption of Federal Changes for Public Water Systems (2004-087-290-WT) (30 TAC 290.272 - 290.275).** TCEQ has drafted amendments to its requirements for community public water systems. The amendments will incorporate federal changes for notification and reporting requirements. The amendments will require community public water systems to notify customers annually regarding maximum residual disinfectant level requirements and regarding violations of drinking water contaminant levels for arsenic, lead, copper, turbidity and disinfection byproducts. The amendments will also require public water systems to notify TCEQ annually regarding their compliance with these requirements. Additionally, the amendments will grant the executive director authority to allow systems that serve less than 500 people to notify customers of drinking water quality by posting a notice rather than by mailing notice to each customer. TCEQ approved the regulations 15 December 2004. The scheduled effective date is 6 January 2005. An adopted version of the proposal is available at [http://www.tnrc.state.tx.us/oprd/rule\\_lib/adoptions/04087290\\_adoCLEAN.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/04087290_adoCLEAN.pdf). For additional information, please contact Ray Henry Austin at (512) 239-6814.

(UPDATE) **TX Commission on Environmental Quality Draft Regulation: Amendments to Stage I and Stage II Vapor Recovery Rules (2005-001-115-AI) (30 TAC 115)**. TCEQ has drafted amendments to its Stage I and Stage II Vapor Recovery regulations. The amendments make minor revisions to the regulations to allow for the use of new technologies. The amendments specify that those regulated may use equipment and systems certified by third parties in addition to those certified by the California Air Resources Board. The Commissioners approved the draft on 17 November 2004. A public hearing is tentatively scheduled for 3 January 2005. The tentative comment due date is 3 January 2005. The draft is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/proposals/05001115\\_pro.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/05001115_pro.pdf). For additional information, please contact Joseph Thomas (512) 239-4580.

(UPDATE) **TX Commission on Environmental Quality Proposed Regulation: Consideration of Amendments to Compliance Dates for Low Emission Diesel Standards (2005-008-114-AI) (30 TAC §§114.312 - 114.319)**. TCEQ has been prompted by a 3rd party petition requesting the extension of compliance dates for low emission diesel fuel standards to recommend revisions to its low emission diesel rules. TCEQ will recommend that the Commissioners grant the petition with some revisions and will recommend delaying the effective date for compliance for diesel fuel that may ultimately be used to power a diesel-fueled compression-ignition engine in a motor vehicle or in non-road equipment from 1 April 2005 to 1 October 2005. TCEQ will also recommend the addition of language to clarify what constitutes "adequate enforcement provisions" for the alternative emission reduction plans allowed by the rules. TCEQ will further recommend the use of new nitrogen oxide reduction calculation models developed by EPA to determine whether an alternative diesel fuel formulation is equivalent to the Texas Low Emission Diesel standards. The Commission approved the proposal 15 December 2004. TCEQ will hold a public hearing 18 January 2005. Comments are due on that day. The proposal is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/proposals/05008114\\_proCLEAN.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/05008114_proCLEAN.pdf). For additional information, please call Clifton Wise at (512) 239-2263.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

(UPDATE) **TX Commission on Environmental Quality Proposed Report: Water Quality Inventory And 303(d) List**. TCEQ has submitted portions of its 2004 Draft Water Quality Inventory and 303(d) List report for public comment. The Commission is soliciting comments on: (1) any new information contained in its 2004 Assessments of Individual Water Bodies; (2) categories assigned to parameters where new information has caused the category to change; (3) guidance changes indicated as new and not implemented previous to 2004; and (4) TMDL ranking. The Commission planned to issue a revised draft for public review and comment in late April 2004 but the revised draft has been delayed. TCEQ has posted a revised draft of the list and accepted comments on it through 23 December 2004. TCEQ reviewed the regulations at its 1 December 2004 meeting. An updated draft of the proposal is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/04058101\\_ado.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04058101_ado.pdf). For additional information, please call Patrick Roques at (512) 239-4604.

**Withdrawal of Direct Final Rule, Approval and Promulgation of Implementation Plans; Texas**. On 29 October 2004 (see 69 FR 63066), EPA published a direct final rule approving incorporation of a Memorandum of Agreement between the Texas Commission on Environmental Quality and the North Central Texas Council of Governments into the Texas SIP. The direct final action was published without prior proposal because EPA anticipated no adverse comment. EPA stated in the direct final rule that if EPA received adverse comment by 29 November 2004 EPA would publish a timely withdrawal in the Federal Register. EPA subsequently received a timely adverse comment on the direct final rule. Therefore, EPA is withdrawing the direct final approval. EPA will address the comment in a subsequent final action based on the parallel proposal also published on 29 October 2004 (69 FR 63112). As stated in the parallel proposal, EPA will not institute a second comment period on this action. For additional information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2004/December/Day-17/a27655.htm>.

[Top]

## REGION 7 STATE ACTIVITY

### Regulatory & Legislative Web Sites

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

## IOWA

## Legislative/Regulatory Activity

**Note:** State of Iowa legislature will convene from 10 January to late April 2005 for regular session.

### STATE OF IOWA FINAL RULES

**(Effective 15 December 2004) IA Department of Natural Resources (IDNR) Final Regulation: Water Quality Standards (567 IAC 61).** IDNR finalized a rulemaking to amend the cold water aquatic life use designation and to adopt a protocol for assessing and designating water bodies for cold water aquatic life uses. The Environmental Protection Commission (EPC) approved a Notice of Intended Action regarding proposed rulemaking to amend the State's cold water aquatic life use designation and to adopt a protocol for assessing and designating water bodies for cold water aquatic life uses at its meeting 15 March 2004. The rule was effective 15 December 2004. *For additional information, please contact Chuck Corell at (515) 281-8448.*

### STATE OF IOWA PROPOSED RULES

(UPDATE) **IA Department of Natural Resources Proposed Rule: Special Requirements for Visibility Protection, BART (Chapter 22).** IDNR is proposing regulations to identify stationary sources of air pollution potentially subject to the Best Available Retrofit Technology (BART) emission control requirements. The department has been meeting with a representative group of potential BART-eligible sources regarding the BART requirements and the timeline mandated by the federal regulations for implementation. Currently, the department anticipates this rule will impact emission units at approximately 40 facilities. An informational meeting was scheduled for 9 December 2004. A public hearing is scheduled for 10 January 2005. Written comments are due 14 January 2005. The document can be viewed at <http://www.iowadnr.com/epc/04oct/14.pdf>. *For additional information, please contact Chad Daniel at (515) 242-6494.*

(UPDATE) **A Department Of Natural Resources Draft Regulation: New Source Review Reform Regulations.** The Department is discussing the New Source Review Reform regulations. The rulemaking will include 6 major areas: (1) plant-wide applicability limits (PALs); (2) clean unit test; (3) pollution control project exclusion; (4) actual emissions baseline; (5) actual-to-projected actual tests; and (6) routine maintenance, repair and replacement. Staff went before the Environmental Protection Commission at their 20 December 2004 meeting. To view the workgroup product, please go to <http://www.iowadnr.com/air/prof/const/nsrreform.html>. *For additional information, please contact Jim McGraw at (515) 242-5167.*

### OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **IA Department of Natural Resources: Amendment to Protected Waters Rule (Chapter 53).** The Department is planning revisions to the protected waters rules. The rule describes the purpose and procedures

for designating specific surface water and groundwater sources as protected sources. This includes the special information that may be required of applicants for permits to withdraw water from such sources and conditions that may be applied to approved permits. Those protected sources so designated are also listed. Staff was scheduled to introduce the rulemaking to the Environmental Protection Commission at their 20 December 2004 meeting. *For additional information, please call Chuck Corell (515) 281-8448.*

**(UPDATE) IA Department of Natural Resources Departmental Discussion: Emissions Standards for Contaminants (567 IAC 23).** IDNR is discussing a rule to amend the emissions standards for contaminants for the controlled burning of demolished buildings. The following changes to the current exemption for controlled burning of a demolished building are proposed: (1) Decrease the number of demolished buildings that can be burned within a 0.6 mile radius within the city limits from three burns in three years to one burn per calendar year; (2) Add a two year record retention period for burns conducted within the city limits; (3) Allow cities to establish a site outside of the city limits for demolished building burns. The burn site must have controlled access and be supervised at all times by city staff. The site must be at least 0.6 mile away from any uninhabited building. The city may burn up to 1700 square feet of building material per day between the hours of 6 a.m. and 6 p.m.; (4) Establish record keeping requirements and a two year record retention period for demolished building burns conducted outside of the city limits; and (5) Add landscape waste and residential waste to the list of materials that may not be burned in the controlled burn of a demolished building. An informational meeting was held 15 December 2004. A public hearing will be held on 10 January 2005. The public comment period on the proposed rules will close on 17 January 2005. The draft is available online at <http://www.iowadnr.com/epc/04aug16/7.pdf> and <http://www.iowadnr.com/epc/04nov/14.pdf>. *For additional information, please call Jim McGraw at (515) 242-5167.*

**(UPDATE) IA Department of Natural Resources Departmental Discussion: 2004 303(d) List.** IDNR is drafting their 2004 303(d) list of impaired waters. Under section 303(d), states, territories, and authorized tribes are required to develop lists of impaired waters. These impaired waters do not meet water quality standards that states, territories, and authorized tribes have set for them, even after point sources of pollution have installed the minimum required levels of pollution control technology. The law requires that these jurisdictions establish priority rankings for waters on the lists and develop TMDLs for these waters. The Department hoped to have a draft ready for public comment by April, July, and September 2004. IDNR staff hoped to have a draft available December 2004. *For additional information, please call Chris Van Gorp at (515) 281-4791.*

**(UPDATE) IA Department of Natural Resources Departmental Discussion: 2005 TMDL Development Schedule.** The Department is discussing their 2005 TMDL Schedule. The following TMDLs are scheduled for development in 2005: (1) Big Sioux River, segment IA 06-BSR-0010\_2 for pathogens; (2) Big Sioux River, segment IA 06-BSR-0010\_3 for pathogens; (3) Big Sioux River, segment IA 06-BSR-0010\_4 for pathogens; (4) Black Hawk Creek, segment IA 02-CED-0370\_1 for pathogens; (5) Carter Lake, segment IA 06-WEM-00265-L for algal growth/Chlorophyll a; (6) Carter Lake, segment IA 06-WEM-00265-L for pathogens; (7) Carter Lake, segment IA 06-WEM-00265-L for priority organics; (8) Cedar River, segment IA 02-CED-0030\_2 for nitrates; (9) Central Park Lake, segment IA 01-MAQ-01580-L for noxious aquatic plants; (10) Central Park Lake, segment IA 01-MAQ-01580-L for nutrients; (11) Central Park Lake, segment IA 01-MAQ-01580-L for siltation; (12) Five Island Lake, segment IA 04-UDM-03850-L for organic enrichment/low dissolved oxygen; (13) Five Island Lake, segment IA 04-UDM-03850-L for suspended solids; (14) Indian Lake, segment IA 04-LDM-00150-L for noxious aquatic plants; (15) Indian Lake, segment IA 04-LDM-00150-L for organic enrichment/low dissolved oxygen; (16) Lacey Keosauqua Lake, segment IA 04-LDM-00160-L for turbidity; (17) Lake Cornelia, segment IA 04-UDM-02290-L for suspended solids; (18) Lake Smith, segment IA 04-EDM-00610-L for noxious aquatic plants; (19) Littlefield Lake, segment IA 05-NSH-00675-L for siltation; (20) Maquoketa River, segment IA 01-MAQ-0060\_1 for pathogens; (21) Spring Lake, segment IA 04-RAC-00805-L for noxious aquatic plants; (22) Springbrook Lake, segment IA 04-RAC-02220-L for nutrients; (23) Springbrook Lake, segment IA 04-RAC-02220-L for siltation; (24) Trumbull Lake, segment IA 06-LSR-02450-L for algal growth/Chlorophyll a; (25) Trumbull Lake, segment IA 06-LSR-02450-L for turbidity; (26) Volga River, segment IA 01-VOL-0010\_1 for pathogens; (27) Williamson Pond, segment IA 04-LDM-01995-L for organic enrichment/low dissolved oxygen; and (28) Williamson Pond, segment IA 04-LDM-01995-L for turbidity. Staff has not begun discussions, but plans are to have the TMDLs completed by 15 December 2005. *For additional information, please call Chris Van Gorp at (515) 281-4791.*

**(UPDATE) IA Department of Natural Resources Department Discussion: 2006 TMDL Schedule.** IDNR is discussing their 2006 TMDL Schedule. The following TMDLs are scheduled for development in 2006: (1) Badger Lake, segment IA 04-UDM-03395-L for organic enrichment/low dissolved oxygen; (2) Badger Lake, segment IA 04-UDM-03395-L for siltation; (3) Big Creek Lake, segment IA 04-UDM-0140-L for nutrients; (4) Big Creek Lake, segment IA 04-UDM-0140-L for siltation; (5) Black Hawk Creek, segment IA 02-CED-0370\_2 for causes unknown; (6)

Des Moines River, segment IA 04-LDM-0040\_1 for pathogens; (7) Des Moines River, segment IA 04-LDM-0040\_2 for pathogens; (8) Des Moines River, segment IA 04-LDM-0040\_3 for pathogens; (9) Des Moines River, segment IA 04-UDM-0010\_2 for nitrate; (10) Des Moines River, East Branch, segment IA 04-EDM-0010\_1 for pathogens; (11) Little Wall Lake, segment IA 03-SSK-00360-L for algal growth/Chlorophyll a; (12) Manteno Park Pond, segment IA 06-BOY-00263-L for nutrients; (13) Manteno Park Pond, segment IA 06-BOY-00263-L for siltation; (14) Mississippi River, segment IA 01-NEM-0010\_4 for organic enrichment/low dissolved oxygen; (15) North Raccoon River, segment IA 04-RAC-0040\_1 for pathogens; (16) North Raccoon River, segment IA 04-RAC-0040\_5 for pathogens; (17) North Raccoon River, IA 04-RAC-0040\_6 for pathogens; (18) Ottumwa Lagoon, segment IA 04-LDM-00215-L for algal growth/Chlorophyll a; (19) Ottumwa Lagoon, segment IA 04-LDM-00215-L for priority organics; (20) Ottumwa Lagoon, segment IA 04-LDM-00215-L for turbidity; (21) Raccoon River, segment IA 04-RAC-0010\_1 for nitrates; (22) Raccoon River, segment IA 04-RAC-0010\_1 for pathogens; (23) Raccoon River, segment IA 04-RAC-0010\_2 for pathogens; and (24) Raccoon River, segment IA 04-RAC-0010\_2 for nitrates. Staff has not begun discussions, but plans to have the TMDLs developed by 15 December 2006.

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

**Camp Creek TMDL:** The IDNR has drafted a TMDL for unknown causes. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04campcreek.html>

**Cedar Lake TMDL:** The IDNR has drafted a TMDL for nitrates. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04cedarlake.html>

**Clear Lake TMDL:** The IDNR has drafted a TMDL for algal growth/Chlorophyll a and nutrients. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04clearlake.html>

**Don Williams Lake TMDL:** The IDNR has drafted a TMDL for organic enrichment/low dissolved oxygen and siltation. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04donwilliams.html>

**Easter Lake TMDL:** The IDNR has drafted a TMDL for nutrients and siltation. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04easterlake.html>

**Ingham Lake TMDL:** The IDNR has drafted a TMDL for algae and turbidity. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04inghamlake.html>

**Lake Macbride TMDL:** The IDNR has drafted a TMDL for nutrients and siltation. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04lakemacbride.html>

**Lake Meyer TMDL:** The IDNR has drafted a TMDL for nutrients and siltation. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04lakemeyer.html>

**Little Floyd River TMDL:** The IDNR has drafted a TMDL for unknown causes. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04littlefloyd.html>

**Middle Fork South Beaver Creek TMDL:** The IDNR has drafted a TMDL for unknown causes. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04mfsbeaver.html>

**Milford Creek TMDL:** The IDNR has drafted a TMDL for unknown causes. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04milford.html>

**Pierce Creek Pond TMDL:** The IDNR has drafted a TMDL for suspended solids. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04piercecreek.html>

**Storm Lake TMDL:** The IDNR has drafted a TMDL for turbidity. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04stormlake.html>

**Tuttle Lake TMDL:** The IDNR has drafted a TMDL for algal growth/Chlorophyll a and turbidity. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04tuttlelake.html>

**Upper Gar Lake TMDL:** The IDNR has drafted a TMDL for noxious aquatic plants. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04uppergar.html>

**Yeader Creek TMDL:** The IDNR has drafted a TMDL for priority organics (propylene glycol and ethylene glycol (de-icing agents). For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04yeadercr.html>

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

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

[\[Top\]](#)

## KANSAS

## Legislative/Regulatory Activity

**Note:** State of Kansas legislature will convene from 10 January to late April 2005 for regular session.

**Note:** CREO had been monitoring the progress of the rules listed in the "STATE OF KANSAS FINAL RULES" section. Those rules listed as final in October and September had not been identified as such until December 2004.

### STATE OF KANSAS FINAL RULES

**(Effective 4 December 2004) KS Department of Health and Environment Final Regulation: Incorporation of Federal Air Rules Through 1 July 2003.** The Department has adopted federal rules promulgated between 1 July 1998 and 1 July 2003. The adoption includes changes to NSPS, NESHAPS, and the MACT standards. NSPS standards include municipal solid waste landfills and steam generating units. MACT standards include the following major source categories: (1) phosphoric acid manufacturing; (2) phosphate fertilizer production; (3) oil and natural gas production; (4) generic maximum achievable control technology for acetal resins, hydrogen fluoride, polycarbonates production and acrylic/modacrylic production; (5) steel pickling--HCl process facilities and hydrochloric acid regeneration plants; (6) mineral wool production; (7) pharmaceuticals production; (8) natural gas transmission and storage facilities; (9) flexible polyurethane foam production; (10) pesticide active ingredient production; (11) Portland cement manufacturing; (12) wool fiberglass manufacturing; (13) manufacture of amino/phenolic resins; (14) polyether polyols production; (15) primary lead smelting; (16) publicly owned treatment works; and (17) ferroalloys production: ferromanganese and silicomanganese production. The rules were adopted and are effective 4 December 2004. *For additional information, please call Ralph Kieffer at (785) 296-6428.*

**(Effective 29 October 2004) KS Department of Health and Environment Final Regulation: Hazardous Waste Monitoring Fees (28-31-10).** KDHE has amended regulations to increase the hazardous waste monitoring fees that relate to storage and treatment facilities. The on-site storage facility fee and the on-site non-thermal treatment facility fee increase to \$7,500. The off-site storage facility fee and the off-site non-thermal treatment facility fee increase to \$8,000. The incinerator facility fee increases to \$12,000. Two new fees are included for on-site thermal treatment facilities (\$8,000) and off-site thermal treatment facilities (\$12,000). Post-closure fees increase to \$10,000. Monitoring fees for less than 5 tons increase to \$250, monitoring fees for 5 tons - 50 tons increase to \$750, monitoring fees for 50 tons - 500 tons increase to \$2,500, and monitoring fees for greater than 500 tons increase to \$7,500. The rule became effective 29 October 2004. *For additional information, please contact George McCaskill at (785) 296-1606.*

**(Effective 16 September 2004) KS Department of Health and Environment Final Regulation: Filter Backwash Recycling Rule.** The Department has finalized an amendment to adopt the federal Filter Backwash Recycling Rule (FBRR). The FBRR is required by the Safe Drinking Water Act as one method of reducing the risks posed to consumers by microbial contaminants that may be present in public drinking water supplies. The rules were

adopted and became effective 16 September 2004. *For additional information, please contact Steve Frost at (785) 296-5505.*

**(Effective 16 September 2004) KS Department of Health and Environment Final Regulation:**

**Arsenic in Drinking Water.** KDHE has finalized an amendment to the arsenic in drinking water regulations to adopt the federal rule. EPA adopted a new standard for arsenic in drinking water at 10 ppb, replacing the old standard of 50 ppb. The rule became effective on February 22, 2002. Public water systems must implement the rule by January 2006. The rules were adopted and became effective 16 September 2004. *For additional information, please contact Steve Frost at (785) 296-5505.*

**(Effective 16 September 2004) KS Department of Health and Environment Final Regulation: Stage**

**1 Disinfectant and Disinfectant Byproducts Rule.** The Department has finalized a rulemaking to adopt the federal rule on disinfectants and disinfectant byproducts. The Stage 1 Disinfectants and Disinfection Byproducts Rule (D/DBP) applies to all community and non-transient non-community water systems that treat their water with a chemical disinfectant for either primary or residual treatment. The rule establishes maximum residual disinfectant level goals (MRDLGs) and maximum residual disinfectant levels (MRDLs) for three chemical disinfectants - chlorine, chloramine and chlorine dioxide. It also establishes maximum contaminant level goals (MCLGs) and maximum contaminant levels (MCLs) for total trihalomethanes, haloacetic acids, chlorite and bromate. The rules were adopted and became effective 16 September 2004. *For additional information, please contact Steve Frost at (785) 296-5505.*

**(Effective 16 September 2004) KS Department of Health and Environment Final Regulation: Long**

**Term 1 Enhanced Surface Water Treatment Rule.** KDHE has finalized an amendment to adopt the federal rule on the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). The purpose of the LT1ESWTR is to improve control of microbial pathogens, specifically the protozoan *Cryptosporidium*, in drinking water, and address risk trade-offs with disinfection byproducts. The LT1ESWTR applies to all public water systems that: (1) use surface water or ground water under the direct influence of surface water (GWUDI); and (2) serve fewer than 10,000 persons. The rules were adopted and became effective 16 September 2004. *For additional information, please contact Steve Frost at (785) 296-5505.*

**(Effective 16 September 2004) KS Department of Health and Environment Final Regulation: Public**

**Notification Rule.** The Department finalized an amendment to adopt the federal public notification rule. Public water systems must notify their customers when they violate EPA or the state drinking water standards (including monitoring requirements) or otherwise provide drinking water that may pose a risk to consumers' health. EPA revised the existing Public Notification rule to better tailor the form, manner, and timing of the notices to the relative risk to health. The rules were adopted and became effective 16 September 2004. *For additional information, please contact Steve Frost at (785) 296-5505.*

**(Effective 16 September 2004) KS Department of Health and Environment Final Regulation:**

**Consumer Confidence Reports.** KDHE finalized amendments to the drinking water regulations to adopt the federal consumer confidence reports regulations. While water systems are free to enhance their reports in any useful way, each report must provide consumers with the following fundamental information about their drinking water: (1) the lake, river, aquifer, or other source of the drinking water; (2) a brief summary of the susceptibility to contamination of the local drinking water source, based on the source water assessments that states are completing over the next five years; (3) how to get a copy of the water system's complete source water assessment; (4) the level (or range of levels) of any contaminant found in local drinking water, as well as EPA's health-based standard (maximum contaminant level) for comparison; (5) the likely source of that contaminant in the local drinking water supply; (6) the potential health effects of any contaminant detected in violation of an EPA health standard, and an accounting of the system's actions to restore safe drinking water; (7) the water system's compliance with other drinking water-related rules; (8) an educational statement for vulnerable populations about avoiding *Cryptosporidium*; (9) educational information on nitrate, arsenic, or lead in areas where these contaminants are detected above 50% of EPA's standard; and (10) phone numbers of additional sources of information, including the water system and EPA's Safe Drinking Water Hotline (800-426-4791). The rules were adopted and became effective 16 September 2004. *For additional information, please call Steve Frost at (785) 296-5505.*

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**(NEW) KS Department of Health and Environment Departmental Discussion: Amendment to Air Quality Definitions.** The Department is discussing amendments to its air quality regulations to change certain definitions. Possible amendments may include the definition of hazardous air pollutants and volatile organic compounds. Staff has not developed a schedule for the rulemaking. *For additional information, please call Ralph Kieffer at (785) 296-6428.*

**(UPDATE) KS Department of Health and Environment Departmental Discussion: Updates to Acid Rain Rules.** The Department is discussing amendments to its air rules to adopt federal updates to its Acid Rain provisions. The Department is planning to adopt federal NO<sub>x</sub> and Compliance Assurance Monitoring (CAM) rules. The Department had expected to begin the formal rulemaking by March 2004, then by May 2004, and again by September 2004. This schedule has been delayed again. Staff now expects the rules to be drafted and ready for external review in early 2005. *For additional information, please call Ralph Kieffer at (785) 296-6428.*

**(UPDATE) KS Department of Health and Environment Departmental Discussion: Triennial Review of Water Quality Standards.** The Department is conducting its triennial review of water quality standards and drafting amendments based on the review. The Department created a focus group that defined six key issues related to the water quality standards. The six key issues are: (1) atrazine; (2) bacteria; (3) high flow; (4) natural pollutants; (5) nutrients; and (6) site-specific concerns. The Department wrote White Papers for each of the key issues. Written comments were due 21 October 2004. Staff is reviewing comments and expects to have the rules adopted by January 2005. The documents are available at <http://www.kdhe.state.ks.us/water/triennial>, <http://www.kdhe.state.ks.us/water/triennial/atrazine.pdf>, <http://www.kdhe.state.ks.us/water/triennial/bacteria.pdf>, <http://www.kdhe.state.ks.us/water/triennial/HighFlow.pdf>, <http://www.kdhe.state.ks.us/water/triennial/NaturalPollutants.pdf>, <http://www.kdhe.state.ks.us/water/triennial/nutrient.pdf>, and <http://www.kdhe.state.ks.us/water/triennial/SiteSpecific.pdf>. *For additional information, please call Bret Holman at (785) 296-5508*

[\[Top\]](#)

## MISSOURI

## Legislative/Regulatory Activity

**Note:** State of Missouri legislature will convene from 5 January to 30 May 2005 for regular session.

### STATE OF MISSOURI PROPOSED LEGISLATION

**(NEW) Missouri S.B. 22 – Emissions.** Senate Bill 22 requires changes to motor vehicle emission program requirements established by the Air Conservation Commission. The bill was prefiled 1 December 2004. Prospects for consideration are uncertain since the sponsor is a member of the majority party. The bill has not yet been referred to committee. Leadership changes have been made in both Chambers and Committee assignments are forthcoming. The leadership-elect will not formally take their roles until 5 January 2005. According to legislative sources, it is unlikely that the committee Chairs would be in place until after that date. The text of the bill is unavailable at this time. Sponsor: Senator John Griesheimer (R)

### STATE OF MISSOURI LEGISLATIVE COMMITTEE

**(UPDATE) Missouri Joint Committee on Restructuring Fees Paid by Hazardous Waste Generators and Facilities.** The Joint Committee is composed of Rep. Merrill Townley, Chair (R), Representative Rachel Bringer (D), Representative Mike Dethrow (R), Representative Belinda Harris (D), Representative Steve Hobbs (R), Senator Joan (D), Senator John Cauthorn (R), Senator Patrick Dougherty (R), Senator John Griesheimer (D) and Senator John Russell (R) met on 10 August 2004 and heard testimony from state agencies including the Attorney General's Office, industry associations, and businesses. The Committee met again on 16 November and heard testimony. The Joint Committee will be preparing to submit a final report before the reconvening of the January session. Legislative sources stated that Representative Merril M. Townly (R), Chair of the Committee is term limited and will not be returning in January and the new leader will be Senator John Griesheimer (D).

### STATE OF MISSOURI PROPOSED RULES

**(UPDATE) MO Department of Natural Resources Proposed Regulation Published 2 August 2004: Increase to the Insignificant Emissions Levels for Minor Construction Permitting (2691) (10 CSR 010-06.061).** MDNR has proposed a rulemaking to revise 10 CSR 010-06.061, Construction Permit Exemptions. The rulemaking will increase the insignificant emission levels that determine when an installation requires a construction permit for insignificant modifications. The exemptions will reduce permitting burdens for the construction industry and for small sources of VOCs. On 3 February 2004, the Department obtained a 12-month variance from the Missouri Air Conservation Commission that allows installations to take advantage of the lower emission level exemptions prior to the finalization of the rulemaking. The Department adopted the rulemaking. The tentative date for the publication of the order of rulemaking is 2 January 2005 and the tentative effective date is 28 February 2005. The proposed regulations are on pages 1193-1196 of the 2 August 2004 issue of the MO Register, available at <http://www.sos.mo.gov/adrules/moreg/current/2004/v29n15/v29n15b.pdf>. For additional information, please contact Paul McConnell at (573) 751-4817.

**(UPDATE) MO Department of Natural Resources Proposed Regulation: Risk-Based Remediation of Groundwater (10 CSR 20-7.040).** This rule is intended to complement federal and state laws and regulations. Any person conducting a groundwater cleanup under the authority of any state environmental statute would follow the process contained in this rule. The rule further defines the procedures that are presently allowed under the Missouri Water Quality Standards 10 CSR 20-7.031(5)(D). Unless site-specific alternative groundwater cleanup standards are established through these procedures, the values in Table A or other parts of the Missouri Water Quality Standards remain the cleanup standards for groundwater. Alternative standards may be established to reflect site-specific, risk-based exposure conditions, institutional controls, continuing monitoring, and other aspects of remedial action plans. The procedures in this rule will be phased into current operations under existing authority. The Department formally withdrew the proposal but is now discussing a new rule. The Department is still in the drafting period. The Department has changed the tentative schedule for this rulemaking as follows: Filing with Secretary of State 25 May 2005; Public hearing 1 August; Comments due 30 August; Effective 28 February 2006. For additional information, please contact John Madras at (573) 751-1123.

**(UPDATE) MO Department of Natural Resources Proposed Regulation: Amendments to Basic and Intermediate Operating Permit Program (2645) (10 CSR 10-6.065).** The revisions to the operating permit program for basic sources will include the treatment of fugitive emissions with regards to applicability, an installation equipment log for the record keeping requirement, a clarification of permit amendments and modifications, the removal of the annual compliance certification, and a revised operating permit notification. The changes to the operating permit program for intermediate sources will revise the program to mirror 40 CFR Part 70 which will add flexibility to the processing of permits. Based on this rulemaking, the Missouri Air Conservation Commission has granted a variance from the existing basic operating permit requirements of 10 CSR 10-6.065(4)(G), Notification Contents, by allowing basic installations to use the revised operating permit notification forms. Due to the variance, basic installers will not be required to submit an annual compliance certification requirement for 2003 under 10 CSR 10-6.065(4)(I), Compliance Reporting obligations. A proposed rulemaking was filed with the Secretary of State's Office on 15 December 2004 for publication in the 18 January 2005 Missouri Register. A copy of the draft rule text is available at <http://www.dnr.state.mo.us/alpd/apcp/Rules/RID/6-065/6-065DraftRuleText.pdf>. The revised basic operating permit notification form is available under the heading "Air Pollution" and subheading "Generic Operating Permit" at <http://www.dnr.mo.gov/oac/forms>. For additional information, please contact Ben Elmore at (573) 751-4817.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**(NEW) MO Department of Natural Resources Departmental Discussion: NO<sub>x</sub> Emissions Limits for Cement Kilns and Internal Combustion Engines (0765 And 0766) (10 CSR 010-06.380 And 010-06.390).** MDNR is discussing regulations that will set emissions caps for NO<sub>x</sub>. The regulations will set NO<sub>x</sub> emissions limits for portland cement kilns and internal combustion engines. The regulations will require portland cement kilns with NO<sub>x</sub> emissions greater than one ton per day to reduce emissions by 30% from 2007 base levels. The regulations will also require large stationary combustion engines to reduce emissions by 90% from 2007 base levels. The Department has set a tentative date of 1 February 2005 for filing a proposal with the Secretary of State. For additional information, please call Refaat Mefrakis at (573) 751-4817.

**(NEW) MO Department of Natural Resources Departmental Discussion: NO<sub>x</sub> Emissions Limits for Electric Generating Units and Non-Electric Generating Boilers (2727) (10 CSR 010-06.360).** The Department is discussing regulations that will set emissions caps for NO<sub>x</sub> for electric generating units and non-electric

generating boilers in the eastern one-third of Missouri. The regulations will apply to electric generating units with design capacities greater than 25 megawatts and non-electric generating boilers with a design capacity of greater than 250 million BTUs per hour. The Department has set a tentative date of 1 February 2005 for filing a proposal with the Secretary of State. *For additional information, please call Refaat Mefrakis at (573) 751-4817.*

**(UPDATE) MO Department of Natural Resources Proposed Recommendation: PM<sub>2.5</sub> Non-attainment Designation.** The USEPA published the non-attainment designation 17 December 2004. The counties in non-attainment are Franklin, Jefferson, St. Charles, St. Louis and St. Louis City. Please go to the following links for State Recommendation: <http://www.epa.gov/pmdesignations/documents/04Recommendations/7/s/Missouri.pdf>, and USEPA Response: [http://www.epa.gov/pmdesignations/documents/04Recommendations/7/s/Missouri\\_R.pdf](http://www.epa.gov/pmdesignations/documents/04Recommendations/7/s/Missouri_R.pdf). *For additional information, please contact John Rustige at (573) 751-4817.*

**(UPDATE) MO Department of Natural Resources Departmental Discussion: MO SIP Revised NAAQS Plan, Ozone And PM<sub>2.5</sub>.** MDNR is discussing regulations and SIP amendments to adopt the new and revised federal standards for ozone and PM<sub>2.5</sub>. The 12 criteria for determining the appropriate non-attainment boundaries include: (1) emissions and air quality; (2) population density and degree of urbanization; (3) monitoring data representing ozone concentrations; (4) location of emission sources; (5) traffic and commuting patterns; (6) expected growth; (7) meteorology; (8) geography/topography; (9) jurisdictional boundaries; and (10) regional emission reductions. The Department has prepared an unofficial table of areas that would not be in compliance with the ozone standard. Some parts of the St. Louis and Kansas City area may be in non-attainment. Staff reports that the Department submitted the recommendations for establishing geographical non-attainment boundaries for ozone and PM<sub>2.5</sub> to EPA who has agreed with Missouri's proposal and will make a decision on whether to establish the boundaries within the next few months. Staff reports that the Department is working on the regulations to adopt the federal ozone and PM<sub>2.5</sub> standards. Staff anticipates that the MDNR will post draft rules in early 2005. *For additional information, please contact John Rustige at (573) 751-4817.*

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

**(UPDATE) MO Department of Natural Resources Withdrawn Regulation: Designation of the Kansas City Area as a Non-attainment Area.** MDNR was discussing the possibility of making a recommendation to EPA that the Kansas City area be designated as a non-attainment area under the 8-hour ozone standard. The Department anticipated that the results of ozone monitoring in the Kansas City area would warrant the recommendation for non-attainment designation. (The Kansas City area is currently designated as "unclassifiable" by EPA who plans to make a decision on attainment or non-attainment designation by the end of 2004.) Staff reported that MDNR was waiting to collect additional ozone monitoring results prior to starting the designation process. However, now staff reports that MDNR has withdrawn plans to designate the Kansas City area as a non-attainment area because the ozone monitoring results showed the area as in attainment with the 8-hour ozone standard. *For additional information, please contact John Rustige at (573) 751-4817.*

(UPDATE) **MO Department of Natural Resources Departmental Discussion: Adoption by Reference of Federal Emission Standards (2656, 2658 & 2659) (10 CSR 010-6.070, 10-6.075 & 10-6.080).** The Department is discussing a rulemaking to adopt by reference federal emissions standards (Title V). The rulemaking will adopt two, four, seven and ten year Maximum Achievable Control Technology standards. The rulemaking will also adopt performance criteria for new or modified stationary sources of hazardous air pollutants. MDNR is accepting comments on preliminary drafts of the rules through 8 January 2005. The Department has established a tentative public hearing date of 3 February 2005 and a tentative comment due date of 10 February 2005. *For additional information, please contact Don Cripe at (573) 751-4817.*

**Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri.** EPA proposes to approve a revision to the Missouri State Implementation Plan (SIP) and Operating Permits Program. EPA proposes to approve a revision to Missouri rule "Submission of Emission Data, Emission Fees, and Process Information." This revision will ensure consistency between the State and the federally approved rules and ensure Federal enforceability of the State's air program rule revision. EPA is approving the State's submittal as a direct final rule in the final rules section of the Federal Register without prior proposal because the Agency views this as a non-controversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, please go to <http://www.epa.gov/fedrqrstr/EPA-AIR/2004/December/Day-17/a27662.htm>.

[\[Top\]](#)

## NEBRASKA

## Legislative/Regulatory Activity

**Note:** State of Nebraska legislature will convene from 5 January to early June 2005 for regular session.

### STATE OF NEBRASKA FINAL RULES

**(Effective 5 December 2005) NE Department of Environmental Quality Final Regulation: Adoption of Federal Hazardous Waste Standards (Title 128, Chapters 1, 2, 3, 7, 9, 12, 13, 15, 20-22, 25, 27).**

The Department has adopted amendments to its hazardous waste regulations in order to adopt federal hazardous waste standards. The amendments add a new section that provides that certain hazardous secondary materials used in zinc fertilizers is not solid waste. The amendments add language to exempt manufactured gas plant waste from analytical testing using the toxicity characteristic leaching procedure. Additionally, the amendments adopt federal permitting standards for incinerators, and boilers and industrial furnaces. Also, the amendments add two new universal wastes, mercury-containing items and electronic items to Chapter 25 in order to reduce regulatory requirements for these wastes and encourage recycling. The regulations were adopted 30 November 2004. The rules are final, effective 5 December 2004. All of the proposed changes are available on the Nebraska Secretary of State website at <http://www.sos.state.ne.us/local/regtrack>. *For additional information, please contact Thomas Lamberson at (402) 471-2186.*

### STATE OF NEBRASKA PROPOSED RULES

(UPDATE) **NE Department of Environmental Quality Draft Regulation Finalization: Update to Regulations for Discharge Permitting to Adopt Federal Standards (Title 119).** NDEQ has finalized a draft regulation to update wastewater discharge permitting. The rules would apply to facilities that discharge to surface water and industrial facilities that discharge to Publicly Owned Treatment Works. The rule changes would combine Title 119, Title 121 and Title 127 into a new Title 119. The rules update the current rules by adopting federal regulation language, by adding federal storm water regulation updates, by adopting by reference federal sewage sludge language, and by authorizing the land application of effluent and sewage sludge. Staff reports that the Environmental Quality Council approved the regulations and that the Department has forwarded the regulations to the Attorney General's office. Staff anticipates that the regulations will go final sometime in early 2005. An updated draft

of the new Title 119 is available at

[http://www.deq.state.ne.us/Proposed.nsf/23e5e39594c064ee852564ae004fa010/6bc73245c8d62c2a8625685c00663ff/\\$FILE/T119%20edited%20081004%20accepted.pdf](http://www.deq.state.ne.us/Proposed.nsf/23e5e39594c064ee852564ae004fa010/6bc73245c8d62c2a8625685c00663ff/$FILE/T119%20edited%20081004%20accepted.pdf). For additional information, please contact Rudy Fiedler at (402) 471-2186.

**(UPDATE) NE Department of Environmental Quality Proposed Regulation: Adoption by Reference of Federal New Source Performance Standards and MACT Standards (Title 129, Chapters 18 and 28).** NDEQ has proposed amendments to its regulations that govern air quality. The amendments will adopt by reference federal NSPS. The amendments will also adopt by reference federal MACT standards. The Department recently became aware of commercial and industrial solid waste incinerator sources within the state and, therefore, plans to adopt NSPS Subpart DDDD for commercial and industrial solid waste incinerators. After that standard is adopted, NDEQ plans to submit a SIP revision to EPA. Prior to submission and approval of the SIP revision, sources subject to the standard will operate under the Federal Implementation Plan issued by EPA in October 2003. The Department held a hearing on the proposed regulations 4 June 2004. Comments were due 4 June 2004. The Environmental Quality Board approved the amendments 4 June 2004. The approved regulations were sent to the Attorney General's office for review on 29 July 2004. Staff reports that the regulations are still awaiting approval at the Governor's office. Staff still has no timeline for when the regulations will be approved. The proposed changes are available on the Nebraska Secretary of State website at <http://www.sos.state.ne.us/local/regtrack>. For additional information, please contact Thomas Lamberson at (402) 471-2186

**(UPDATE) NE Department of Environmental Quality Draft Regulation: Adoption of Federal Rules for the New Source Review Prevention of Significant Deterioration Program (Title 129, Chapter 19).** NDEQ is drafting rules to add a new Chapter 19 to its air regulations. The new chapter will adopt a state-specific version of the federal rules for NSR, PSD. The Department plans to finalize the draft changes for public notice by the end of January 2005. The Department intends to present the draft rules to the Environmental Quality Council 7 March 2005. Additional information and copies of the draft rule can be found on NDEQ's website at <http://www.deq.state.ne.us/>. For additional information, please contact Bev Kellison (402) 471-3588.

[\[Top\]](#)

## FEDERAL ACTIONS

### EPA FINAL RULES

**(Effective 29 December 2004) Air Quality: Revision to Definition of Volatile Organic Compounds-- Exclusion of Four Compounds.** This action revises EPA's definition of VOCs for purposes of preparing SIPs to attain NAAQS for ozone under title I of the Clean Air Act (CAA). This revision would add four compounds to the list of compounds excluded from the definition of VOC on the basis that these compounds make a negligible contribution to tropospheric ozone formation. This revision will modify the definition of VOC to say that: 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n- C3F7OCH3) (known as HFE-7000); 3- ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (known as HFE-7500, HFE-s702, T-7145, and L-15381); 1,1,1,2,3,3,3- heptafluoropropane (known as HFC 227ea); and methyl formate (HCOOCH3) will be considered to be negligibly reactive. If you use or produce any of these four compounds and are subject to EPA regulations limiting the use of VOCs in your product, limiting the VOC emissions from your facility, or otherwise controlling your use of VOCs, then you will not count these four compounds as a VOC in determining whether you meet these regulatory obligations. This action may also affect whether these four compounds are considered to be VOCs for State regulatory purposes, depending on whether the State relies on EPA's definition of VOC. As a result, if States and States' industries are subject to certain Federal regulations limiting emissions of VOCs, i.e., emissions of 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane, or 3- ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane, or 1,1,1,2,3,3,3-heptafluoropropane, or methyl formate, these emissions may not be regulated for some purposes according to the rules governing States' enforceability of the measures. With this action, EPA is not finalizing a decision on how the Agency will evaluate future VOC exemption petitions. Currently, EPA is in the process of assessing its VOC policy in general. We intend to publish a future notice inviting public comment on the VOC exemption policy and the concept of negligible reactivity as part of a broader review of overall policy. In addition to granting the four new exemptions described above, we are making a nomenclature clarification to two previously-exempted compounds. We will thus add the nomenclature designations "HFE-7100" to 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3)" and "HFE-7200" to 1-

ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>O<sub>2</sub>H<sub>5</sub>)". The full text document can be found at <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-26070.htm>.

**(Effective 27 December 2004) Emergency Planning and Community Right-To-Know Act; Extremely Hazardous Substances List; Deletion of Phosmet.** On November 12, 2003, the environmental protection agency proposed to delete phosmet from the list of Extremely Hazardous Substances (EHS) issued under the emergency planning and community right-to-know act (EPCRA). Today, EPA is taking final action to delete phosmet from the EHS list. Facilities with phosmet on-site will no longer be required to comply with emergency planning and emergency release notification requirements. In addition, facilities handling phosmet will no longer have to file an emergency and hazardous chemical inventory form and Material Safety Data Sheet (MSDS) for phosmet with their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department, for amounts less than 10,000 pounds. The full text document can be found at <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-26162.htm>

**(Effective 29 November 2004) List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List; Petition to Delist of Ethylene Glycol Monobutyl Ether.** The EPA is amending the list of hazardous air pollutants (HAP) contained in section 112(b)(1) of the Clean Air Act (CAA) by removing the compound ethylene glycol monobutyl ether (EGBE) (2-Butoxyethanol) (Chemical Abstract Service (CAS) No. 111-76-2) from the group of glycol ethers. This action is being taken in response to a petition to delete EGBE from the HAP list submitted by the Ethylene Glycol Ethers Panel of the American Chemistry Council (ACC) (formerly the Chemical Manufacturers Association) on behalf of EGBE producers and consumers. Petitions to delete a substance from the HAP list are permitted under section 112(b)(3) of the CAA. Based on the available information concerning the potential hazards of and projected exposures to EGBE, EPA has made a determination pursuant to CAA section 112(b)(3)(C) that there are "adequate data on the health and environmental effects [of EGBE] to determine that emissions, ambient concentrations, bioaccumulation, or deposition of the substance may not reasonably be anticipated to cause adverse effects to human health or adverse environmental effects." The full text document can be found at <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-26071.htm>

AEC Comment: Ethylene Glycol Monobutyl Ether (EGBE) is likely used in some Army surface coatings, but it is not likely to be used in large quantities. Therefore, the fact that it has been delisted may not have a major impact on the Army. The AEC CAA staff is preparing a summary of the rule and will be forwarding it to Army CAA media managers.

## EPA PROPOSED RULES

**National Emission Standards for Hazardous Air Pollutants: Appendix A--Test Methods; Method 301 for the Field Validation of Pollutant Measurement Methods from Various Waste Media.** This action proposes to amend procedures for validating alternative emissions test methods, to rewrite the EPA's Method 301 in plain language, reorganize the method for clarity, correct technical errors, and revise the technical procedures. The revisions to the technical procedures include replacing quantitation limits with detection limits, revising the bias acceptance criteria and eliminating the correction factors, revising the precision acceptance criteria, and allowing analyte spiking as an option even when there is an existing test method. For more detailed information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2004/December/Day-22/a27985.htm>.

**Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2005.** EPA is proposing to allocate essential use allowances for import and production of class I stratospheric ozone depleting substances (ODSs) for calendar year 2005. Essential use allowances enable a person to obtain controlled class I ODSs as an exemption to the regulatory ban of production and import of these chemicals, which became effective on 1 January 1996. EPA allocates essential use allowances for exempted production or import of a specific quantity of class I ODS solely for the designated essential purpose. The proposed allocations total 1,524.58 metric tons of chlorofluorocarbons for use in metered dose inhalers. For more detailed information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2004/December/Day-22/a27994.htm>.

**National Pollutant Discharge Elimination System--Proposed Regulations to Establish Requirements for Cooling Water Intake Structures at Phase III Facilities.** This proposed rule would establish national categorical requirements under section 316(b) of the Clean Water Act for certain existing facilities that employ a cooling water intake structure and are designed to withdraw water above a certain design intake flow from certain waters of the United States for cooling purposes. This notice proposes three possible options for defining

which existing facilities would be subject to uniform national requirements, based on design intake flow threshold and source waterbody type: The facility has a total design intake flow of 50 million gallons per day (MGD) or more, and withdraws from any waterbody; the facility has a total design intake flow of 200 MGD or more, and withdraws from any waterbody; or the facility has a total design intake flow of 100 MGD or more and withdraws water specifically from an ocean, estuary, tidal river, or one of the Great Lakes. Because the lowest co-proposed flow threshold option is 50 MGD, the proposed requirements would only apply to manufacturing facilities--as power producers with a flow greater than 50 MGD are regulated under the Phase II rule. This proposed rule would constitute Phase III of EPA's section 316(b) regulation development and would establish national requirements, and procedures for implementing those requirements, applicable to the location, design, construction, and capacity of cooling water intake structures at Phase III facilities. It would also establish categorical section 316(b) requirements for new offshore oil and gas extraction facilities, which were specifically excluded from the scope of the Phase I new facility rule so that EPA could gather additional data on these facilities. The proposed rule would apply to both existing manufacturers and new offshore oil and gas extraction facilities that withdraw at least 25 percent of the water exclusively for cooling purposes. The proposed national requirements, which would be implemented through NPDES permits, are based on the best technology available to minimize the adverse environmental impact associated with the use of cooling water intake structures. For covered existing facilities, the proposed rule would establish performance standards for reducing impingement mortality by 80 to 95 percent, or impingement mortality by 80 to 95 percent and entrainment by 60 to 90 percent. EPA's proposal would allow existing facilities to select from five compliance alternatives consistent with those provided in the final Phase II rule for existing large flow electric power generators. Once finalized and implemented, the rule would minimize the adverse environmental impact of cooling water intake structures by reducing the number of aquatic organisms lost as a result of water withdrawals associated with these structures. The proposed rule does not propose to alter the regulatory requirements for facilities subject to the Phase I or Phase II regulations, and EPA is not soliciting comment on those regulations. EPA is only seeking comment on the proposed regulations for Phase III existing facilities and new offshore oil and gas facilities, as reflected in the proposed regulatory text for subparts K and N. Depending on the options selected in the final section 316(b) regulation for Phase III facilities, EPA may decide to integrate the regulatory text for subparts K and N proposed today into the existing subparts I and J, for purposes of streamlining the number of pages for publication. The full text document can be found at <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-24913.htm>.

**AEC Comment:** AEC CWA staff is reviewing this proposed rule and will prepare a summary for distribution as soon as it is completed. For additional information, please call (410) 436-7068.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**EPA Web Site for the Clean Air Fine Particle (PM<sub>2.5</sub>) Rule.** EPA has established a web site that provides information about the Clean Air Fine Particle Rule, an EPA action designating areas whose air quality does not meet the health-based standards for fine particle pollution. The web site provides links to EPA final designations for State designations, Tribal designations, PM<sub>2.5</sub> conditions, Air Quality Forecasts, fact Sheet on Final Designations, Map of Non-attainment Area etc. To access these and other links, please go to <http://www.epa.gov/pmdesignations/#info>.

**Notice of Availability of Draft Aquatic Life Criteria Document for Selenium, and Request for Scientific Information, Data, and Views Pertaining to the Criteria.** EPA announces the availability of a draft aquatic life criteria document for selenium and requests scientific information, data, and views. The document contains draft water quality criteria recommendations for the protection of freshwater and saltwater aquatic life. EPA is soliciting information, data, and views on issues of science pertaining to the information the Agency used to derive the draft criteria. When completed and published in final form, the revised criteria will replace EPA's current recommended aquatic life criteria for selenium. EPA's recommended water quality criteria provide technical information for states and authorized tribes in adopting water quality standards, but themselves have no binding legal effect. Please go to <http://www.epa.gov/waterscience/criteria/aqlife.html> to obtain the draft document.

**Army Defense Environmental Restoration Program (DERP) Guidance Documents for Active and BRAC Installations.** The Army DERP Management Guidance for active installations is now available on AEC's website. This document provides guidance on the management and execution of the Army IRP, the MMRP, and the Building Demolition and Debris Removal (BD/DR) Program categories as related to environmental cleanup for active installations and non-BRAC excess properties. To view the guidance in its entirety, please go to <http://aec.army.mil/usaec/cleanup/derpguidance0411.pdf>.

**EPA Clarifies Compliance Sampling Requirements of the Lead and Copper Rule.** EPA is issuing guidance for the states that helps to clarify how the collection and management of lead and copper samples is conducted to carry out regulations that control lead in drinking water. Earlier this year, the Agency discovered lead levels in certain cities across the country that prompted a review of how the lead and copper rule was being implemented. EPA collected and evaluated data that it requested from the states and, as part of this ongoing review; the Agency convened national expert workshops on monitoring, lead service line replacement, public education and compliance. The guidance is a result of information gathered at those workshops. Key elements of the guidance issued today include: what samples are used to calculate the 90th percentile concentration (which is the basis for determining if water suppliers need to take action); how to manage sampling programs; what states should do with samples that are taken outside of a specific compliance time frame; what states should do if the minimum number of samples are not collected; what is a proper sample; how utilities can avoid sampling problems; and on what basis a sample may be invalidated. EPA will continue its review to help determine whether additional guidance or training is needed and whether changes may be needed to parts of the regulation. Information on the Lead and Copper Rule and EPA's national review of implementation is available on EPA's Web site at <http://www.epa.gov/leadcopperrule>.

**Handling Procedures for Equipment Contaminated with Depleted Uranium or Radioactive Commodities (DA PAM 700-48) and Management of Equipment Contaminated with Depleted Uranium or Radioactive Commodities (AR 700-48).** Department of the Army pamphlet PAM 700-48 provides recommended handling procedures for equipment contaminated with depleted uranium and other low-level radioactive materials or wastes. Army Regulation, AR 700-48, outlines formal procedures and policies for the management of handling contaminated equipment. These documents can be accessed at [http://www.army.mil/usapa/epubs/pdf/p700\\_48.pdf](http://www.army.mil/usapa/epubs/pdf/p700_48.pdf) and [http://www.traprockpeace.org/du\\_pam\\_700-48.pdf](http://www.traprockpeace.org/du_pam_700-48.pdf). Guidance on radioactive waste material, proper disposal techniques, and technical information is available from the following points of contact: **Defense Logistics Agency (DLA)** Headquarters, 8725 John J. Kingman Highway, Suite 2533, Fort Belvoir, Virginia 22060, or telephone (703) 767-6331; **Department of Defense, Army Industrial Operations Command Executive Agency**, ATTN: AMSIO-SF, Rock Island, Illinois, or telephone (309) 782-2033; **US Air Force, IERA/SDRH**, 2402 E. Drive Brooks AFB, Texas, or telephone (210) 536 3489; **Naval Sea Command Detachment, Radiological Affairs Support Office**, PO Drawer 260, Yorktown, Virginia, or telephone (757) 887-4692.

**The 2005 White House Closing the Circle (CTC) Awards.** This program recognizes Federal employees and their facilities for efforts that have resulted in significant contributions to or have made a significant impact on the environmental improvement. The awards focus on waste prevention, recycling, and green purchasing activities under E.O. 13101, environmental management under E.O. 13148, green/sustainable buildings under both executive orders, and reduced fuel usage under E.O. 13149. Reduced fuel consumption, a new category for this year, is intended to promote the goals and objectives of Executive Order 13149, "Greening the Government Through Federal Fleet and Transportation Efficiency." Federal agencies and individual Federal facilities have made significant progress in purchasing alternative fuel vehicles, building fueling infrastructure for alternative fuels, encouraging the use of mass transit or carpooling, and reducing fleet fuel consumption. Each category will recognize "Military" and "Civilian" nominations with separate awards. Descriptions of the award categories are provided, and while not all inclusive, they will help to understand the criteria used to judge and evaluate the nominations for awards. Nominations should be filed no later than close of business on **Friday, January 28, 2005**. For additional information, please go to <http://www.ofee.gov/ctc/ctc.htm>.

**New Publication Available on DENIX, USGS-DOD Science Collaborator: The Newsletter of the USGS Department of Defense Earth Science Program.** Articles contained in the Science Collaborator range from non-technical announcements to highly technical summaries of current projects. Readership includes about DoD environmental professionals and the entire USGS science community. Articles can include summaries about USGS projects at DoD installations and training lands, announcements of meetings, new agreements, new publications, new liaison positions, or general information pertaining to USGS-DoD collaboration. To view the Science Collaborator, please go to [http://dodesp.er.usgs.gov/dodesp\\_newsletters/](http://dodesp.er.usgs.gov/dodesp_newsletters/).

**Supplemental Guidance for Implementation of The Sikes Act Improvement Act: Additional Guidance Concerning INRMP Reviews.** The supplemental guidance covers three elements of the INRMP review process, the Scope of the Review, public comments of the INRMP reviews, and Endangered Species Act consultation on INRMPS. For additional information, please go to <https://www.denix.osd.mil/denix/Public/Library/NCR/Documents/Supplemental-Sikes-signed-2004.pdf> or [https://www.denix.osd.mil/denix/Public/Library/NCR/updated\\_sikes.html](https://www.denix.osd.mil/denix/Public/Library/NCR/updated_sikes.html).

**Now Available: Demonstration of Two Long-Term Groundwater Monitoring Optimization Approaches (EPA 542-R04-001a).**

This report, published by the EPA Office of Superfund Remediation and Technology Innovation, summarizes the results of a demonstration of optimization methods to improve the design of long-term groundwater monitoring programs. The report discusses the results of application of two different long-term groundwater monitoring optimization (LTMO) methods including: The Monitoring and Remediation Optimization System (MAROS) software tool; and The Three-Tiered Monitoring Network Optimization (MNO) approach. The two methods were applied at three different sites (the Fort Lewis Logistics Center, the Long Prairie Groundwater Contamination Superfund site, and Operable Unit D at McClellan Air Force Base). The primary goals of this demonstration project were to highlight current strategies for applying optimization techniques to existing long-term monitoring programs, and to assist site managers in understanding the potential benefits associated with monitoring program optimization (November 2004, 63 pages). Note that this is the summary document. The full report with appendices (763 pages) is also available. View or download the report at <http://clu-in.org/techpubs.htm>.

**Updated Information on Sediments in Rivers, Lakes, Oceans and Estuary Bottoms.** EPA is releasing an updated Report to Congress on National Sediment Quality that assesses and describes the quality of aquatic sediments in rivers, lakes, oceans and estuary bottoms in the United States from 1980 to 1999. This report is an update to the 1997 National Sediment Quality Survey that also assesses changes in sediment contamination over time where data is available. EPA evaluated sediment contaminant data from previously published documents at 19,398 sampling stations and found either a decrease or no change in sediment contamination on a regional level. This report is intended only to be an inventory of sediment sampling since the samples were not taken uniformly, were compiled by different groups and do not cover the entire country. The data in the report cannot be used to determine trends in areas of the country where data is absent. To help manage localized problems of contaminated sediment, EPA is working with other Federal agencies and State and local authorities to reduce the sources, abate contamination problems, manage dredged sediments, and develop scientifically sound management tools. General information about sediments and the report entitled "The Incidence and Severity of Sediment Contamination in Surface Waters of the United States: National Sediment Quality Survey, Second Edition" is available at <http://www.epa.gov/waterscience/cs>.

## U.S. FISH AND WILDLIFE SERVICE

**Endangered and Threatened Wildlife and Plants; Initiation of a 5-Year Review of Topeka Shiner**

**(*Notropis topeka*).** The USFWS announces a 5-year review of the Topeka shiner (*Notropis topeka*), a species of fish native to streams of the central plains region, under section 4(c)(2)(A) of the Endangered Species Act of 1973 (Act) (16 U.S.C. 1531 et seq.). A 5-year review is a periodic process conducted to ensure that the listing classification of a species is accurate. A 5-year review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information on the Topeka shiner that has become available since its original listing as an endangered species in 1998 (63 FR 69008). Based on the results of this 5-year review, USFWS will make the requisite finding under section 4(c)(2)(B) of the Act. The 5-year review considers the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Categories of requested information include-- (A) Species biology, including but not limited to, population trends, distribution, abundance, demographics, and genetics; (B) habitat conditions, including but not limited to, amount, distribution, and suitability; (C) conservation measures that have been implemented that benefit the species; (D) threat status and trends; and (E) other new information, data, or corrections, including but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods. For more detail, please go to <http://www.epa.gov/fedrgstr/EPA-SPECIES/2004/December/Day-08/e26910.htm>.

AEC Comment: The Topeka shiner is found on Fort Riley (KS). However, the five-year review should have no impact on Fort Riley because an approved INRMP is in place and Fort Riley has been exempted from Critical Habitat designation. For additional information, please contact the Media Manager at (410) 436-1564.

**Comment Period on Proposed Designation of Critical Habitat for the Southwestern Willow**

**Flycatcher.** USFWS announces the extension of the public comment period for the proposal to designate critical habitat for southwestern willow flycatcher (*Empidonax extimus traillii*) to allow all interested parties to comment on the proposed critical habitat designation under the Endangered Species Act of 1973, as amended. The proposed rule was published and the public comment period opened on 12 October 2004 (69 FR 60706).

AEC Comment: The southwestern willow flycatcher is recorded as contiguous to Fort Huachuca and White Sands Missile Range (IMA SW). Actions onsite could potentially impact critical habitat designated near the installation. However, according to the proposed rule, no critical habitat for the southwestern willow flycatcher has been proposed for designation on Army property. For additional information, please contact the Media Manager at (410) 436-1564.

[\[Top\]](#)

## REGIONAL MEETINGS

**Borderland Management Task Force Meeting.** This meeting will be held on **3 February 2004** in **Tucson, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

**Texas Environmental Partnership Meeting.** This meeting will be held on **23-24 February 2004** in **Fort Worth, Texas**. For additional information, please contact the Army REC at (816) 983-3450.

**Southwest Strategy Agency Coordinators Meeting.** This meeting will be held on **1-2 March 2004** in **Phoenix, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

**US-Mexico Symposium on the Management of Natural and Cultural Resources.** This meeting will be held on **19-21 April 2004** in **Las Cruces, New Mexico**. For additional information, please contact the Project Manager at (816) 983-3451.

**EPA Region 7 Federal Facilities Conference.** The conference is scheduled for **24-26 May 2005** in **Kansas City, KS**. For additional information call the Army REC at (816) 983-3447.

[\[Top\]](#)

## TRAINING COURSES AND WORKSHOPS

**USACE PROSPECT Training.** The USACE Prospect program provides job-related training through technical, professional, managerial and leadership courses to meet the unique needs of the USACE and other government agencies. The courses are open to all federal agencies. The current fiscal year schedule of classes is available at <http://pdsc.usace.army.mil/courseschedule.asp>. To register, please contact the USACE Registrar at (256) 895-7425 or 7421.

**Compliance Assistance Workshop: "Preparing for a RCRA Hazardous Waste Inspection".** The St. Louis Branch of AESF, in partnership with EPA Region 7, the Missouri Department of Natural Resources, the Metropolitan St. Louis Sewer District, and the Strategic Goals Program, is sponsoring the above workshop. The workshop will be held in **St. Louis, Missouri** on **13 January 2005**. For more information, please go to <http://www.dnr.state.mo.us/oac/rcra-workshop.doc>.

**Introductory Risk Communication Workshop.** CHPPM is presenting this workshop to provide participants with a basic understanding of the concepts, principles and process of effective risk communication planning. The workshop provides participants with an understanding of essential communication skills and tools for building strategic stakeholder relationships that provide the framework for discussion of complex risk issues. The workshop is scheduled for **11-13 January 2005 San Antonio, Texas** and **29-31 March 2005 in Edgewood, Maryland**. For more information, please go to <http://chppm-www.apgea.army.mil/risk>, click "Training," and then scroll to "Introductory and Advanced Health Risk Communication Workshops."

**Army Environmental Training Symposium.** The purpose of this symposium is to provide training to installation (Active Army, National Guard, and Army Reserve) environmental personnel, installation stakeholders, and other members of the Army environmental community. The workshop will primarily consist of numerous environmental short courses and seminars and will provide information on emerging issues and new business processes. The training will take place in **Kansas City, Missouri** on **14-19 February 2005**. For additional information or to register on-line, please go to <http://www.armysymposiumregistration.com/>.

**2005 National Military Fish and Wildlife Association Annual Training Session.** This training session is planned for **14-17 March 2005** in **Arlington, Virginia**. The following sessions planned include:

- Invasive Species Management (plants and animals).
- Habitat Restoration.
- Chesapeake Bay Issues.
- Wildlife Research Supports the Military Training Mission.
- Reptile and Amphibian Biology and Management.
- Invertebrate Species Biology and Management.

Additional information can be found at <http://www.nmfwa.org/>, 2005 Meeting.

**Symposium & Workshop on Threatened, Endangered, and At-Risk Species on DoD and Adjacent Lands.** The goal of this Symposium & Workshop is to define and evaluate threatened, endangered, and at-risk species (TER-S) research relevant to DoD. Researchers from multiple organizations will assemble to address TER-S issues at a national level. The format of the event is designed to:

- Present the most up-to-date information on government and academic TER-S research relevant to DoD;
- Stimulate collaboration and foster partnerships among participants;
- Identify additional areas of research needed to address TER-S and associated habitat issues facing DoD and other federal land managing agencies.

The Symposium & Workshop on Threatened, Endangered, and At-Risk Species on DoD and Adjacent Lands will open with a plenary session describing DoD's perspectives and those of the TER-S research community. A comprehensive technical program will follow the plenary session and will consist of nine sessions to address desert, forest, and grassland ecosystem issues. The Threatened and Endangered Species Workshop has been scheduled for **7-9 June 2005** in Baltimore, Maryland.

**14<sup>th</sup> Annual ITAM Workshop.** In accordance with the FY05 ITAM Workshop Memo, DAMO-TRS has chosen Camp Atterbury and ERDC as hosts for the FY05 ITAM Workshop. The 2005 ITAM Workshop will be held from **1-4 August 2005** in **Indianapolis, Indiana**. Please go to <http://srp.army.mil/public/home.jsp> to keep abreast of additional details regarding this important workshop.

[\[Top\]](#)

## CONFERENCES AND SYMPOSIUMS

**Fourth Annual Installation Management Institute (IMI).** The Office of the Assistant Chief of Staff of Installation Management (OACSIM) is pleased to sponsor the fourth annual Installation Management Institute (IMI), to be held on **10-14 January 2005** in **Orlando, Florida**. The IMI will offer centralized training for the dissemination of information/instruction required to accomplish various installation management missions. IMI training will consist of focused classroom instruction presented through individual functional training tracks. A four-hour general session will be held on Tuesday morning for all training attendees that will include lectures from the HQDA and OSD levels. The six functional training tracks will include:

- General Installation Management Training Track
- Master Planning Training Track
- Real Property Management and Real Estate Processes Training Track
- GIS Training Track
- DPW Business Operations Training Track
- Competitive Sources Training Track

For additional details, please go to <https://www.enstg.com/RegisterNow/Index.cfm?CFID=40433&CFTOKEN=38092864>.

**Third International Conference on Remediation of Contaminated Sediments.** Finding Achievable Risk Reduction Solutions is the theme of the Third International Conference on Remediation of Contaminated Sediments to be held in **New Orleans, Louisiana** on **24-27 January 2005**. The Conference program will address management considerations, policies and guidelines that affect decision-making, the definition of remediation success, and lessons learned in addition to the typically strong interest in characterization and standard remediation approaches. The program is made up of 23 sessions and 270 platform and poster presentations. Platform papers and panel discussions will be presented in four concurrent tracks Tuesday morning through midday Thursday. Posters will be displayed in two successive groups, Monday afternoon through Thursday morning, and poster presentations will be given during continental breakfast (7:00-9:00 A.M.) Tuesday and Wednesday. For more information can be found at <http://www.battelle.org/environment/er/conferences/sedimentscon/default.stm>.

**KDHE Non-point Source Seminar.** The Kansas Department of Health & Environment (KDHE), Bureau of Water, Watershed Management Section is conducting a seminar with various non-point source pollution control projects and local environmental protection programs. The purpose of the seminar is to facilitate communication of project results and activities among all parties interested in non-point source pollution control. These projects have been selected from the area of the seminar location. The seminar will be held on **3 February 2005** in **Hays, Kansas**. For additional information, please call (785) 296-4195.

**Water and the Future of Kansas Conference.** The purpose of this conference is to inform all concerned about the status of water in Kansas and to provide an opportunity to interact with others who share an interest, responsibility, or concern for water. Program highlights include Plenary Sessions, Issue Forums and Panel Discussions, and Poster Sessions. The conference is scheduled for **17 March 2005** in **Topeka, Kansas**. For additional information, please go to <http://www.dce.ksu.edu/dce/conf/waterfuture/topics.html>.

**National Environmental Partnership Summit.** The 2005 National Environmental Partnership Summit is a four-day program focused on sharing innovations in pollution prevention, compliance assistance and environmental leadership. The Summit will take place on **11-14 April 2005** in **Chicago, Illinois**. The Summit will merge the annual meetings of the National Pollution Prevention Roundtable, the Compliance Assistance Providers' Forum and the Performance Track Participants' Association. In addition, The Summit planning team would like to diversify the formats for this conference. The team is planning to have some classic panel presentations with individual papers woven together thematically, but they are also interested in hearing from interested parties who would like to suggest and facilitate a dialogue, plan a results-focused work session or custom design an entire 90 minute session with their own hand-picked speakers. To learn more, please go to <http://www.environmentalsummit.org/IntroductionCallforContent.cfm>.

**2005 Joint Services Environmental Management Conference and Exposition.** The 2005 Conference will combine two major events - the Joint Services Environmental Management Conference (JSEM) and NDIA's Environment & Energy Divisions Annual Symposium. This combined Conference is designed to support and enhance environmental programs within the Department of Defense and other Federal Agencies. By combining the resources of these previously separate Conferences, the conference organizers hope to achieve results and benefits in efficiency to both DoD and Industry participants. In addition, it will offer an unprecedented level of policy discourse and an extensive discussion of technical issues. The conference will be held in **Tampa, Florida** on **11-14 April 2005**. For more information on this conference, please go to <http://register.ndia.org/interview/register.ndia?~Brochure~5440> or call (703) 247-2587.

**Texas Commission on Environmental Quality (TCEQ) Presents the Environmental Trade Fair and Conference (ETFC).** The TCEQ Environmental Trade Fair and Conference (ETFC) will be held in the Convention Center in **Austin, Texas** on **2-4 May 2005**. Attendees will:

- Learn how to reduce environmental impacts and save money;
- Find out how to receive regulatory relief and other incentives from TCEQ;
- Hear success stories about performance-based EMSs and innovative programs; and
- Network and gain ideas on developing community partnerships.

For additional information, please go to <http://www.tnrcc.state.tx.us/exec/sbea/etf/etf.html>.

**Second Conference on Sustainable Range Management.** Planning is underway for the Second Conference on Sustainable Range Management, to be held in **Las Vegas, 15-18 August 2005**. The Conference is designed to

facilitate exchange of information among all stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapon systems and train DoD personnel without conflicting with economic, environmental, and other concerns. The technical program will consider the many issues including operational range management, urban encroachment, frequency and airspace competition, munitions constituents and UXO, protection of endangered species, protection of air quality, sustainability of the maritime environment, noise abatement, and outreach. For additional information, please go to <http://www.battelle.org/environment/er/conferences/range/default.stm>.

**Region 7 Local Emergency Planning Committee 9 (LEPC) and Tribal Emergency Response Commission Conference (TERC).** The conference brings the latest information about hazardous materials, emergency planning and environment. The 2005 conference will also feature a session devoted to health and medical issues. The speakers will address issues of interest to health providers as well as first responders. The Local Emergency Planning Committee (LEPC)/Tribal Emergency Response Commission (TERC) is the main source for information about hazardous materials, emergency planning and environmental risks in the community. EPA and FEMA, in conjunction with private industry, tribal, state and local governments have developed the conference to help LEPCs/TERCs conduct their jobs safely and more effectively. As an exhibitor, you can get your message directly to the personnel responsible for protection of local communities. The meeting will be held on **17-18 August 2005** in **Kansas City, Missouri**. For additional details, please go to <http://www.marc.org/gti/lepc-terc.htm>.

**AWMA Workshop: Understanding the Changing World of New Source Review (NSR).** The world of NSR is one of the most complex and ever changing issues today. To understand these changes, the workshop will endeavor to show where each version of the rule applies; explain the basics of the major NSR permit requirements (BACT, LAER, etc.); discuss the applicability criteria for each version of the rule, allowing you to determine whether major NSR applies to a project; update you on the latest enforcement initiatives, settlement agreements, and court decisions; and provide an idea of what's in store for NSR rules and programs in the near future. The workshop will be held in New Orleans, Louisiana on **8-9 September 2005**. For additional information, please go to <http://www.awma.org/events/workshops/NSR04/default.asp>.

[\[Top\]](#)

**Acronyms and Abbreviations** The list of acronyms and abbreviations can be found on the AEC web site at <http://aec.army.mil/usaec/reo/creo03.html> and on DENIX at <https://www.denix.osd.mil/denix/State/Partnering/REC/rec.html> (click Information Library).

ACSIM = Assistant Chief of Staff for Installation Management  
ADEQ = Arkansas Department of Environmental Quality  
AEA = Atomic Energy Act of 1954  
AEDB = Army Environmental Database  
AFCEE = U.S. Air Force Center for Environmental Excellence  
AFIT = Air Force Institute of Technology  
AIMO = Associated Industries of Missouri  
ANPR = Advance Notice of Proposed Rulemaking  
ANSI = American National Standards Institute  
APA = American Planning Association  
APC&EC = Arkansas Pollution Control and Ecology Commission  
AQCR = Air Quality Control Region  
AQI = Air Quality Index  
AST = aboveground storage tank  
ASTM = American Society for Testing and Materials  
ASTSWMO = Association of State and Territorial Solid Waste Management Officials  
ATV = all-terrain vehicle  
AWMA = Air & Waste Management Association  
BACT = Best Available Control Technology  
BART = Best Available Retrofit Technology  
BAT = best available technology  
BIA = Bureau of Indian Affairs  
BOR = Bureau of reclamation  
BRAC = Base Realignment and Closure

BTUs = British Thermal Units  
CAA = Clean Air Act  
CADD = computer-aided design and drafting  
CAM = compliance assurance monitoring  
CAMU = corrective action management unit  
CARB = California Air Resources Board  
CBT = computer-based training  
CCAR = Coordinating Committee for Automotive Repair  
CCP = Comprehensive Conservation Plan  
C&D = construction and demolition  
CDD = chlorinated dibenzo-p-dioxins  
CDF = chlorinated dibenzofurans  
CECOS = Civil Engineer Corps Officers  
CEPPO = Chemical Emergency Preparedness and Prevention Office  
CERCLA = Comprehensive Environmental Response, Compensation and Liability Act  
CESQG = conditionally exempt small-quantity generator  
CFC = chlorofluorocarbon  
CFR = Code of Federal Regulations  
CHPPM = U.S. Army Center for Health Promotion and Preventative Medicine  
CINWL = commercial industrial non-hazardous waste landfill  
CISWI = commercial and industrial solid waste incinerator  
CO = carbon monoxide  
CREO = Central Regional Environmental Office  
CSR = Code of State Regulations  
CTIC = Conservation Technology Information Center  
CTT = closing, transferring and transferred ranges  
CWA = Clean Water Act  
DAC = Defense Ammunition Center  
DBP = disinfection byproduct  
DBPR = Disinfectants and Disinfection Byproducts Rule  
DEI = Directorate of Environmental Integration  
DENIX = Defense Environmental Network & Information eXchange  
DERP = Defense Environmental Restoration Program  
DFW = Dallas/Fort Worth  
DNT = dinitrotoluene  
DoD = U.S. Department of Defense  
DOE = U.S. Department of Energy  
DOI = U.S. Department of Interior  
DOT = U.S. Department of Transportation  
DRMS = Defense Reutilization and Marketing Service  
DSMOA = Defense/State Memorandum of Agreement  
EA = environmental assessment  
EAC = Early Action Compact  
ECAS = Environmental Compliance Assessment System  
ECHO = Enforcement and Compliance History Online  
ECOS = Environmental Council of the States  
ECSR = Environmental Compliance Status Report  
EIS = environmental impact statement  
EMR = environmental management review  
EMS = environmental management system  
EO = executive order  
EPA = U.S. Environmental Protection Agency  
EPAS = Environmental Performance Assessment System  
EPCRA = Emergency Planning and Community Right-to-Know Act  
ER = environmental restoration  
ERC = Emission Reduction Credit  
ERTP = Environmental Response Training Program  
ETMD = Environmental Training and Management Division  
EVR = Enhanced Vapor Recovery  
FAA = Federal Aviation Administration

FEIS = Final Environmental Impact Statement  
FIFRA = Federal Insecticide, Fungicide and Rodenticide Act  
FFEO = Federal Facilities Enforcement Office  
FM = facilities management  
FR = Federal Register  
FS = Feasibility Study  
FUDS = Formerly Used Defense Sites  
FY = fiscal year  
GAO = General Accounting Office  
GCP = general construction permit  
GIS = geographic information system  
gpd = gallons per day  
GSA = General Services Administration  
HAP = hazardous air pollutant  
HAZMAT = hazardous materials  
HAZWOPER = Hazardous Waste Operations and Emergency Response  
HB = House Bill  
HGA = Houston/Galveston Area  
HJR = House Joint Resolution  
HM = hazardous material  
HMIRS = Hazardous Materials Information Resource System  
HMIWI = hospital/medical/infectious waste incinerator  
HMX = high melting point explosive  
HQ = headquarters  
HRVOC = Highly Reactive Volatile Organic Compounds  
HSB = House Study Bill  
HTRW = hazardous/toxic and radioactive waste  
IAC = Iowa Administrative Code  
IBR = Incorporated By Reference  
IDNR = Iowa Department of Natural Resources  
IESWTR = Interim Enhanced Surface Water Treatment Rule  
I&M = inspection and maintenance  
IMA SW = Installation Management Agency, Southwest  
IMI = Installation Management Institute  
INRMP = Integrated Natural Resources Management Plan  
INSTEP = International Society of Technical and Environmental Professionals  
ISEERB = Interservice Environmental Education Review Board  
ISO = International Organization for Standardization  
ISR = Installation Status Report  
ITAM = Integrated Training Area Management  
ITRC = Interstate Technology Regulatory Council  
JRTC = Joint Readiness Training Center  
KAR = Kansas Administrative Rules  
KCMA = Kansas City Metropolitan Area  
KDA = Kansas Department of Agriculture  
KDHE = Kansas Department of Health and Environment  
kW = kilowatt  
LAC = Louisiana Administrative Code  
LAER = Lowest Achievable Emission Rate  
LAMW = low-activity mixed waste  
LANL = Los Alamos National Laboratory  
LB = legislative bill  
LDEQ = Louisiana Department of Environmental Quality  
LDR = land disposal restriction  
LLRW = low level radioactive waste  
LPDES = Louisiana Pollutant Discharge Elimination System  
LPST = leaking petroleum storage tank  
LQG = large quantity generator

LT1ESWTR = Long Term 1 Enhanced Surface Water Treatment Rule  
LT2ESWTR = Long Term 2 Enhanced Surface Water Treatment Rule  
LUC = land use control  
LUST = leaking underground storage tank  
MACT = maximum achievable control technology  
MCL = maximum contaminant level  
MCLG = maximum contaminant level goal  
MDNR = Missouri Department of Natural Resources  
MDS = minimum desirable streamflow  
MSDS = Material Safety Data Sheet  
MEG = Military Environmental Group  
MEK = methyl ethyl ketone  
MGD = million gallons per day  
mg/L = milligram per liter  
mg/yr = megagrams per year  
MMR = Military Munitions Rule  
mph = mile per hour  
MP&M = metal products and machinery  
M2R = Military Munitions Rule  
mrem = millirem  
mrem/yr = millirem per year  
MRDLGs = maximum residual disinfectant level goals  
MRDLs = maximum residual disinfectant levels  
MS4 = municipal separate storm sewer system  
MSDS = material safety data sheet  
MSWG = Multi-State Working Group  
MSWLF = municipal solid waste landfill  
MSWTS = municipal solid waste transfer station  
MTBE = methyl tertiary butyl ether  
MVECP = Motor Vehicle and Engine Compliance Program  
MVEB = Motor Vehicle Emission Budget  
MWC = municipal waste combustion  
NAAQS = National Ambient Air Quality Standard  
NAICS = North American Industry Classification System  
NDEQ = Nebraska Department of Environmental Quality  
NDIA = National Defense Industrial Association  
NEPA = National Environmental Policy Act  
NESHAP = National Emission Standards for Hazardous Air Pollutants  
NFPA = National Fire Protection Association  
NGWA = National Ground Water Association  
NHPA = National Historic Preservation Act  
NMAC = New Mexico Administrative Code  
NMED = New Mexico Environment Department  
NO<sub>x</sub> = nitrogen oxides  
NORM = naturally occurring radioactive material  
NPDES = National Pollutant Discharge Elimination System  
NRC = Nuclear Regulatory Commission  
NREO = Northern Regional Environmental Office  
NREP = National Registry of Environmental Professionals  
NSP = New Source Performance  
NSPS = New Source Performance Standards  
NSR = new source review  
OAC = Oklahoma Administrative Code  
ODEQ = Oklahoma Department of Environmental Quality  
OE = ordnance and explosives  
OFR = Office of the Federal Register  
OMB = Office of Management and Budget  
OMEG = Oklahoma Military Environmental Group  
OPDES = Oklahoma Pollutant Discharge Elimination System

ORVR = onboard refueling vapor recovery  
OSHA = Occupational Safety and Health Administration  
OSPR = Oil Spill Prevention and Response Act  
OSSF = on-site sewage facility  
OSWER = Office of Solid Waste and Emergency Response  
P2 = pollution prevention  
PASS = Permit Application Software System  
PAL = plant-wide applicability limitation  
PBR = permit by rule  
PBT = persistent bioaccumulative toxin  
PCB = polychlorinated biphenyl  
pCi/L = picocurie per liter  
PEMS = Predictive Emission Monitoring Systems  
PER = Permitting for Environmental Results  
P.L. = public law  
PM = particulate matter  
PM<sub>2.5</sub> = Fine Particulate Matter with a diameter smaller than 2.5 microns  
POC = point of contact  
POM = Program Objective Memorandum  
POTW = publicly owned treatment works  
ppb = part per billion  
ppm = part per million  
PRP = potentially responsible party  
PSD = prevention of significant deterioration  
PST = petroleum storage tank  
PSTTF = Petroleum Storage Tank Trust Fund  
PTE = potential to emit  
PWS = public water system  
RACM = reasonably available control measures  
RACT = reasonably available control technology  
RCRA = Resource Conservation and Recovery Act  
RDX = Royal Demolition eXplosive  
REC = Regional Environmental Coordinator  
REGFORM = Regulatory Environmental Group for Missouri  
RFG = reformulated gasoline  
RI = remedial investigation  
RICE = reciprocating internal combustion engine  
ROD = record of decision  
SAME = Society of American Military Engineers  
SB = Senate Bill  
SDWA = Safe Drinking Water Act  
SDWIS = Safe Drinking Water Information System  
SERDP = Strategic Environmental Research and Development Program  
SIC = Standard Industrial Classification  
SIP = State Implementation Plan  
SM = Senate Measure  
SO<sub>2</sub> = Sulfur dioxide  
SPCC = Spill Prevention, Control, and Countermeasure  
SQG = small quantity generator  
SREO = Southern Regional Environmental Office  
TAC = Texas Administrative Code  
TAPS = Toxic Air Pollutants  
TBD = to be determined  
TCEQ = Texas Commission on Environment Quality  
TCM = transportation control measure  
TDS = total dissolved solids  
TEFs = Toxicity equivalency factors (related to dioxins)  
TEQ = Toxicity equivalency (related to dioxins)  
TERP = Texas Emissions Reduction Plan

TIM = Transformation of Installation Management  
TMDL = total maximum daily load  
TPDES = Texas Pollutant Discharge Elimination System  
TRI = Toxics Release Inventory  
TRI-DDS = Toxics Release Inventory – Data Delivery System  
TRRP = Texas Risk Reduction Program  
TSCA = Toxic Substances Control Act  
TSP= Total Suspended Particulate  
tpy = tons per year  
TNT = trinitrotoluene  
TXEP = Texas Environmental Partnership  
UIC = underground injection control  
USACE = U.S. Army Corps of Engineers  
USAEC = U.S. Army Environmental Center  
U.S.C. = United States Code  
USFWS = U.S. Fish and Wildlife Service  
USGS = U.S. Geological Survey  
UST = underground storage tank  
UXO = unexploded ordnance  
VOC = volatile organic compound  
WET = whole effluent toxicity  
WMM = waste military munitions  
WQBEL = water quality-based effluent limit  
WQMP = Water Quality Management Plan  
WREO = Western Regional Environmental Office  
ug/L = microgram per liter

[\[Top\]](#)