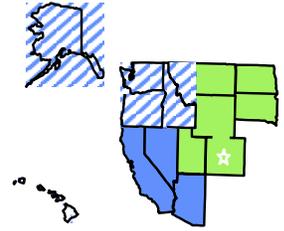




**US Army Environmental Center
Western Regional Environmental Office
REGION 8 – MARCH 2004
WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. We appreciate your feedback. Please contact WREO, U.S. Custom House, 721 19th St., Room 427, Denver, CO 80202-2500; Phone: (303) 844- 0954, or fax: (303) 844-0951.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

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

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

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

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

PROPOSED REGULATION – INTERSTATE TRANSPORT OF FINE PARTICULATE AND OZONE – On 30 January 2004 (69 FR 4565), EPA proposed to find that 29 states contribute significantly to

nonattainment of the national ambient air quality standards (NAAQS) for fine particles (PM_{2.5}) and/or 8-hour ozone in downwind states. EPA proposed to require these upwind states to revise their State Implementation Plans (SIPs) to include control measures to reduce emissions of sulfur dioxide (SO₂) and/or nitrogen oxides (NO_x). SO₂ is a precursor to PM_{2.5} formation, and NO_x is a precursor to both ozone and PM_{2.5} formation. Reducing upwind precursor emissions will assist the downwind PM_{2.5} and 8-hour ozone nonattainment areas in achieving the NAAQS. EPA proposed statewide emissions reductions for SO₂ and NO_x to be implemented in two phases (in 2010 and 2015). The proposed emissions reduction requirements are based on controls that are known to be highly cost effective for electric generating units. Comments are due by 30 March 2004. For further information, contact Scott Mathias, EPA at (919) 541-5310, or e-mail mathias.scott@epa.gov.

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

WASTE INFORMATION:

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

WATER INFORMATION:

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

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

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

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

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

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

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UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

ENVIRONMENTAL NEGOTIATION WORKSHOP

9-11 March 2004 – San Diego, California

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

<https://www.cecosp.navy.mil>.

UXO/COUNTERMINE FORUM

9-13 March 2004 – St. Louis, Missouri

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

DSMOA NATIONAL WORKSHOP

15-18 March 2004 – Atlanta Georgia

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

NATIONAL MILITARY FISH AND WILDLIFE ASSOCIATION (NMFWA) MEETING

15-19 March 2004 – Spokane, Washington

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

INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS

16-18 March 2004 – New Orleans, Louisiana

17-19 August 2004 – Bangor, Maine

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

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

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

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

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

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

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

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

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

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

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

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

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

12TH 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.

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

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

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

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

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

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

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

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

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

EPA is sponsoring this 7th 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.mccoyseseminars.com>.

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

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

9TH 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>.

13TH 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 Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. There is no registration fee. For more information or to register, link <http://chppm-www.apgea.army.mil/risk>.

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

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

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

AIR INFORMATION:

FINAL REGULATION – REVISION TO VOLATILE ORGANIC COMPOUND (VOC) SIP – The Colorado Department of Public Health and Environment (CDPHE) has adopted revisions to Regulation Number 7, VOC Emissions. CDPHE repealed a five ton per day de minimis exemption level that was adopted with the Denver Ozone maintenance plan. CDPHE will submit the SIP revision to EPA for approval. The revision was effective 2 February 2004. For more information, contact Kirsten King at (303) 692-3111, or link http://www.cdphe.state.co.us/op/regs/airregs/100109aqccemissionsofvolatileorgani_cemissions.pdf.

FINAL REGULATION – GENERIC EMISSIONS TRADING AND FEE CREDITS – CDPHE has implemented the provisions of 2003 HB 1015 by repealing the Permit Fee Credit Program, Part B of Regulation 5, in its entirety. Regulation 5 deals with the establishment and implementation of a voluntary program for the generation, certification and use of permit fee credits as a benefit to the environment. The original basis for the promulgation of Part B indicates that the permit fee credits were conditioned upon annual appropriations from the Colorado Legislature. However, both the necessary funding mechanism and the authority for the permit fee credits program have been withdrawn. This amendment conforms Regulation No. 5 to the repeal of section 25-7- 114.8, C.R.S. (HB03-1015), and the withdrawal of legislative funding for the permit fee credit program (HB02-1203). The repeal was effective 1 March 2004. For more information, contact Kirsten King at (303) 692-3111.

FINAL REGULATION – COLORADO SPRINGS AND LONGMONT SIP REVISIONS – CDPHE has adopted revisions to the Colorado Springs and Longmont carbon monoxide maintenance plans. The regulation includes the adoption of revised carbon monoxide emission budgets developed with EPA's MOBILE6 model. These emission budgets replace previously adopted emission budgets that were developed with the MOBILE5b model. CDPHE also repealed the Colorado Springs vehicle emissions program. The revisions were effective 1 March 2004. For more information, contact Douglas Lempke at (303) 692-3478, or link <http://www.cdphe.state.co.us/op/aqcc/aqccdown/Ambientproposedrevs.pdf>.

FINAL REGULATION – ADOPTION OF FEDERAL MACT STANDARDS – CDPHE has adopted revisions to Regulation Number 8, MACT Standards. The revisions consist of changes that have been promulgated to the federal program since September 2003, including: (1) industrial, commercial, and institutional process boilers and heaters; (2) internal combustion engines; and (3) wood products. The revisions were effective 1 March 2004. For more information, contact Melanie Loyzim at (303) 692-3147.

FINAL PLAN – ADOPTION OF DRCOG 2025 LONG-RANGE PLAN AND 2003-2008 TRANSPORTATION IMPROVEMENT PROGRAM FOR TRANSPORTATION CONFORMITY – CDPHE has adopted the transportation conformity analysis conducted by the Denver Regional Council of Governments (DRCOG) on its 2025 Long Range Transportation Plan and its 2003 -2008 Transportation Improvement Program. DRCOG has added transportation projects to the original plan and performed an air quality conformity analysis for the additional projects. The additional projects will not have an adverse impact on air quality. The plan adoption was effective 15 January 2004. For more information, contact Douglas Lempke at (303) 692-3478, or link <http://www.drcog.org/transportation/TIP/1stQtr2004PolicyAmendments.pdf>.

PROPOSED REGULATION – DENVER OZONE ACTION PLAN – CDPHE has proposed to adopt the Ozone Action Plan for the Denver metropolitan area and Weld County as required by the State's Ozone Early Action Compact with EPA. The proposed revision to the Colorado SIP will demonstrate attainment of the 8-hour national ambient air quality standard for ozone. The proposal includes revisions to the Ambient Air Quality Standards Regulation, the Common Provisions Regulation, and Regulations Number 7 and 11. CDPHE may also consider other regulatory changes that may be necessary to meet the ozone standard. CDPHE will hold a public hearing on 11 March 2004. For more information, contact Douglas Lempke at (303) 692-3478.

PROPOSED REGULATION – AIR CURTAIN DESTRUCTORS – CDPHE has proposed revisions to the air curtain destructor provisions of the Open Burning, Prescribed Fire and Permitting Regulation (Regulation No. 9). CDPHE has taken public comment prior to its last two meetings, but has delayed final action on these provisions until its 11 March 2004 meeting. For more information, contact Douglas Lempke at (303) 692-3478.

WASTE INFORMATION:

FINAL REGULATION - AMENDMENTS TO SOLID WASTE DISPOSAL SITES AND FACILITIES – CDPHE has adopted amendments to its solid waste disposal sites and facilities regulations. The revisions include: 1) the addition of a new Section 8 for recycling facilities; 2) the replacement of the current Section 10 addressing scrap tire facilities with an updated regulation; 3) an addition to subsection 9.7.4 regarding waste impoundments; and 4) a modification to subsection 7.1(C) regarding an intermediate processing facility and a material recovery facility. The amendments will be effective 30 March 2004. For more information, contact Glenn Mallory at (303) 692-3445, or link <http://www.cdphe.state.co.us/hm/proposedswregs/finalregulations.pdf>.

WATER INFORMATION:

FINAL REGULATION – WATER ADMINISTRATIVE FEE PROGRAM – The Colorado Division of Water Resources has adopted rules governing the Water Administration Fee Program created by SB 03-278. The law authorizes the State Engineer to collect an annual water administration fee and to promulgate rules necessary to establish the Program. These rules include: (1) definitions of relevant terms and procedures; (2) fee amounts; (3) a schedule for fee payments; (4) notification and invoicing procedures; and (5) procedures to appeal the imposition of a fee if believed improperly assessed. The rules were effective 1 February 2004. For more information, contact Susan Garcia at (303) 866-3581, or link <http://www.water.state.co.us/wateradminfees.asp>.

PROPOSED REGULATION – SITE APPROVAL PROCESS – CDPHE has proposed revisions to the Regulations for the Site Approval Process for domestic wastewater treatment works, Regulation #22 (5 CCR 1002-22). CDPHE will hold a public hearing on 12 April 2004. A prehearing conference will be held 13 March 2004. For more information, contact Diana Glaser at (303) 692-3469, or link <http://www.cdphe.state.co.us/op/regs/waterregs/100222.pdf>.

PROPOSED REGULATION – BASIC STANDARDS AND METHODOLOGY FOR SURFACE WATER AND GROUNDWATER - CDPHE has proposed revisions to its basic standards and methodologies for surface water, Regulation #31, its basic standards for groundwater, regulation #41, and site-specific water quality standards for groundwater, Regulation #42. The revisions concern the standards for organic chemicals, human health-based standards for fish consumption, and other revisions identified as part of the triennial review process. CDPHE will hold a public hearing on 10 May 2004. For more information, contact Diana Glaser at (303) 692-3469, or link <http://www.cdphe.state.co.us/op/wqcc/OtherRegs/84/Reg84.html>.

PROPOSED REGULATION – RECLAIMED DOMESTIC WASTEWATER CONTROL – CDPHE has proposed amending the reclaimed domestic wastewater control regulation as part of the triennial review process. The proposal seeks to expand uses of reclaimed wastewater to include several commercial and industrial uses. These include dust control, compaction, street sweeping, closed loop cooling systems,

and non-residential fire protection. CDPHE will hold a public hearing on 12 April 2004. For more information, contact Diana Glaser at (303) 692-3469, or link <http://www.cdphe.state.co.us/op/wqcc/OtherRegs/84/Reg84.html>.

PROPOSED REGULATION – BENEFICIAL USE OF WASTE TREATMENT SLUDGE – CDPHE has proposed amendments to its regulations pertaining to beneficial use of water treatment. The amendments would reduce the current fee \$2.40 per dry ton of biosolids produced for beneficial use to \$1.24 per dry ton. Comments are due by 21 April 2004. For more information, contact David Akers at (303) 692-3591.

PROPOSED TMDL LIST - 2004 303 (d) LIST OF IMPAIRED WATERS AND LISTING CRITERIA – CDPHE has adopted listing methodology for the 2004 303(d) list of impaired waters and proposed the 2004 list, as well as a Monitoring and Evaluation List. CDPHE will hold a public hearing and hopes to approve the list on 9 March 2004, since it must be submitted to EPA by 1 April 2004. For more information, contact Phil Hegeman, CDPHE at (303) 692-3518, or link <http://www.cdphe.state.co.us/op/wqcc/OtherRegs/93-94/RMH9394.pdf>.

Legislative Developments

The 2004 legislative session began 7 January and will end 5 May. For current information on the legislative session, link http://www.state.co.us/gov_dir/stateleg.htm.

COLORADO HB 1025 – FUELS - Exempts a new diesel vehicle from getting an emissions inspection when it is sold, unless the current emissions certificate expires within twelve months. Introduced and referred to House Transportation and Energy Committee 7 January 2004. Referred to House Appropriations Committee 28 January. Passed House 18 February. Referred to Senate Transportation Committee 23 February. The sponsor is Representative Ann Ragsdale (D).

COLORADO HB 1040 – GROUNDWATER - Requires that a water judge include, in each decree for a water right that diverts water from one water division into another, conditions to ensure that the present appropriation of water and prospective beneficial uses of water within the water division from which the water is exported will not be impaired. Requires the applicant to show that such exportation is needed after the preparation of an integrated water supply and demand plan and after an analysis of reasonable alternatives to such export. Introduced 7 January 2004. Failed to meet crossover deadline 25 February. The sponsor is Representative John Salazar (D).

COLORADO HB 1073 – GROUNDWATER - Specifies that the failure of a water referee, or of an applicant for a new water right or a change of point of diversion of a water right, to notify affected surface owners does not divest the water judge of jurisdiction or constitute a denial of due process. Allows such unnotified surface owners to file statements of opposition and requires the water judge to consider such statements. Introduced 7 January 2004. Passed House 18 February. Passed to Senate Committee of the Whole 3 March. The sponsor is Representative Matt Smith (R).

COLORADO HB 1120 – GROWTH MANAGEMENT - Recognizes the duty of each county and municipal planning commission to make and adopt for submission to the Board of County Commissioners or the governing body of the municipality a master plan. Allows the planning commission to recommend amendments to an existing master plan. Specifies that the Board of County Commissioners or the municipal governing body may adopt, modify, or reject the plan or amendments. Specifies that any master plan adopted by a regional planning commission shall not be legally enforceable in any county or municipality unless its governing body has adopted ordinances or rules that implement the plan. Introduced 12 January 2004. Failed to meet crossover deadline 25 February. The sponsor is Representative John Pommer (D).

COLORADO HB 1135 – WILDLIFE SANCTUARIES - Authorizes operation of a wildlife sanctuary by a nonprofit entity. Exempts sanctuaries accredited by the American Association of Sanctuaries or the American Sanctuaries Association from the licensing requirement. Authorizes the Wildlife Commission to regulate such sanctuaries, subject to review of proposed rules by the Captive Wildlife and Alternative Livestock Board. Introduced 13

January 2004. Failed to meet crossover deadline 25 February. The sponsor is Representative Paul Martin Weissmann (D).

COLORADO HB 1147 – ENVIRONMENTAL MANAGEMENT SYSTEMS - Authorizes CDPHE to implement an environmental management system permit pilot program to allow participants to meet existing environmental requirements through the use of alternative methods and procedures while ensuring compliance with ambient air or water standards. Sets the minimum elements that CDPHE shall include in a permit. Introduced 13 January 2004. Passed House 19 February. Passed to Senate Committee of the Whole 3 March. The sponsor is Representative Dale Hall (R).

COLORADO HB 1178 – PESTICIDES - Adds private, private certified herbicide, certified maintenance, and public certified applicators to the list of those who must be licensed in order to apply pesticides. Requires a person applying for a license as a private, private certified herbicide, certified maintenance, or public certified applicator to pass an examination and pay a licensure fee. Died upon failure to meet the crossover deadline 25 February 2004. The sponsor is Representative Bob Briggs (R).

COLORADO HB 1183 – ENERGY EFFICIENCY STANDARDS - Declares that the use of more energy-efficient appliances can save money, conserve water, reduce pollution and brownouts, avoid utility infrastructure costs, and benefit local economies. Adopts statutory standards for the energy efficiency of specified household appliances, commercial equipment, and traffic signals sold in Colorado. Died upon failure to meet the crossover deadline 25 February 2004. The sponsor is Representative Alice Borodkin (D).

COLORADO HB 1185 – WATER - Authorizes the organization of a Denver basin water conservancy district. Limits such authority to a district that includes water providers whose service areas are located in Douglas or Arapahoe county and that opt to be included in the district. Authorizes the district to enact a deemed consent resolution pursuant to which the district would control previously unappropriated ground water lying within the district's boundaries. Died upon failure to meet the crossover deadline 25 February 2004. The sponsor is Representative Representative Matt Smith (R).

COLORADO HB 1203 – EMINENT DOMAIN - Prohibits private property acquired by government entities, in connection with the powers of eminent domain, from being subsequently transferred to a private party. Prohibits private property acquired by an urban renewal authority after the effective date of the act from being subsequently transferred to a private party. Introduced 16 January 2004. Died upon failure to meet the crossover deadline 25 February 2004. The sponsor is Representative Shawn Mitchell (R).

COLORADO HB 1209 – REMEDIATION - Removes economic liability from the definition of "blighted area" in connection with an alternative requirement that may be shown to demonstrate that a particular area is blighted for purposes of statutory provisions governing urban renewal. Prohibits an area from being designated as blighted where any substantial portion of such area is: (1) zoned for agricultural uses; (2) generally compatible with agricultural uses; or (3) vacant or otherwise in a largely undeveloped condition. Introduced 20 January 2004. Failed on House floor. 24 February. The sponsor is Representative Lois Tochtrop (D).

COLORADO HB 1211 – WATER USE - Continues the Water and Wastewater Facility Operators Certification Board until 1 July 2013. Reduces the size of the Board from 13 members to 10, 9 of whom have voting privileges, and consolidates the geographic and subject-matter representation of the members. Institutes term limits for board members, allowing a maximum of two consecutive 4-year terms for any individual member. Introduced. Passed House 18 February. Passed Senate 5 March. The sponsor is Representative Diane Hoppe (R).

COLORADO HB 1233 – GROUNDWATER - Invalidates existing restrictive covenants that prohibit or limit the installation or use of drought-tolerant vegetative landscapes. Prohibits state facility landscape irrigation between the hours of 11 a.m. and 7 p.m. Authorizes water courts to approve a change of water right for saved water if the approval will not cause material injury to vested water rights or adversely affect Colorado's interstate compact entitlements or obligations and the saved water is limited to the historical consumptive use associated with the water right. Introduced 27 January 2004. Failed to meet crossover deadline 25 February. The sponsor is Representative Paul Martin Weissmann (D).

COLORADO SB 32 – WATER USE - Authorizes an owner of an agricultural irrigation water right to loan such right for up to 180 days to another owner on the same stream, subject to approval by the division engineer and a finding of a lack of material injury to other decreed water rights. Introduced and referred to Senate Agriculture, Natural Resources and Energy Committee 7 January 2004. Hearing held, amended, and reported from Committee 15 January. Passed Senate 21 January. Assigned to House Agriculture, Livestock, & Natural Resources Committee 22 January. Reported from Senate Agriculture, Livestock and Natural Resources Committee and referred to Appropriations Committee 25 February. The sponsor is Senator Jim Isgar (D).

COLORADO SB 91 – WASTE SERVICES - Makes a legislative declaration that the provision of waste services within the limits of municipalities is a matter of statewide concern. Prohibits a municipality from compelling any resident or business to use or pay fees for waste services provided by the municipality in preference to services provided by a private person. Introduced 12 January 2004. Failed to meet crossover deadline 25 February. The sponsor is Senator Ronald Teck (R).

COLORADO SB 104 – WATER USE - Requires water providers that import water from a different water division to: (1) adopt, implement, and periodically update water use efficiency plans after considering listed factors and following specified public notice and comment procedures; (2) inform the public about methods to maximize outdoor water use efficiency; (3) discourage outdoor landscape watering during hours when evaporative loss is at a maximum; (4) place an appropriate limit on the percentage of turf in new landscape development; and (5) require subsurface irrigation on all new landscaped public medians less than 4 feet wide. Introduced 12 January 2004. Failed to meet crossover deadline 25 February. The sponsor is Senator Ron Tupa (D).

COLORADO SB 110 – SOLID WASTE - Broadens the prohibition against transporting uncovered aggregate material on a highway to include a prohibition against transporting uncovered trash. Defines "trash". Introduced 14 January 2004. Passed Senate 30 January. Referred to House Transportation and Energy Committee 3 February. Amended and reported from House Transportation and Energy Committee 19 February. The sponsor is Senator Bruce Cairns (R).

COLORADO SB 118 – WATER - Prohibits land within the boundary of a designated groundwater basin from being included within a water conservancy district, except with the written consent of the Ground Water Commission and the Board of Directors of the Ground Water Management District. Authorizes the Ground Water Commission and the Board of Directors of the Ground Water Management District to pass a resolution to exclude land within the boundary of a designated ground water basin from a water conservancy district. Introduced and referred to Senate Agriculture, Natural Resources and Energy Committee 20 January 2004. Amended and reported from Committee 11 February. Amended 23 February. Third reading laid over to 8 March. The sponsor is Senator Lewis Entz (R).

COLORADO SB 185 – GROUNDWATER - Subjects all permits for nonexempt wells outside of designated ground water basins to the same standards for expiration and extension by prohibiting the Denver basin aquifer and mine dewatering well permits from being extended more than once. Eliminates the requirement to file a statement of beneficial use for nonexempt wells outside of designated ground water basins. Introduced 13 February 2004. Passed Senate 24 February. Referred to House Agriculture, Livestock and Natural Resources Committee 26 February. The sponsor is Senator Lewis Entz (R).

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MONTANA

AIR INFORMATION:

PROPOSED REGULATION – UPDATE OF AIR REGULATIONS – The Montana Department of Environmental Quality (DEQ) has proposed amendments to its air regulations. The amendments will update regulations covering: (1) federal regulations incorporated by reference: including (a) publication dates; (b) standards of performance for new stationary sources and emission guidelines for existing sources; (c) control technology review; and (d) definitions; (2) source testing protocols; (3) enforcement procedures; (4) Incinerators; (5) wood-waste burners; (6) definitions; (7) air quality analysis; and (8) air quality operating permit program applicability. DEQ will hold a public hearing on 26 March 2004. For more information, contact David Rusoff at (406) 444-2626.

WASTE INFORMATION:

PROPOSED REGULATION – UNDERGROUND STORAGE TANKS – The Montana DEQ has proposed amendments to its underground storage tank (UST) requirements. The amendments include: (1) release reporting; (2) investigations of releases; (3) release confirmations; and (4) corrective action requirements. DEQ also proposed new rules for USTs: (1) reporting of confirmed releases; (2) number of petroleum release; (3) release categorization; and (4) adoption by reference of state and federal standards. Comments are due by 15 April 2004. For more information, contact Kirsten Bowers at (406) 444-1448, or link <http://www.deq.state.mt.us/dir/legal/Notices/17-179.pro.pdf>.

WATER INFORMATION:

PROPOSED REGULATION – WATER CLASSIFICATION – The Montana DEQ has proposed amendments to its water quality standards. The amendment will update its water use classifications and DEQ Circular WQB-7 to reflect: (1) EPA's disapproval of D-2, E-2, E-5, and F-1 water classifications; (2) indicate the aquatic life standards that are EPA priority pollutants; and (3) administrative changes to keep the regulations cohesive with the other amendments. DEQ will hold a public hearing on 26 March 2004. For more information, contact Christian Levine at (406) 444-0371.

PROPOSED ISSUANCE – 2004 INTEGRATED WATER QUALITY REPORT – The Montana DEQ has proposed to issue its 2004 Integrated Water Quality Report. The report includes a Water Quality Atlas that provides a summary of water quality information for the State and the revised list of impaired streams and lakes that need Water Quality Restoration Plans. These plans include total maximum daily load determinations. Comments are due by 12 March 2003. For more information, contact Michael Pipp at (406) 444-7424, or link <http://nris.state.mt.us/wis/envirnet/2004Home.html>.

Legislative Developments

The 2003 legislative session began 6 January and ended 26 April. A summary of significant environmental bills that were enacted and signed was included in the June 2003 Review. For more information on the legislative session, link <http://www.leg.state.mt.us>. There will not be a regular legislative session in 2004.



NORTH DAKOTA

Regulatory Developments & Other State Information

No significant regulatory activity to report.

Legislative Developments

The 2003 legislative session began 7 January and ended 25 April. A summary of significant environmental bills that were enacted and signed was included in the June 2003 Review. For more information on the legislative session, link <http://www.state.nd.us/lr/>. There will not be a regular legislative session in 2004.



SOUTH DAKOTA

Regulatory Developments & Other State Information

No significant regulatory activity to report.

Legislative Developments

The 2004 legislative session began 13 January and ended 27 February. For current information on the legislative session, link <http://legis.state.sd.us/index.cfm>.

SOUTH DAKOTA HB 1056 – ENVIRONMENTAL MANAGEMENT SYSTEMS - Implements an Interstate Wildlife Violator Compact. Prefiled 10 January 2004. Passed House 3 February. Passed Senate 12 February 12. Signed by Governor Mike Rounds (R) 19 February. The sponsor is Committee on Judiciary.

SOUTH DAKOTA HB 1157 – CLEANUP - Provides a limitation of lender environmental liability for cleanup and remediation costs. Introduced and referred to Judiciary Committee 22 January 2004. Passed House 6 February. Passed Senate 18 February. Signed by Governor 27 February. The sponsor is Representative Joni Cutler (R).

SOUTH DAKOTA HB 1175 – CLEANUP - Establishes the brownfields economic development program and provides for the continuous appropriation of certain federal funds. Introduced 22 January 2004. Passed House 3 February. Passed Senate 19 February. House concurred with Senate amendments 21 February. Sent to Governor 24 February. The sponsor is Representative Christopher Madsen (R).

SOUTH DAKOTA HB 1194 – LAND USE - States that no conservation easement created after 1 July 2004 may be for a period of more than thirty years. Introduced and referred to Agriculture and Natural Resources Committee 22 January 2004. Failed 11 February. The sponsor is Representative Jim Lintz (R).

SOUTH DAKOTA HCR 1002 – ENVIRONMENTAL MANAGEMENT SYSTEMS - A resolution urging the increased efforts for the control of prairie dogs. Introduced and referred to House floor 23 January 2004. Passed House 26 January. Passed Senate 28 January. The sponsor is Representative Jim Lintz (R).

SOUTH DAKOTA HCR 1006 – FUELS - Urges all South Dakotans to use biodiesel whenever possible. Introduced 2 February 2004. Passed House 3 February. Passed Senate 5 February. The sponsor is Representative Jim Peterson (D).

SOUTH DAKOTA SB 91 – LAND USE - Appropriates money to the Ellsworth Air Force Base Task Force to promote and facilitate the retention of Ellsworth Air Force Base. Introduced 22 January 2004. Passed Senate 4 February. Passed House February 21. Signed by Governor 2 March. The sponsor is Senator J.P. Duniphan (R).

SOUTH DAKOTA SB 203 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES - Makes appropriations from the water and environment fund, the environment and natural resources fee fund, the water pollution control revolving fund subfund, and the drinking water revolving fund subfund, and authorizes the Governor to declare an emergency. Introduced 27 January 2004. Passed Senate 3 February. Passed House 19 February. Signed by Governor 26 February. The sponsor is the Senate Rules Committee.

SOUTH DAKOTA SCR 2 – LAND USE - Urges Congressional funding of the Historic Preservation Fund and Historic Barn Restoration Act. Introduced and referred to Agriculture and Natural Resources Committee 26 January 2004. Passed Senate 4 February. Introduced in House 5 February. Failed 6 February. The sponsor is Representative Clarence Kooista (R).



UTAH

AIR INFORMATION:

PROPOSED REGULATION – REGIONAL HAZE SIP - The Utah Department of Environmental Quality (DEQ) has proposed amendments to its State Implementation Plan (SIP) to update its regional haze rules with federal regulations (40 CFR 51.309(d)(5) Mobile sources under Grand Canyon Visibility Transport Commission) promulgated on 22 December 2003. The amendments will also reflect that sulfur dioxide emissions from stationary sources in Class I area meet federal requirements through the year 2018. Comments are due by 21 March 2004. For more information, contact Jan Miller at (801) 536-4042.

PROPOSED REGULATION – PERMIT COMPLIANCE REQUIREMENTS – The Utah DEQ has proposed amendments to its Title V regulations. The amendments update its regulations to comply with federal regulations (40 CFR 70.6c [68 FR 38518], Title V compliance, published on 27 June 2003). Comments are due by 31 March 2004. For more information, contact Jan Miller at (801) 536-4042.

WATER INFORMATION:

FINAL REGULATION – WATER QUALITY STANDARDS – The Utah DEQ has adopted amendments to its water quality standards. The amendments include: (1) revised equations for the calculation of the ammonia standards; (2) a new procedure for antidegradation review that will add a review process for all discharges placed into any river, stream, lake, or reservoir in the state; (3) a metals standards revision; (4) new standards for total dissolved solids for stock watering; and (5) corrections of designated beneficial use classifications. The amendment also adopt by reference the 2002 Review of the Standards for Salinity for the Colorado Basin. The amendments were effective 6 January 2004. For more information, contact David Wham at (801) 538-6052, or link <http://rules.utah.gov/publicat/bulletin/2003/20030515/26242.htm>.

PROPOSED REGULATION – CERTIFICATION RULES FOR BACKFLOW TECHNICIANS – The Utah DEQ has proposed amendments to its drinking water regulations. These amendments: (1) renumber the Rule from R309-302 to R309-305; (2) clarify the Class titles; (3) clarify the renewal criteria for a Class 3 backflow certification; (4) update the format to coincide with other DEQ Drinking Water rules; (5) outline a backflow technician's responsibilities; and (6) clarify certification and recertification classes. Comments are due by 16 March 2004. For more information, contact Ken Bousfield at (801) 536-4207.

Legislative Developments

The 2004 legislative session began 29 January and ended 3 March. For current information on the legislative session, link <http://www.leg.state.ut.us/>.

UTAH HB 13 – HAZARDOUS WASTE - Terminates a \$28 per ton fee on hazardous waste. Reinstates a \$14 per ton fee on treated hazardous waste. Terminates a gross receipts tax on hazardous and nonhazardous solid waste facilities. Prefiled 10 December 2003. Passed House 28 January. Passed Senate and returned to House 27 February. Died upon adjournment 3 March. The sponsor is Representative Eli Anderson (D).

UTAH HB 71 - WATER - Requires that water conservation plans contain existing and proposed water conservation measures. Requires that water conservation plans contain a description of the extent to

which a retail provider will use certain measures to achieve its conservation goals. Requires that water conservation plans contain a clearly stated water use reduction goal and implementation plan for each conservation measure, including a timeline for action and an evaluation process to measure progress. Introduced 13 January 2004. Passed House 12 February. Passed Senate and returned to House 26 February. Sent to Governor 1 March. The sponsor is Representative Judy Buffmire (D).

UTAH HB 88 – CONSERVATION - Establishes certain findings to be considered when developing state policies relating to federal lands and natural resources on federal lands. Establishes considerations for recognition of state and local interests in the federal land use management process. Introduced 19 January 2004. Amended, passed House and sent to Senate 6 February. Passed Senate and returned to House 26 February. Passed House 2 March. Sent to Governor 3 March. The sponsor is Representative Bradley Johnson (R).

UTAH HB 116 – LAND USE - Requires certain local governments and public utilities to provide notice before preparing or amending a general, long-range, or capital facilities plan. Requires the notice of an intent to acquire real property if its intended use is inconsistent with local planning or zoning, unless the entity has previously provided notice of the property's general location. Introduced 28 January 2004. Passed House 18 February. Passed Senate 3 March. The sponsor is Representative Ralph Becker (D).

UTAH HB 181 – DRINKING WATER – Requires local governments to obtain estimates about the cost of adding fluorine to a water system from the petition sponsors. Introduced 15 December 2003. Passed House 3 February 2004. Died upon adjournment 3 March. The sponsor is Representative Michael Morley (R).

UTAH HB 196 – INSPECTION AND MAINTENANCE PROGRAMS - Establishes a \$25 maximum vehicle emissions inspection fee. Repeals provisions allowing a county legislative body to increase the vehicle emissions inspection fee incrementally. Prefiled 6 January 2004. Referred to House Transportation Committee 19 January. Sent to Rules Committee 26 February. Died upon adjournment 3 March. The sponsor is Representative Wayne Harper (R).

UTAH HB 243 – GROUNDWATER - Creates the Water Issues Task Force. Requires the task force to review and make recommendations on the following issues: (a) ground water management; (b) water right enforcement and penalties; (c) title for water rights; (d) administration of ground water and surface water; (e) instream flow; and (f) water reuse. Introduced 26 January 2004. Referred to House Natural Resources, Agriculture, and Environment Committee 2 February. Re-referred to House Rules Committee 6 February. Died upon adjournment 3 March. The sponsor is Representative Michael Styler (R).

HB 247 – GROUNDWATER - Creates the Water Issues Task Force. Requires the task force to review and make recommendations on the following issues: (a) ground water management; (b) water right enforcement and penalties; (c) title for water rights; (d) administration of ground water and surface water; (e) instream flow; and (f) water conservation reuse. Introduced 26 January 2004. Passed House 13 February. Passed Senate 27 February. Sent to Governor 1 March. The sponsor is Representative David Ure (R).

HB 254 – SOLID WASTE – requires that the Solid and Hazardous Waste Control Board amend its current operation plan approval process to not allow construction and demolition waste facilities within ¼ mile of a residential zone and an airport. Introduced 26 January 2004. Passed House 16 February. Died upon adjournment 3 March. The sponsor is Representative Gregg Buxton (R).

HCR 14 – LAND USE – Resolution recognizing Dugway Proving Ground, Tooele Army Depot, Deseret Chemical Depot, Utah National Guard, and United States Military Reserves. Introduced 19 February 2004. Passed House and Senate 19 February. Signed by Governor Olene Walker (R) 20 February. The sponsor is Representative Eli Anderson (R).

UTAH SB 50 – LAND USE - Creates an Office of Rural Development within the Department of Community and Economic Development to help foster and support economic development for the benefit of rural counties and communities. Creates a Rural Coordinating Committee to coordinate efforts and resources and help implement the strategic plan on rural economic development, planning, and leadership training. Introduced 30 January 2004. Passed Senate 19 February. Passed House 27 February. Sent to Governor 1 March. The sponsor is Senator Thomas Hatch (R).

UTAH SB 151 – WASTE WATER - Defines a public water supply agency for purposes related to the use of sewage effluent that has been collected and treated by a publicly owned treatment works. Provides that a public water supply agency may use sewage effluent. Provides limited conditions under which a publicly owned treatment works may use sewage effluent supplied under a public water supply agency's water rights. Provides an application procedure for a sewage effluent use or change in the point of discharge. Introduced 30 January 2004. Referred to Senate Natural Resources, Agriculture, and Environment Committee 5 February. Amended and held in Committee 10 February. Failed in Senate 26 February. The sponsor is Senator David Thomas (R).

UTAH SB 180 – REMEDIATION - Limits the cleanup liability to the state of innocent landowners, bona fide purchasers of contaminated property, and landowners whose property is contiguous to contaminated property. Allows the state to hold a lien on the property for the property's increase in value due to the cleanup. Introduced 6 February 2004. Referred to Senate Health and Human Services Committee 10 February. Reported from Committee 12 February. Enacting clause struck in Senate 3 March. The sponsor is Senator Bill Wright (D).

UTAH SCR 3 – LAND USE - Expresses support and gratitude for the contributions made by Hill Air Force Base and those who serve there to the nation's safety, the state's economy, and its nearby communities. Expresses support for the continued use, operation functions, and expansion of Hill Air Force Base in the future. Prefiled 7 January 2004. Passed Senate 22 January. Passed House 18 February. Signed by Governor 23 February. The sponsor is Senator David Thomas (R).



WYOMING

Regulatory Developments & Other State Information

PROPOSED REGULATION – MILITARY MUNITIONS RULE – On 8 September 2003, the Wyoming Water/Waste Advisory Board recommended adoption of the Military Munitions Rule. There are still several additional steps required before the State will adopt the rule. The rule is still under internal review. For more information, contact the Army Regional Coordinator for Region 8, at (303) 844-0958.

AIR INFORMATION:

PROPOSED REGULATION – SMOKE MANAGEMENT PROGRAM – The Wyoming Department of Environmental Quality (DEQ) has proposed a comprehensive Smoke Management Program (SMP) in response to the requirements of the Clean Air Act and EPA's Regional Haze Rule. DEQ, together with stakeholders, has developed a range of methods to address smoke impacts on human health, welfare, and visibility. These methods include reporting of burn activity, smoke reduction techniques, and alternatives to burning. These methods will be combined under one cohesive SMP that will be codified in a new Smoke Management Regulation. DEQ will hold a public hearing 17 March 2004. For more information, contact Darla Potter at (307) 777-7346.

WATER INFORMATION:

PROPOSED REGULATION – GROUND WATER QUALITY – The Wyoming DEQ has proposed amendments to its groundwater water quality regulations. The amendments include language necessary to clarify the standards for protection afforded to groundwater associated with, but adjacent to, groundwater impacted by commercial mineral production, primarily in-situ uranium production. DEQ will hold a public hearing on 19 March 2004. For more information, contact Kevin Frederick at (307) 777-7781.

WATER SYSTEM OPERATOR TRAINING – The Wyoming Water Quality Division (WQD) and EPA are providing water system operator training sponsored by Rural and Tribal Environmental Solutions. The training is titled: "O&M Aspects of Disinfection." The training will be conducted 19-20 April in Rock Springs, 22-23 April in Cheyenne, 26-27 April in Cody, and 29-30 April in Sheridan. An EPA grant is available to reimburse participants. For more information, call WQD at (307) 777-7781.

Legislative Developments

The 2004 legislative session began 9 February and ended 5 March. For current information on the legislative session, link <http://legisweb.state.wy.us>.

WYOMING HB 12 – PERMITTING - Allows DEQ to assess a \$100 annual permit fee for every active surface water point source discharge permit. The funds would be used by the DEQ for costs associated with surface water quality monitoring and analysis, and surface water quality modeling analysis and demonstrations. Prefiled 10 December 2003. Passed House 20 February 2004. Passed Senate 26 February. The sponsor is the Joint Minerals, Business and Economic Development Interim Committee.

WYOMING HB 14 – RADIOACTIVE WASTE – Increases the Radioactive Materials Emergency Response Fee from \$200 per package to \$1500 per shipment. Prefiled 22 December 2003. Failed introduction 9 February 2004. The sponsor is the Joint Transportation and Highways Committee.

WYOMING HB 19 – WATER USE - Provides for acquisition of temporary water use rights for municipal purposes. Prefiled 22 December 2003. Referred to House Agriculture, Public Lands and Water Resources Committee 9 February 2004. The sponsor is the Joint Minerals, Business and Economic Development Interim Committee.

WYOMING HB 107 – LAND USE - Appropriates \$5,900,000 from the State budget reserve to purchase, in the name of the military department of Wyoming, real property in the vicinity of Camp Guernsey. Intends to increase the capabilities of the base and protect it from private or public encroachment that may inhibit future military use. Introduced 9 February 2004. The sponsor is Representative Tom Walsh (R).

WYOMING SF 88 – REMEDIATION - Requires the Joint Minerals, Business and Economic Development Interim Committee to conduct a study to consider all remediation and reclamation avenues available through State and federal programs which address the adverse effects from any mineral, industrial, agricultural or domestic use of any land in this State. Failed introduction 13 February 2004. The sponsor is Senator E. Jayne Mockler (D).

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