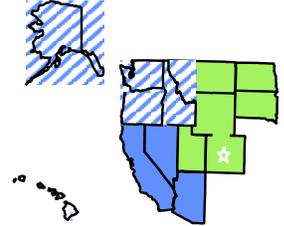




**US Army Environmental Center  
Western Regional Environmental Office  
REGION 9 – FEBRUARY 2004  
WESTERN REGION REVIEW**



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

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Past issues of the Regional Reviews are available at <http://aec.army.mil> under "Regional Offices."

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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

##### **FINAL RULE – AMENDMENTS TO NEW STATIONARY SOURCE MONITORING REQUIREMENTS –**

On 12 January 2004 (69 FR 1785), EPA promulgated Performance Specification 11: Specifications and Test Procedures for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources, and Procedure 2: Quality Assurance Requirements for Particulate Matter Continuous Monitoring Systems at Stationary Sources. The requirements will apply to sources that must use particulate matter continuous emission monitoring systems to monitor PM continuously. They will help to ensure that such systems are installed and operated properly, and produce good quality monitoring data on an ongoing basis. The amendments were effective 12 January 2004. For further information, contact Daniel Bivins, EPA at (919) 541-5244, or e-mail: [bivins.dan@epa.gov](mailto:bivins.dan@epa.gov).

**FINAL RULE – CONTROL OF EMISSIONS FROM MOTORCYCLES –** On 15 January 2004 (69 FR 2397), EPA adopted revised exhaust emission standards for currently regulated highway motorcycles. EPA also adopted new exhaust emissions standards for motorcycles of less than 50 cubic centimeters in displacement, which had not previously been subject to EPA regulations. In addition, EPA adopted new permeation evaporative emission standards for all classes of highway motorcycles. This final rule will be effective 15 March 2004. For further information, contact Carol Connell, EPA at (734) 214-4636, or e-mail: [connell.carol@epa.gov](mailto:connell.carol@epa.gov).

**FINAL RULE – REVISIONS TO MONITORING REQUIREMENTS FOR OPERATING PERMITS –** On 22 January 2004 (69 FR 3201), EPA ratified certain current language of the state and federal operating permits program rules under Title V of the Clean Air Act concerning monitoring and announced a different interpretation of the "umbrella monitoring" rules. EPA has determined that the umbrella monitoring rules do not establish a separate regulatory standard or basis for review and enhancement of existing monitoring independent of any review and enhancement that may be required under separate provisions of the operating permits rules. This final rule will be effective 23 February 2004. For further information, contact Jeff Herring, EPA at (919) 541-3195, or e-mail: [herring.jeff@epa.gov](mailto:herring.jeff@epa.gov).

##### **DIRECT FINAL RULE – AMENDMENTS TO SPARK-IGNITION NONROAD ENGINE REQUIREMENTS**

On 12 January 2004 (69 FR 1823), EPA took direct final action to adopt amendments to its Phase 2 requirements for spark-ignition nonroad handheld engines at or below 19 kilowatts. The Phase 2 requirements were adopted in April 2000 and are being phased-in between 2002 and 2007. The Amendments are intended to provide additional compliance flexibility to engine manufacturers to smooth the transition to the Phase 2 requirements. The amendments contain two revisions intended to increase flexibility in the averaging, banking, and trading program as it applies to handheld engines. This direct final rule will be effective 12 March 2004 without further notice, unless EPA receives adverse comments by 11 February 2004. If EPA receives adverse comments, it will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect. For further information, contact Phil Carlson, EPA at (734) 214-4636, or e-mail: [carlson.philip@epa.gov](mailto:carlson.philip@epa.gov).

**SUPREME COURT RULING – EPA CAN OVERRULE STATE PERMIT ACTION** – The U.S. Supreme Court has issued a ruling confirming EPA's authority, under the Clean Air Act prevention of significant deterioration program, to overturn state permits for construction of new sources in attainment areas, when the state has not required best achievable control technology. The 5-4 decision (Alaska Department of Environmental Conservation v. Environmental Protection Agency) found the EPA did not go too far when it overruled a decision by Alaska regulators, who wanted to let the operators of a zinc and lead mine use cheaper antipollution technology for power generation ("low NOx" vice Selective catalytic reduction for NOx control). The .text of the decision is available at <http://www.supremecourtus.gov/opinions/03pdf/02-658.pdf>.

### WATER INFORMATION:

**FINAL GUIDANCE – WATERSHED-BASED NPDES PERMITTING** - EPA has released a final document entitled "Watershed-Based National Pollutant Discharge Elimination System (NPDES) Permitting Implementation Guidance." The purpose of this guidance is to describe the concept of and the process for watershed-based permitting under the NPDES permit program. Watershed-based NPDES permitting is an approach to developing NPDES permits for multiple point sources located within a defined watershed. The guidance addresses issues related to program implementation, but it does not provide detailed technical information or address procedural and administrative actions related to permit issuance. The guidance is available at [http://www.epa.gov/npdes/pubs/watershedpermitting\\_finalguidance.pdf](http://www.epa.gov/npdes/pubs/watershedpermitting_finalguidance.pdf).

**NOTICE OF AVAILABILITY – UPDATED WATER QUALITY TRADING WEBSITE** – EPA's Water Quality Trading website has been updated to include links from the states, frequently asked questions, and presentations from the National Trading Forum. The website is located at [www.epa.gov/owow/watershed/trading.htm](http://www.epa.gov/owow/watershed/trading.htm).



## GENERAL INFORMATION

**GAO REPORT – DOD CLEANUP OF CONTAMINATED SITES** - The GAO has issued a report (GAO-01-147) that evaluates DoD's progress in identifying, assessing, and cleaning up military munitions sites and DoD's plans to clean up remaining sites in the future. Over 15 million acres in the United States may be contaminated with military munitions. As of September 2002, 2,307 potentially contaminated sites had been identified, but 1,387 sites were awaiting completion of initial evaluation. More sites continue to be identified and a complete inventory may take several more years to obtain. The report states that DoD does not yet have a complete and viable plan for cleaning up military munitions. GAO identified several problematic areas, including: 1) essential data which may take years to develop; 2) reliance on preliminary cost estimates that can change and loss of funds by the reallocation of those funds; and 3) a plan that does not contain goals or measures for site assessment and cleanup. GAO recommends that DoD: 1) establish deadlines for completing its site inventory and initial evaluations; 2) reassess the timetable proposed for completing its risk assessment reevaluations; 3) establish service-specific targets; and 4) work with Congress to develop budget proposals that will allow timely completion of cleanup activities. For further information, contact Anu Mittal, GAO at (202) 512-3841, or link: <http://www.gao.gov/highlights/d04147high.pdf>.

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

### **CLEANUP SITE CLOSURE: REGULATORY & ADMINISTRATIVE ACTIVITIES**

**17-18 February 2004 – Idaho Falls, Idaho**

RTI is offering this course for personnel who are involved in the planning and implementation of closure and post-closure activities at hazardous and mixed waste management facilities or environmental restoration projects. The course will provide an overview of RCRA requirements for landfills, storage pads, and contaminated areas. It will also cover effective ways to plan for the integration of closure among units regulated under different programs. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

### **APPLIED CLEAN AIR ACT**

**17-19 February 2004 – Richland, Washington**

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

### **HAZARDOUS WASTE MANAGEMENT AND MANIFEST INITIAL COURSE**

**23-27 February 2004 – Huntsville, Alabama**

The Army Corps of Engineers is offering this course to fulfill the initial training requirements of 49 CFR 172, Subpart H, as they relate to the management and transportation of hazardous waste and the use of a hazardous waste manifest. For more information or to register, call Joy Rodriguez at (256) 895-7448, or link: [http://pdsc.usace.army.mil/CourseListDetails1.asp?Cntrl\\_Num=223](http://pdsc.usace.army.mil/CourseListDetails1.asp?Cntrl_Num=223).

### **HAZARDOUS WASTE MANAGEMENT AND MANIFEST REFRESHER COURSE**

**24-25 February 2004 – Huntsville, Alabama**

The Army Corps of Engineers is offering this course to fulfill the recurrent requirements of 49 CFR 172, Subpart H, as they relate to the management and transportation of hazardous waste and the use of a hazardous waste manifest. For more information or to register, call Joy Rodriguez at (256) 895-7448, or link: [http://pdsc.usace.army.mil/CourseListDetails1.asp?Cntrl\\_Num=429](http://pdsc.usace.army.mil/CourseListDetails1.asp?Cntrl_Num=429).

### **DESIGN STRATEGIES FOR LOW-ENERGY, SUSTAINABLE, SECURE BUILDINGS**

**24-25 February 2004 – Tucson, Arizona**

The Department of Energy and the Federal Network for Sustainability are co-sponsoring this course, which is intended for designers, project managers, architects and engineers who work on federal agency projects. The course teaches the fundamentals of an integrated "whole building" approach to design that considers the structure and systems as a whole, and examines how they work best together to save energy and reduce environmental impact. For more information or to register, link:

<http://fempcentral.com/workshops/registration.ws>.

### **INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOP**

**24-26 February 2004 – Seattle, Washington**

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

The Army Center for Health Promotion and Preventive Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and use strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating

with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, link <http://chppm-www.apgea.army.mil/risk>.

### **HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE**

**24-26 February 2004 – Jacksonville, Florida**

**20-22 April 2004 – San Antonio, Texas**

**20-22 July 2004 – Annapolis, Maryland**

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

### **NATURAL RESOURCES COMPLIANCE**

**24-27 February 2004 – San Antonio, Texas**

**22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link: <https://www.cecos.navy.mil>.

### **2<sup>ND</sup> ANNUAL ARMY ENVIRONMENTAL TRAINING SYMPOSIUM**

**1-5 March 2004 – Kansas City, Missouri**

The Army Engineer School is hosting this symposium to provide environmental training to installation (Active Army, National Guard, and Army Reserve) environmental personnel and installation stakeholders. Training topics include 1) satellite accumulation point operator; 2) hazardous materials handler; 3) HAZWOPER 8-hour refresher; 4) pollution prevention; and 5) spill prevention and response. For more information, call (573) 563-4124.

### **ENVIRONMENTAL NEGOTIATION WORKSHOP**

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

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

### **UXO/COUNTERMINE FORUM**

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

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

### **DSMOA NATIONAL WORKSHOP**

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

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

**INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS****16-18 March 2004 – New Orleans, Louisiana****17-19 August 2004 – Bangor, Maine**

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

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

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

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

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

**ENVIRONMENTAL LAWS AND REGULATIONS****27-29 April 2004 – Richland, Washington**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## ARIZONA

### Regulatory Developments & Other State Information

No significant regulatory activities to report.

### Legislative Developments

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

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

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

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

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

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



## CALIFORNIA

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### AIR INFORMATION:

**DIRECT FINAL RULE – APPROVAL OF MONTEREY BAY OPEN BURNING REVISIONS** – On 12 January 2004 (69 FR 1682), EPA took direct final action to approve revisions to the Monterey Bay Unified Air Pollution Control District portion of the California State Implementation Plan (SIP). The revisions regulate the emission of particulate matter from open burning. EPA is approving a local rule and removing rescinded local rules that regulate this emission source under the Clean Air Act. This rule is effective on 12 March 2004 without further notice, unless EPA receives adverse comments by 11 February 2004. If EPA receives such comments, it will publish a timely withdrawal in the Federal Register to notify the public that this rule will not take effect. For further information, contact Al Petersen, EPA at (415) 947-4118, or e-mail: [petersen.alfred@epa.gov](mailto:petersen.alfred@epa.gov).

**DIRECT FINAL RULE – APPROVAL OF MONTEREY BAY VOC SIP REVISION** – On 15 January 2004 (69 FR 2300), EPA took direct final action to approve a revision to the Monterey Bay Unified Air Pollution Control District portion of the California SIP. The revision concerns the emission of volatile organic compounds (VOC) from the transfer of gasoline at dispensing stations. EPA is approving a local rule that regulates this emission source under the Clean Air Act. This rule is effective on 15 March 2004 without further notice, unless EPA receives adverse comments by 17 February 2004. If EPA receives such comments, it will publish a timely withdrawal in the Federal Register to notify the public that this rule will not take effect. For further information, contact Al Petersen, EPA at (415) 947-4118.

**DIRECT FINAL RULE – APPROVAL OF SOUTH COAST SIP REVISIONS** – On 22 January 2004 (69 FR 3018), EPA took direct final action to approve revisions to the South Coast Air Quality Management District portion of the California SIP. These revisions concern VOC emissions from food product manufacturing and processing, recordkeeping for VOC sources, and particulate matter emissions from woodworking operations. EPA is approving local rules that regulate these emission sources under the Clean Air Act. This rule is effective on 22 March 2004 without further notice, unless EPA receives adverse comments by 23 February 2004. If EPA receives such comments, it will publish a timely withdrawal in the Federal Register to notify the public that this rule will not take effect. For further information, contact Jerald Wamsley, EPA at (415) 947-4111, or e-mail: [wamsley.jerry@epa.gov](mailto:wamsley.jerry@epa.gov).

**PROPOSED REGULATION – AIR TOXIC CONTROLS FOR STATIONARY DIESEL ENGINES** – The California Air Resources Board (CARB) has proposed air toxic control measures for both existing and new stationary diesel engines including transport refrigeration units. Both measures prescribe standards for particulate matter, methane, nitrogen oxides, nitrogen dioxide, and carbon monoxide. For existing engines, the following would be exempt: (1) combustion ignition engines of less than 50 horsepower; (2) engines for emergency or standby power operations that are now exempted by a local air district; (3) engines used on San Nicholas and San Clemente Islands; (4) engines use in agricultural operations; (5) engines used by DoD personnel for weapons testing; and (6) engines that meet certain operation requirements. For new engines, the following would be exempt: (1) engines use in agricultural operations; and (2) engines used by DoD personnel for weapons testing. Comments are due by 26 February 2004. For more information, contact Alex Santos at (916) 327-5638, or link: <http://www.arb.ca.gov/regact/statde/statde.htm>.

**PROPOSED REGULATION – MANDATORY CHIP REFLASH FOR GASOLINE AND DIESEL TRUCKS**  
CARB has proposed amendments to its onboard diagnostics regulations for heavy-duty diesel and gasoline engines. The amendments will require chip reflashing for 1990s model year trucks that CARB considers to have "high emissions." A heavy-duty diesel software upgrade (chip reflash) is software installed in the engine that reprograms the vehicle's computer and reduces off-cycle nitrogen oxides

(NOx) emissions. This proposed software upgrade regulation mandates installation of software to reduce emissions of NOx from 1993-1999 model year heavy-duty vehicles. Comments are due by 26 February 2004. For more information, contact Renee Kemena at (916) 322-6921, or link: <http://www.arb.ca.gov/regact/chip03/notice.htm>.

**PROPOSED REGULATION – PARTICULATE MATTER EMISSIONS FROM PORTABLE DIESEL ENGINES** – CARB has proposed an Airborne Toxic Control Measure to control particulate matter emissions from portable-diesel engines. CARB is also developing amendments to the Portable Equipment Registration Program. A portable equipment workgroup is assisting the CARB staff with developing the portable engine regulations. Comments are due by 26 February 2004. For more information, contact Grant Chin at (916) 327-5602, or link: <http://arb.ca.gov/diesel/portdiesel/111803/atcm.pdf>.

### **WASTE INFORMATION:**

**FINAL REGULATION – PHASE II CONSTRUCTION, DEMOLITION AND INERT DEBRIS STANDARDS**  
The California Integrated Waste Management Board (IWMB) has adopted Phase II regulations that set forth permitting requirements and minimum operating standards for operations and facilities that receive, store, handle, recover, process or dispose of construction, demolition, and inert debris. The regulations will: (1) define construction, demolition, and inert debris disposal operations and facilities; (2) place these operations and facilities into the regulatory tiers; and (3) establish regulatory oversight, permitting requirements, and minimum operating standards to protect public health, safety and the environment. The regulations will be effective 24 February 2004. For more information, contact Allison Spreadborough at (916) 341-6803.

### **WATER INFORMATION:**

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

### **Legislative Developments**

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

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

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

**The following bills were tracked in the Region 9 Reviews during the 2003 session and carried over to the 2004 session. However, they failed to meet a 16 January deadline for reporting carryover bills from policy committees. The deadline can be waived by the Rules Committee. If not, the bills will fail. If the bills become active, they will be reported in detail in future Reviews.**

**CALIFORNIA AB 240 – SOLID WASTE**

**CALIFORNIA AB 623 – TOXICS**

**CALIFORNIA AB 729 – AIR QUALITY**

**CALIFORNIA AB 1063 – AIR QUALITY**

**CALIFORNIA AB 1159 – GROUNDWATER**

**CALIFORNIA SB 202 – HAZARDOUS WASTE**

**CALIFORNIA SB 207 – AIR QUALITY**

**CALIFORNIA SB 657 – ENDANGERED SPECIES**

**CALIFORNIA SB 747 – UNDERGROUND STORAGE TANKS**

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## HAWAII

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### Regulatory Developments & Other State Information

No significant regulatory activities to report.

### Legislative Developments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## NEVADA

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### AIR INFORMATION:

**PROPOSED REGULATION – REVISIONS TO PERMITTING REQUIREMENTS** – The Nevada Department of Environmental Protection (DEP) has proposed amendments that will change several sections in the permitting provisions of NAC 445B (Air Controls). The amendments will remove the ambiguity concerning implementation of regulations covering incinerator burning and schedules for compliance, as well as add an opacity limit and reduce the time allowed for exceptions to visible emissions from steam generating units. The amendments will also remove the state visibility standard; make violations of the fugitive dust regulations a major violation; and revise the procedures for determining when an application for a Class I/PSD operating permit are considered complete. Comments are due by 26 February 2004. For more information, contact Mike Elges at (775) 687-4670, ext. 35437, or link: <http://www.leg.state.nv.us/register/DailyUpdates/R198-03IN.html>.

**PROPOSED REGULATION – ALTERNATIVE FUEL USE IN FLEETS** – The Nevada DEP has proposed two revisions to NAC 486A: 1) low-sulfur diesel fuel is removed from the list of designated alternative fuels and is replaced with three diesel fuel variants: (a) ultra low-sulfur diesel fuel, (b) California Air Resources Board (CARB) approved diesel fuel, and (c) a blend of diesel fuel with five to twenty percent biodiesel. A sunset provision removes the ultra low-sulfur diesel fuel and CARB approved diesel fuel from the approved list on 31 December 2006, since ultra low-sulfur diesel fuel will be mandated by federal regulation at retail outlets nationwide beginning in June 2006; 2) the definition of “certified vehicle” and all references to certified vehicles in NAC 486A are removed. The definition of “dedicated alternative fuel motor vehicle” was amended in statute to include vehicles certified by the EPA as being in compliance with ultra low-emission vehicle standards regardless of the type of fuel used. Comments are due by 26 February 2004. For more information, contact Sig Jaunarajs at (775) 687-5392, or link: <http://ndep.nv.gov/baqp/2003-11/P2003-11,%20486A%20amends.doc>.

**PROPOSED REGULATION – OPEN BURNING AMENDMENTS** – The Nevada DEP has proposed to amend NAC 445B.22067, Open Burning, to prohibit: (1) the burning of household trash at single-family residences within 10 miles of trash disposal, collection or transfer sites or in areas with household trash collection services. The open burning of yard waste and untreated wood waste will continue to be allowed in these areas; (2) the burning of rubbish by agricultural operations within 10 miles of trash disposal, collection or transfer sites or in areas with household trash collection services; and (3) residents of certain towns and cities from obtaining a variance directly from the DEP to burn waste, if local authorities do not authorize it. Comments are due by 26 February 2004. For more information, contact Sam Jackson at (775) 687-9358, or link: <http://ndep.nv.gov/baqp/2003-13/P2003-13,%20open%20burn%20amends.doc>.

**PROPOSED REGULATION – OPERATING PERMIT REVISIONS** – The Nevada DEP has proposed revisions to its Operating Permit regulations. The revisions will include amendments to the procedures for applications for or revisions to Class I/PSD operating permits (OP) or operating permits to construct (OPTC) so that they are considered complete on the date the permit is issued. The amendments will also clarify the public notification requirements for a revision of a Class I OP or OPTC and the definition of a “complete application” for a renewal of a Class I operating permit. Public notification of certain minor revisions to Class I operating permits will be required, as will certain Class II operating permits for a range of sources based on permitted allowable annual emissions. Agency timelines and fees for processing operating permits will be increased accordingly. Comments are due by 26 February 2004. For more information, contact Colleen Cripps at (775) 687-9346.

### WASTE INFORMATION:

**PROPOSED REGULATION – ADOPTION OF FEDERAL HAZARDOUS WASTE REGULATIONS** – The Nevada DEP proposed to adopt amendments to its hazardous waste regulations in NAC section 444 to make them consistent with federal regulations as of 1 July 2003. The amendments include adopting federal standards by reference, as well as prohibiting direct transfer of hazardous waste from transport vehicle to boiler or industrial furnace. Owners or operators of a boiler or industrial furnace may not directly transfer hazardous waste from a transport vehicle to a boiler or industrial furnace without the use of a storage unit. Storage units must be permitted in the manner prescribed by 40 CFR Part 270. Comments are due by 26 February 2004. For more information, contact Jim Trent at (775) 687-4670, ext. 3015, or link: <http://www.leg.state.nv.us/register/DailyUpdates/R126-03IN.html>.

**PROPOSED REGULATION – REVISED DEFINITION OF HAZARDOUS WASTE** – The Nevada DEP has proposed changes to the definition of hazardous waste in NAC 444.843. These changes establish and define two subcategories of waste that are generated outside the State and will provide for more uniform regulatory treatment and equitable assignment of fees when such wastes are managed in Nevada. The two subcategories identified are remediation wastes and federally delisted wastes. Comments are due by 26 February 2004. For more information, contact Jim Trent at (775) 687-4670, ext. 3015, or link: <http://www.leg.state.nv.us/register/DailyUpdates/R208-03IN.html>.

### **WATER INFORMATION:**

**PROPOSED REGULATION – REVISIONS TO WATER QUALITY STANDARDS** – The Nevada DEP has proposed revisions to its water quality standards, including changes to existing formats for listing water quality standards in the Nevada Annotated Code provisions (NAC's). Proposed changes will make the tables contained in the NAC's easier to read and understand. DEP also proposed a revision of the existing pH criteria, and total phosphorus criteria for various Class Waters throughout the State. Other revisions include corrections for names and locations of certain water bodies, including clarification of the extent of the "reaches" as well as revisions based on the need to clarify the appropriate trout or non-trout standards for various water bodies. The revisions will not have any economic impacts, either immediate or long term, on the regulated industry, are no more stringent than federal law, and do not address fees. Comments are due by 26 February 2004. For more information, contact John Heggeness at (775) 687-4670, ext. 3093, or link: <http://sec.nv.gov/archives/regdoc/p2003-09.pdf>.

### **Legislative Developments**

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

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