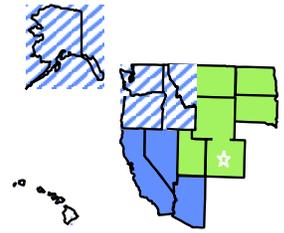




**US Army Environmental Center
Western Regional Environmental Office
REGION 8 – SAMPLE
WESTERN REGION REVIEW**



FOLLOWING IS A SAMPLE OF THE WESTERN REGION REVIEW (REGION 8).

THE WESTERN REGION REVIEW IS INTENDED FOR DoD PERSONNEL AND CONTRACTORS. IF YOU WOULD LIKE TO RECEIVE THIS MONTHLY PUBLICATION, PLEASE E-MAIL YOUR REQUEST TO WREOsubscription@aec.apgea.army.mil.

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.

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WREO Information About Monthly Reviews

The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: WREOsubscription@aec.apgea.army.mil. Write "Subscription" in the subject line and include your name and e-mail address.

The WREO's mission is to support the Army/DoD through coordination, communication, and facilitation of regional environmental issues and activities. Part of its mission is to provide the regional reviews of legislative and regulatory issues to the Army/DoD in the Western Region. When used within the framework of ISO 14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. The information contained in this review is current as of the 20th day of the previous month.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

POTENTIALLY INADEQUATE MONITORING UNDER TITLE V – On February 16, 2005 ([70 FR 7905](#)), the United States Environmental Protection Agency (USEPA) announced it is requesting comments to help identify monitoring in Title V operating permits that is potentially inadequate with respect to the statutory monitoring requirements. Comments are due April 18, 2005. For more information, contact the United States Army Environmental Center (USAEC) at (410) 436-1213.

PREVENTION OF SIGNIFICANT DETERIORATION FOR NITROGEN OXIDES – On February 23, 2005 ([70 FR 8879](#)), the USEPA announced it is reevaluating the increments for nitrogen dioxide (NO₂), established in 1988, to prevent significant deterioration (PSD) of air quality. Comments are due on April 25, 2005. For more information, contact the USAEC at (410) 436-1213.

STANDARDS OF PERFORMANCE FOR ELECTRIC UTILITY STEAM GENERATING UNITS – On February 28, 2005 ([70 FR 9705](#)), the USEPA announced it is proposing to amend the emission standards for particulate matter (PM), sulfur dioxide (SO₂), and nitrogen oxides (NO_x) in the standards of performance for electric utility steam generating units and industrial-commercial-institutional steam generating units. Only those units that begin construction, modification, or reconstruction after February 28, 2005 would be affected by the proposed amendments. Comments are due by April 29, 2005. For more information, contact the USAEC at (410) 436-1214.

MERCURY EMISSIONS REDUCTIONS FROM POWER PLANTS – The USEPA announced the Clean Air Mercury Rule which regulates mercury emissions from coal-fired power plants. The rule limits mercury emissions from new and existing coal-fired power plants, and creates a market-based cap-and-trade program. For more information, contact the USAEC at (410) 436-1213. The rule has not been published in the Federal Register, but is available at <http://www.epa.gov/mercuryrule/rule.htm>.

WATER INFORMATION:

DRAFT INTEGRATED REPORT GUIDANCE ON WATER QUALITY – The USEPA Office of Wetlands, Oceans, and Watersheds has released, "Draft 2006 Integrated Report Guidance for Reporting State's Inventory of Water Quality Condition." The objective of this document is to provide states a recommended reporting format and content for their biennial integrated reports that integrates the reporting requirements of the Clean Water Act (CWA) Section 303(d) and

Section 305(b). Comments were due on March 23, 2005. The document is available at <http://www.epa.gov/owow/tmdl/draft2006IRG/>.

DRINKING WATER CONTAMINANT CANDIDATE LIST 2 – On February 24, 2005 (70 FR 9071), the USEPA announced the final second drinking water Candidate Contaminant List (CCL). Contaminants on this list will be considered under the regulatory determination provision of Safe Drinking Water Act that directs USEPA to select at least five contaminants from the CCL every five years to consider for regulation. The 51 contaminants include nine microbiological and 42 chemical contaminants. For more information, contact the USAEC at (410) 436-1203.

DRINKING WATER AND WASTEWATER EMERGENCY RESPONSE TRAINING – The USEPA released a training CD with exercises to help train water and wastewater utility workers in preparing and carrying-out emergency response plans. See <http://cfpub.epa.gov/safewater/watersecurity/tools.cfmcd> for more information.

WASTE INFORMATION:

MODIFICATION OF THE HAZARDOUS WASTE MANIFEST SYSTEM – On March 4, 2005 (70 FR 10775), the United States Environmental Protection Agency (USEPA) announced a final rule establishing new revisions to the uniform hazardous waste manifest regulations and the manifest and continuation sheet forms used to track hazardous waste from a generator's site to the site of its disposition. The revisions will standardize the content and appearance of the manifest form and continuation sheet (Forms 8700-22 and 22a) and adopt new procedures for tracking certain types of waste shipments with the manifest. The final rule becomes effective on September 6, 2005. For more information, contact the USAEC at (410) 436-1265.

TOXIC EQUIVALENCY REPORTING OF DIOXIN – On March 7, 2005 (70 FR 10919), the USEPA announced it is proposing revisions to the reporting requirements for the dioxin and dioxin-like compounds category under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). The USEPA currently requires that facilities report dioxin and dioxin-like compounds in units of total grams for the entire category, and provide a single distribution of the individual dioxin and dioxin-like compounds at the facility. The USEPA is considering a reporting mechanism which would include toxic equivalents (TEQs) of each member of the dioxin category relative to the most toxic members of the category. Comments on the proposed rule are due on May 6, 2005. For more information, contact the USAEC at (410) 436-1226.

RCRA, SUPERFUND & EPCRA CALL CENTER – The USEPA Office of Solid Waste and Emergency Response, Resource Conservation and Recovery Act (RCRA), Superfund & Emergency Planning and Community Right-to-Know Act (EPCRA) Call Center will terminate support of all RCRA, and Underground Storage Tanks (UST) programs on March 31, 2005. RCRA and UST program information will only be available to the public through the following Web sites:

- RCRA - Headquarters: <http://www.epa.gov/osw>
- RCRA - Regional Offices: <http://www.epa.gov/epaoswer/osw/comments.htm>
- RCRA - OnLine database: <http://www.epa.gov/epaoswer/osw/publicat.htm>
- UST - Headquarters: <http://www.epa.gov/oust/>

The Call Center will continue to respond to public inquiries regarding Superfund; Small Business Liability Relief and Brownfields Revitalization Act; EPCRA; Toxic Release Inventory (TRI)

program; Superfund Amendments Reauthorization Act Title III; CAA Section 112(r); and Oil Pollution Control Act.

GENERAL INFORMATION:

2005 IRIS PROGRAM – The USEPA has released the 2005 Integrated Risk Information System (IRIS) Agenda and is requesting information related to exposure to chemicals that will be assessed this year. These chemicals are boron; ethylene dibromide (1,2-dibromoethane); lead (updated qualitative discussion); 2-methylnaphthalene; and perchlorate and perchlorate salts. Input is due by May 3, 2005.

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SAMPLE



OTHER FEDERAL INFORMATION

LANDOWNER INCENTIVE PROGRAM – On February 16, 2005 (70 FR 7959), the United States Fish and Wildlife Service (USFWS) announced it is requesting proposals under the Landowner Incentive Program (LIP) for conservation grants to states and territories of the US. The grants are awarded to programs that enhance, protect, or restore habitats that benefit federally listed, proposed, or candidate species, or other at-risk species on private lands. Installations could work with adjacent landowners in preparing and submitting grant proposals. Grant proposals are due April 18, 2005. For more information, contact the USAEC at (410) 436-1564. The LIP guidelines are available at <http://federalaid.fws.gov/lip/LIP05%20Guidlines.pdf>.

FINAL LIST OF BIRD SPECIES EXCLUDED FROM MIGRATORY BIRD TREATY ACT – On March 15, 2005 (70 FR 12710), the USFWS announced a final list of the nonnative bird species that have been introduced by humans into the United States or its territories and to which the Migratory Bird Treaty Act (MBTA) does not apply. This notice identifies those species that are not protected by the MBTA, even if they belong to biological families referred to in treaties that the MBTA implements. For more information, contact the USAEC at (410) 436-1564.

DRAFT GUIDANCE FOR INDUSTRY ON INTERNAL RADIOACTIVE CONTAMINATION – The Food and Drug Administration (FDA) announced the availability of draft guidance for industry entitled, "Internal Radioactive Contamination - Development of Decorporation Agents." This draft document provides guidance to industry on the development of decorporation agents (medical products that increase the rate of elimination or excretion of radioactive contaminants) for the treatment of internal radioactive contamination when evidence is needed to demonstrate the effectiveness of the agents, but human efficacy studies are unethical or infeasible. The draft guidance is available at <http://www.fda.gov/cder/guidance/6394dft.htm>.

ALTERNATIVE FUEL TRANSPORTATION PROGRAM EVALUATION OF FISCHER-TROPSCH DIESEL FUELS – On February 14, 2005 (70 FR 7442), the US Department of Energy (DoE) announced it is unable to make the necessary finding that Fischer-Tropsch diesel fuel meets the "yields substantial environmental benefits" criterion necessary for an alternative fuel designation.

INFORMATION FOR HAZARDOUS MATERIALS TRANSPORTED BY AIRCRAFT – On February 24, 2005 (70 FR 8956), the Pipeline and Hazardous Materials Safety Administration (PHMSA) announced notification and record retention requirements for aircraft operators transporting hazardous materials that will take effect April 1, 2005. For more information, contact the USAEC at (410) 436-1265.



UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
DSMOA Training	N/A	Online	The training, presented by the Air Force Center for Environmental Excellence (AFCEE) Web University is designed to provide information needed for the project manager to successfully execute the DoD and State Memorandum of Agreement Program. https://webu.brooks.af.mil/webu/secure/onlinecourse.asp
Training Exchange	Ongoing	Multiple Sites	This Web site details information on various training opportunities from the USEPA, Interstate Technology Regulatory Council, and others. www.trainex.org
The US Army Logistics Management College	Ongoing	Multiple Sites	Various training classes are available for Army, Reserve, and National Guard personnel. www.almc.army.mil/EMD/Page5.html
Integrated Training Area Management	Ongoing	Multiple Sites	Register for courses on geographic information systems, range safety, and other topics. www.rsctraining.com/schedule.asp
Introduction to Environmental Management Systems Training	N/A	Online	This course provides an overview of EMS and how it can support environmental improvements at facilities that are subject to environmental regulations. The training course takes about one hour to complete. http://www.epa.gov/epaoswer/hazwaste/permit/ems/ems-101/ems101.htm
The US Army Corps of Engineers (USACE) Professional Development Support Center	Ongoing	Multiple Sites	The Professional Development Support Centers hosts a range of environmental courses to meet the technical needs of professionals in various government agencies. Access the course catalog at http://pdsc.usace.army.mil/ .
USDA Forest Service Continuing Education Program	October 2004–September 2005	Multiple Sites	During Fiscal Year 2005 (October 2004-September 2005), the Watershed, Fish, Wildlife, Air, and Rare Plants staff at the USDA Forest Service are scheduling continuing education programs for natural resource professionals. For a complete listing of class schedules and dates, please see: www.fs.fed.us/biology/education .
Joint Services Environmental Management Conference & Exhibition	April 11-14, 2005	Tampa, FL	This year, the Joint Services Environmental Management Conference will be combined with the National Defense Industrial Association's Environment & Energy Division Annual Symposium. http://www.jsemconference.com/2005/
National Environmental Partnership Summit	April 11-14, 2005	Chicago, IL	The 2005 Environmental Summit will meet for the merged annual meetings of the National Pollution Prevention Roundtable, Compliance Assistance community and the Performance Track Participants Association. Meet with environmental leaders and innovators from all over the country, every level of government, business & industry and the non-governmental community. www.environmentalsummit.org

EVENT	DATE	LOCATION	DETAILS
14th Annual International Emission Inventory Conference	April 11-14, 2005	Las Vegas, NV	The USEPA, Office of Air Quality Planning and Standards, Emission Factor and Inventory Group, and the Emission Inventory Improvement Program (EIIP) are calling for technical papers and cosponsoring a conference entitled "Transforming Emission Inventories - Meeting Future Challenges Today". The conference will focus on changes needed in the inventory world to foster the development of timely emissions data. http://www.epa.gov/ttn/chief/conference/ei14/index.html
USEPA Phase 3 Environmental Management Systems Workshops	April 19-20, 2005 April 26-27, 2005	San Francisco, CA Seattle, WA	Includes auditing, management review, and self-certification. http://www.epa.gov/region09/cross_pr/fedfac/index.html
Environmental Management Systems (EMS) Training	May 3-4, 2005	Bethesda, MD	The U.S. Departments of Health and Human Services, Agriculture and Transportation, with support from the Office of the Federal Environmental Executive, have scheduled this no cost training at the National Institutes of Health (NIH) Bethesda campus. Attendees from various federal agencies are invited to attend. The theme for this workshop will be EMS "Tying Together all the Pieces". For more information on this workshop, contact Camille Beven at (202) 619-3690. http://www.ofee.gov/ems/training/HHS04.htm
Global Demilitarization Symposium and Exhibition	May 5-9, 2005	Sparks, NV	This annual event continues to support DoD in numerous efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. http://register.ndia.org/interview/register.ndia?#May2005
World Water and Environmental Resources Conference	May 15-19, 2005	Anchorage, AK	Engineers, biologists, policymakers, regulators, government officials, economists, industrialists, managers, manufacturers, researchers, consultants, and other professionals interested in issues relating to water and the environment should attend. It is presented by the Environmental & Water Resources Institute of the American Society of Civil Engineers. The technical sessions will cover: the role of simulation models in adaptive management of environmental systems, hydrologic impacts of changing climate patterns, irrigation adaptation to changing water supplies, social impacts and infrastructure modification due to rising sea levels, and biological responses to changing climates. http://www.asce.org/conferences/ewri05/
Call for Papers: National Registry of Environmental Professionals Annual Technical Conference	June 1, 2005	Las Vegas, NV	The conference Selection Committee is seeking individual presentations of case histories or programs on a wide variety of environmental topics. Submit abstracts to papers@nrep.org .
8th Annual In Situ and On-Site Bioremediation Symposium	June 6-9, 2005	Baltimore, MD	The symposium will facilitate technology transfer and integrate the latest developments in fundamental research with innovative engineering application. http://www.battelle.org/environment/er/conferences/biosymp/default.stm
CERCLA/RCRA Course	June 7-10, 2005	San Francisco, CA	This course is designed to train personnel on the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA) hazardous substance response process and the Resource Conservation and Recovery Act (RCRA) corrective action process as it relates to the DoD. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 356 Course Number 33HEL01A.
Threatened, Endangered, and At-Risk Species Research Symposium and Workshop	June 7-9, 2005	Baltimore, MD	The goal of this Symposium & Workshop is to define and evaluate TER-S research relevant to DoD. http://www.serdp.org/tesworkshop/
American Water Works Association Annual Conference & Exhibition	June 12-16, 2005	San Francisco, CA	The professional program presents issues covering all aspects of water, with the best minds in the industry presenting the latest information. http://www.awwa.org/ace2005/programs/

EVENT	DATE	LOCATION	DETAILS
Ecobuild America	June 20-23, 2005	Orlando, FL	An innovative, comprehensive conference programs with more than 100 other green building, sustainable design, environmental planning, and information technology courses for the entire built environment team. http://www.ecobuildamerica.com/conference.htm
Natural Resources Compliance	June 21-24, 2005	Silverdale, WA	This course, offered by the Civil Engineer Corps Officers School offers instruction in specific natural resource laws, regulations, policies, DoD Instructions, and other guidance, noting Service-specific requirements. https://www.cecos.navy.mil/coursedetail.cfm?courseid=42
USEPA Community Involvement Conference and Training	July 12-15, 2005	Buffalo, NY	The theme of the conference is "Building Bridges Through Strong Partnerships". http://www.epancic.org/2005/overview.cfm
2005 Watershed Management Conference	July 19-22, 2005	Williamsburg, VA	Sponsored by the American Society of Civil Engineers and the Environmental and Water Resources Institute. The theme for the conference is "Managing Watersheds for Human and Natural Impacts: Engineering, Ecological, and Economic Challenges". http://www.asce.org/conferences/watershedmanagement2005/
Environmental Regulations-Practical Application	August 8-12, 2005	Omaha, NE	This course is designed to further the student's understanding and ability to apply the technical requirements of various major federal environmental regulations. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 398 Course Number 33MEC01A.
Introduction to Cultural Resource Management Laws and Regulations	August 17-19, 2005	Seattle, WA	This three-day course, offered by the Civil Engineer Corps Officers School, provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. https://www.cecos.navy.mil/coursedetail.cfm?courseid=25
2nd Sustainable Range Management Conference & Exhibition	August 22-25, 2005	San Antonio, TX	This conference is designed to facilitate exchange of information among stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapons systems and train DoD personnel without conflicting with economic, environmental, and safety concerns. www.rangecon.org

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

Regulatory Developments & Other State Information

AIR INFORMATION:

REGULATION 5, GENERIC EMISSIONS TESTING – The Colorado Department of Public Health and Environment (CDPHE) repealed Regulation 5. The repeal is expected to be published in the April 10, 2005 Colorado Register. For more information, contact Kirsten King at (303) 692-3111.

WATER INFORMATION:

BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER – The CDPHE is proposing revisions to its basic standards and methodologies for surface water, Regulation 31. A rulemaking hearing to consider the revisions is scheduled for June 13, 2005. At the hearing, the Water Quality Control Commission (WQCC) will also consider proposed revisions to Regulation 61, the Colorado discharge permit system regulations that may be necessary to clarify the relationship between provisions of Regulation 31 and Regulation 61. Prehearing statements are due April 5, 2005. A prehearing conference will be held May 26, 2005. For more information, contact Diana Glaser at (303) 692-3469. Notice of the June hearing is available at <http://www.cdphe.state.co.us/op/wqcc/WQClassandStandards/Reg31/Notice3161.pdf>.

TRIENNIAL REVIEW FOR REVISIONS TO THE BEAR CREEK WATERSHED CONTROL REGULATION – The WQCC is performing a triennial review for potential revisions to Regulation 74, Bear Creek Watershed Control Regulation. The WQCC will review the final draft documents at a public hearing on April 12, 2005. For more information, contact Diana Glaser at (303) 692-3469. The rule website is available at http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=899.

TRIENNIAL REVIEW FOR DISCHARGE TO STORM SEWERS CONTROL REGULATION – The CDPHE Water Quality Control Commission (WQCC) is considering revising its storm sewers control regulation. The regulation is scheduled to be heard at a public hearing held on July 11, 2005. The deadline for party status is April 26, 2005. For more information, contact David Akers at (303) 692-3591. The proposed rulemaking schedule is available at <http://www.cdphe.state.co.us/op/wqcc/wqcchom.asp>.

WATER QUALITY STANDARDS FOR THE YAMPA RIVER – The WQCC is considering revisions to the water quality standards for Yampa River Segments 13d and 13e. Written comments are due May 3, 2005. A hearing will be held on June 13, 2005. For more information, contact Diana Glaser at (303) 692-3469.

DEVELOPMENT OF TMDLS FOR CLEAR CREEK – The CDPHE has released draft total maximum daily loads (TMDLs) for Clear Creek. Criteria pollutants include copper and zinc. The water quality goal for the segment of Clear Creek is attainment of the Cold Water Class 1 Aquatic Life classification. Segment 2 of Clear Creek will be listed as impaired but the TMDL will not be submitted to USEPA until 2008. The CDPHE is continuing to draft the proposed TMDL for Segment 13b. Data has been collected for both sections and are currently being analyzed. For more information, contact Eric Oppelt at (303) 692-3608.
<http://www.cdphe.state.co.us/wq/Assessment/TMDL/pdf/tmdl/COSPCL02TMDL5-02.pdf>

LISTING METHODOLOGY FOR DEVELOPMENT OF 2006 SECTION 303(D) LIST OF IMPAIRED WATERS – The CDPHE is proposing updates to the 303(d) listing methodology to be used for development of the list of impaired waters still requiring TMDLs and an accompanying 2006 monitoring and evaluation List. Comments were due March 31, 2005. Rebuttal comments are due April 21, 2005. For more information, contact Phil Hegeman at (303) 692-3500.

REVISED WATER QUALITY STANDARDS FOR EAGLE RIVER – The WQCC is preparing amendments to the classifications and numeric standards for the North Platte River and Upper Colorado River Basin. This will include revisions to the water quality standards for Segments 5 and 7 of the Eagle River. The WQCC postponed the hearing on this matter to December 12, 2005. Prehearing statements are due October 6, 2005. A prehearing conference will be held November 9, 2005. For more information, contact Diana Glaser at (303) 692-3469.

WASTE INFORMATION:

MTBE CLEANUP LEVELS FROM UNDERGROUND STORAGE TANKS – The CDPHE, along with the Department of Labor and Employment Oil and Public Safety Division is proposing a specific methyl tertiary-butyl ether (MTBE) contaminant level from underground storage tanks for retail distributors. Contaminant levels of 20 ppb for soil and 20ppm for water are being considered. The amendments propose to add MTBE as a chemical of concern (COC); update risk based screening levels (RBSLs) to incorporate new CDPHE WQCC standards for ethylbenzene and xylenes; and correct RBSLs for subsurface soil leachate to groundwater ingestion pathway for toluene and xylenes. The CDPHE held a public hearing on the proposed regulation on March 30, 2005. For more information, contact Jennifer Steffes at (303) 318-8539. The proposed regulations are available at
<http://ops.cdle.state.co.us/OIL/Technical/MTBE/CURRENT%20REGS%202005RED.doc>

Legislative Developments

A summary of environmental bills considered by the State Legislature is listed below. The status of the bill occurring since the last published Region Review appears in underlined text. The 2005 legislative session began on January 12, 2005 and will end on May 5, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.co.us/>.

COLORADO HB 1011 – RECYCLING – Proposes to exempt a transporter of trash and recyclables from covering a load, or utilizing equivalent technology, when the vehicle is loaded in such a manner, that the contents will not escape from the vehicle. The bill was introduced January 14, 2005 and assigned to the Transportation and Energy Committee. The bill passed the House on February 7, 2005. The bill was introduced and referred to the Senate Transportation Committee on February 8, 2005. The bill was reported from Committee on February 22, 2005 and passed the full Senate on March 7, 2005. The House considered

Senate amendments and repassed the bill on March 11, 2005. The sponsor is Representative Jim Reisburg (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/287C27ED017E728F87256F63007F1B66?Open&file=1011_01.pdf

COLORADO HB 1070 – WATER – Proposes to invalidate restrictive covenants that prohibit or limit the use of xeriscape landscaping or that require cultivated vegetation to include turf grass; prohibit landscape irrigation at public facilities between the hours of 7 a.m. and 7 p.m.; and create an exception to the definition of abandonment of a water right for periods of nonuse that are caused by the implementation of bona fide water conservation efforts as determined on a case-by-case basis by the state engineer. The bill was introduced and referred to the Natural Resources and Livestock Committee on January 14, 2005. The bill passed the House on February 14, 2005. The bill was introduced and referred to the Senate Agriculture, Natural Resources and Energy Committee on February 15, 2005. The bill passed Committee on March 16, 2005. However, the second reading of the bill has been laid over as of March 20, 2005.

The sponsor is Representative Paul Martin Weissmann (D).

http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/5073304186E889D787256F5C006722F5?Open&file=1070_01.pdf

COLORADO HB 1123 – WATER – Proposes to require the Division of Water Resources Engineer to attempt to serve personal notice of a water diversion curtailment order on the owner of the water right. The bill was introduced and referred to the House Agriculture, Livestock, and Natural Resources Committee on January 17, 2005. The bill was tabled on January 31, 2005. The sponsor is Senator Wes McKinley (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/F74F777E3545803B87256F6B007B99C6?Open&file=1123_01.pdf

COLORADO HB 1126 – SOLID WASTE – Proposes to require waste haulers to transport waste tires only to a waste tire storage site and register with the CDPHE. The bill was introduced and referred to the House Transportation and Energy Committee on January 17, 2005. The bill was referred to the Appropriations Committee on February 9, 2005. The sponsor is Senator Mike May (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/A745E223DCE1C5E987256F390070BED1?Open&file=1126_01.pdf

COLORADO HB 1177 - WATER CONSERVATION – Proposes to create a 25-member committee to negotiate interbasin compacts to promote the equitable use of the state's waters. The bill was introduced and referred to the Agriculture, Livestock and Natural Resources Committee on January 20, 2005. The bill passed on February 28, 2005 and was referred to the Appropriations Committee. The bill passed the Appropriations Committee on March 18, 2005.

The sponsor is Representative Joshua Penry (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/3F94A053189A6DE587256F6A0080FFA9?Open&file=1177_01.pdf

COLORADO HB 1181 – GROUNDWATER – Proposes to allow water judges to include a change of water right terms to prohibit them from adversely affecting the quality of water to meet the normal requirements of use of downstream appropriators. The bill was introduced on January 25, 2005 and referred to the Agriculture, Livestock and Natural Resources Committee. The bill was postponed indefinitely as of February 7, 2005. The sponsor is Representative Rafael Gallegos (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D56558EDE402C9C887256F65006807C3?Open&file=1181_01.pdf

COLORADO HB 1185 – GROUNDWATER – Proposes to specify that the 5-year duration limit for a substitute water supply plan that relates to a temporary change of use of water for which no adjudication application has been filed. The bill applies to the period during which such temporary change may operate rather than to the depletions associated with the change. The bill was introduced and referred to the Agriculture, Livestock and Natural Resources Committee on January 26, 2005. The House laid over the second reading of the bill as of March 18, 2005. The sponsor is Representative Greg Brophy (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/52B34E629ABF5A1A87256F8900044A06?Open&file=1185_01.pdf

COLORADO HB 1215 – WATER – Proposes to define a "fallowing agreement" as an agreement between irrigation water rights owner that agrees to stop use of a portion of the water rights for a specified length of time and the water provider that is authorized to use the water right for his/her own purposes. The bill was introduced referred to the Agriculture, Livestock and Natural Resources Committee on February 3, 2005. The bill has been postponed indefinitely. The sponsor is Representative Mary Hodge (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/98D45A4F4E8A375087256F7E008119E8?Open&file=1215_01.pdf

COLORADO HB 1254 - WATER CONSERVATION – Proposes to establish a water efficiency grant program to provide funding over a 3-year period to aid in achieving the water efficiency goals outlined in locally adopted water conservation plans and in promoting the benefits of water efficiency. The bill was introduced and referred to the Committee on Local Government on February 3, 2005. The bill was referred to the Appropriations Committee on February 22, 2005. The bill passed the Appropriations Committee on March 18, 2005. The sponsor is Representative Tom Plant (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/ACD325B9EAA9488D87256F3A006AFE4D?Open&file=1254_01.pdf

COLORADO HB 1256 - SOLID WASTE – Proposes to establish a statewide goal to divert at least 30% of solid waste from the waste stream by recycling, reusing, composting, and other waste management strategies by the year 2008 and at least 50% by the year 2015; impose a fee on persons who dispose of solid waste at attended solid waste disposal sites; and direct the state treasurer to transmit the fees collected to the integrated waste management fund. The bill was introduced and referred to the Committee on Local Government on February 7, 2005. The bill was passed and referred to the Appropriations Committee on March 15, 2005. The sponsor is Representative Angie Paccione (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/27971A004435D5B187256F5B0077101F?Open&file=1256_01.pdf

COLORADO HB 1290 - ALTERNATIVE FUELS – Proposes to maintain the amount of the tax credit for the purchase of low-emitting vehicles using alternative fuels, which would otherwise be reduced in the year 2006, until the year 2009. The bill also proposes that hybrid vehicles and inherently low-emission vehicles may be operated on a publicly financed toll highway or toll lane without payment of a toll. The bill was introduced and referred to the Transportation & Energy Committee and the Finance Committee on February 11, 2005. The bill passed both committees and was referred to the Appropriations Committee on March 1, 2005. The sponsor is Representative John V. Pommer (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D153999B5462412087256F9C008144DA?Open&file=1290_01.pdf

COLORADO HB 1293 - AIR TOXICS – Proposes to establish the reduction rate for reducing uncontrolled sulfur dioxide or oxides of nitrogen by a coal-fired power plant subject to a

voluntary agreement to guarantee a 15-year assurance period. The bill was introduced and referred to the House Transportation and Energy Committee on February 16, 2005. The bill passed and was referred to the Appropriations Committee on March 18, 2005. The sponsor is Representative John V. Pommer (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D3E7D5C43F6CF26887256F97005C56C6?Open&file=1293_01.pdf

COLORADO SB 11 – GROUNDWATER – Proposes to clarify the definition of "Water Pollution Control Project Eligibility List"; approve listed proposed wastewater treatment system, stormwater, and nonpoint source pollution reduction projects as additions, modifications, or deletions to the water pollution control project eligibility list; and approve listed proposed drinking water projects as additions or modifications to or deletions from the drinking water project eligibility list. The bill was introduced on January 14, 2005 and referred to the Senate Agriculture Committee on January 15. The bill passed the Senate on January 31, 2005. The bill was received in the House on January 31 and referred to House Agriculture, Livestock and Natural Resources Committee. The bill passed the House and was sent to the Governor on March 18, 2005. The sponsor is Senator Lewis Entz (R).

http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/BE6A1F22B5E3048687256F3A005FE70A?Open&file=011_01.pdf

COLORADO SB 33 – GROUNDWATER – Proposes to require additions or modifications to the project eligibility lists (made after January 1, 2006) for the Water Pollution Control Revolving Fund and the Drinking Water Revolving Fund that are approved by joint resolution to be sent to and signed by the governor by April 1. The bill was introduced on January 14, 2005 and referred to the Senate Agriculture Committee. The bill passed the Senate on January 28, 2005. The bill was received by the House Agriculture, Livestock and Natural Resources Committee on February 1, 2005. The bill passed the House on March 15, 2005. The sponsor is Senator Lewis Entz (R).

http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/3BAC61FB8908B5CC87256F3A0066537A?Open&file=033_01.pdf

COLORADO SB 46 – WATER - Proposes to create a Department of Water Resources and transfer all water-related powers from existing state agencies. The bill was introduced and referred to the Senate Agriculture, Natural Resources, and Energy Committee. The Committee postponed the bill indefinitely as of February 16, 2005. The sponsor is Senator John Evans (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/C5D7B589A6C113F387256F6C007C9AAD?Open&file=046_01.pdf

COLORADO SB 63 - VOLUNTARY REMEDIATION – Proposes to permit urban renewal plans by a local governing body and remove 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. The bill was introduced and referred to the Senate Local Government Committee on January 19, 2005. The bill was reported from Committee on March 3, 2005. The sponsor is Representative Lois Tochtrop (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/A69B803A3E15B4CE87256F56005CF88A?Open&file=063_01.pdf

COLORADO SB 80 – LAND USE – Proposes to require each local government within whose territorial boundaries is located all or any portion of specified military installations to timely provide the commanding officer of that installation information relating to proposed changes to the local government's comprehensive plan that, if approved, would significantly affect the land use within the area. The bill was introduced on January 17, 2005 and assigned to the Senate Local Government

Committee. The bill passed the Senate on February 22, 2005. The bill was introduced and referred to the House Local Government Committee on February 23, 2005. The bill passed the House on March 21, 2005. The sponsor is Senator Doug Lamborn (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/CA067EBA8747D8B387256F5D005C0EFA?Open&file=080_01.pdf

COLORADO SB 133 – WATER CONSERVATION - Proposes to specify that participation by a water right in an approved water conservation program overcomes the presumption of abandonment of that water right. The bill was introduced and referred to the Senate Agriculture, Natural Resources, and Energy Committee on January 31, 2005. On February 21, 2005, the bill passed the Senate. The bill passed the House on March 21, 2005. The sponsor is Senator Lewis Entz (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/FBB0C9C9D434B64487256F890076CA49?Open&file=133_01.pdf

COLORADO SB 141 – WASTE DISPOSAL – Proposes to prohibit the land disposal of lead-acid batteries and establish a collection system and recycling program for batteries. The bill was introduced and referred to the Senate State, Veterans, and Military Affairs Committee on January 31, 2005. The bill has been laid over as of March 20, 2005. The sponsor is Senator Steve Johnson (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/6DB4C362EC1C0E4487256F7E0066EA9E?Open&file=141_01.pdf

COLORADO SB 143 – RENEWABLE ENERGY – Proposes to adopt statutory changes to Amendment 37, the initiated measure requiring that specified percentages of the electricity sold will be derived from renewable energy sources. The bill was introduced and referred to the Senate Agriculture, Natural Resources, and Energy Committee on January 31, 2005. The bill passed the Committee on February 16, 2005 and passed the full Senate on February 28, 2005. The second reading of the bill in the House has been laid over as of March 20, 2005. The sponsor is Senator Jennifer Veiga (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/0530C157A4439A4487256F5C00663852?Open&file=143_01.pdf

COLORADO SB 177 - LAND USE – Proposes to require the owner of private real property to be paid just compensation if a public entity enacts or enforces a new land use regulation that restricts the use of private real property or any interest in the property and that has the effect of reducing the fair market value of the property. The bill was introduced and referred to the Committee on Local Government on February 2, 2005. The bill died in Committee. The sponsor is Senator Andy McElhany (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/EAE194A7670DBA2187256F7E0077DB08?Open&file=177_01.pdf

COLORADO SB 186 ENDANGERED SPECIES – Proposes to appropriate money to the operating accounts of the species conservation trust fund for programs submitted by the Executive Director of the Department of Natural Resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law. The bill was introduced and referred to the Senate Agriculture, Natural Resources and Energy Committee on February 11, 2005. The bill was referred to the Appropriations Committee on February 17, 2005. The amended bill passed the Senate on March 18, 2005. The sponsor is Senator Jim Isgar (D).

http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/B62F3E561F6F14C687256F96006AD438?Open&file=186_01.pdf

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MONTANA

Regulatory Developments & Other State Information

AIR INFORMATION:

ADOPTION BY REFERENCE OF CURRENT RULES – The Montana Department of Environmental Quality (DEQ) is proposing to amend the air quality rules to adopt current federal regulations, state statutes, and state rules to maintain primacy over the regulation of air quality in Montana. The DEQ held a hearing on the proposed amendments on March 23, 2005. Comments were due March 30, 2005. For more information, contact David Rusoff at (406) 444-2626.

MISSOULA CARBON MONOXIDE PLAN – The DEQ is reviewing the proposed submission of the Missoula carbon monoxide maintenance plan in the Montana SIP. Comments are due April 22, 2005. A hearing will be held on April 22, 2005. For more information, contact Debra Wolfe at dwolfe@mt.gov.

WATER INFORMATION:

LAKE HELENA WATERSHED WATER QUALITY RESTORATION PLAN – The DEQ is proposing a water quality restoration plan and total maximum daily loads (TMDLs) for the Lake Helena watershed. The suspected causes of impairment in the watershed included flow alteration, habitat alterations, thermal modifications, suspended solids, siltation, turbidity, nutrients, un-ionized ammonia, salinity/total dissolved solids/chlorides, other inorganics, metals, pH, priority organics, and unknown toxicity. The DEQ accepted comments on the proposed plan through March 30, 2005. For more information, contact Robert Ray at (406) 444-6697. The proposed plan is available at <http://www.deq.state.mt.us/wqinfo/TMDL/TMDLDrafts/LakeHelena/LakeHelenaPlan.pdf>

2005 TMDLS – The DEQ is discussing developing TMDLs for the following water bodies in 2005: Yaak; Prospect Creek; St. Regis; Cut Bank - Two Medicine; Ruby; Upper Big Hole; North Fork Big Hole; Shields; Boulder; Big Timber; Rosebud; Tongue; Powder; O'Fallon; Little Missouri; Lower Missouri; Redwater; Fort Peck Reservoir; Big and Little Dry; Flatwillow; Box Elder; and Bullwacker-Dog. There is no schedule for development. For more information, contact Robert Ray at (406) 444-5319. A map of the 2005, 2006, and 2007 planned TMDL developments is available at <http://www.deq.state.mt.us/wqinfo/TMDL/2005Schedual1218.pdf>

2006 TMDLS – The DEQ is discussing developing TMDLs for the following water bodies in 2006: Columbia Basin; Upper Missouri; Lower Missouri; and Yellowstone. The criteria pollutants for these TMDLs have not been determined yet. There is not schedule for development. For more information, contact Robert Ray at (406) 444-5319.

2007 TMDLS – The DEQ is discussing developing TMDLs for the following water bodies in 2007: Columbia Basin; Upper Missouri; Lower Missouri; and Yellowstone. The criteria pollutants for these TMDLs have not been determined yet. There is no schedule for development. For more information, contact Robert Ray at (406) 444-5319.

TMDL FOR THE JUDITH RIVER – The DEQ is proposing a TMDL for siltation and fish habitat degradation for the South Fork Judith River. The timeline for development of TMDL for the Judith River is not available. For more information, contact Carol Mackin at (406) 444-7425. http://www.deq.state.mt.us/ppa/watershed/projects/south_judith_basin_tmdl.pdf

WASTE INFORMATION:

None.

Legislative Developments

A summary of environmental bills considered by the State Legislature is listed below. The status of the bill occurring since the last published Region Review appears in underlined text. The 2005 legislative session began on January 3, 2005 and will end on April 23, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

MONTANA HB 50 - ENDANGERED SPECIES – Proposes to give the Department of Fish, Wildlife and Parks the ability to remove species from the State's endangered species list if the species is removed from the federal list. The bill passed the House and was transmitted to the Senate on January 18, 2005. The bill was referred to the Senate Fish and Game Committee on February 21, 2005. The bill passed the Senate on March 16, 2005 and was sent to the Governor on March 18, 2005. The sponsor is Representative Don Roberts (R). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0050.htm>

MONTANA HB 57 - HAZARDOUS MATERIALS – Proposes to address issues regarding the DEQ and cost recovery for hazardous substance releases. The bill was referred to the Appropriations Committee on February 5, 2005. A hearing was held on February 16, 2005. No action was taken and further hearings have not been scheduled. The sponsor is Representative Christopher Harris (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0057.htm>

MONTANA HB 75 - WATER USE – Proposes to give local governments the right of first refusal for purchase of water systems. The bill was introduced on December 27, 2004. A hearing was held on January 13, 2005. The bill was tabled in the Local Government Committee on January 19, 2005. The sponsor is Representative Rosalie "Rosie" Buzzas (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0075.htm>

MONTANA HB 78 - UNDERGROUND STORAGE TANKS – Proposes to revise the permitting of underground storage tanks. The bill passed the House on January 26, 2005 and was referred to the Energy and Telecommunications Committee on February 21, 2005. The bill passed the Senate on March 9, 2005 and was sent to the Governor on March 11, 2005. The sponsor is Representative Christopher Harris (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0078.htm>

MONTANA HB 144 - WASTE REDUCTION – Proposes to update the Montana Integrated Waste Management Act. Defines the terms reuse and source reduction. The bill was heard at the January 17 Natural Resources Committee meeting. Three proponents and no opponents testified on the Bill. The bill was introduced and referred to the Natural Resource Committee on January 5, 2005. It passed the House and was transferred to the Senate on January 22, 2005. The bill was referred to the Senate Natural Resources Committee on February 21, 2005. The bill passed the Senate on March 10, 2005 and was sent to the Governor on March 15, 2005.

The sponsor is Representative Christine Kaufmann (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/HB0144.htm>

MONTANA HB 178 - WATER USE – Proposes to revise the laws relating to water use. Changes the name of the water right transfer certificate. Clarifies that certain action on an application for a change in appropriation right are the same as actions on an application for a permit. The bill was introduced and referred to the Natural Resources Committee on January 5, 2005. The bill passed the House on January 24, 2005. The bill was referred to the Senate Natural Resources Committee on February 21, 2005. The bill passed the Senate on March 10, 2005 and was sent to the Governor on March 15, 2005. The sponsor is Representative Janna Taylor (R). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0178.htm>

MONTANA HB 206 – GROUNDWATER – Proposes to revise the manner by which controlled groundwater areas are designated and clarify apportion of groundwater in controlled areas. The bill was introduced and referred to the House Natural Resources Committee on January 5, 2005. The bill passed the House and was referred to the Senate Public Health, Welfare and Safety Committee. A hearing was scheduled for March 16, 2005. The bill passed Committee on March 19, 2005. The sponsor is Representative Art Noonan (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0206.htm>

MONTANA HB 266 – WEEDS – Proposes to implement a noxious weed trust fund. The bill was introduced on January 11, 2005. The bill passed the House on January 31, 2005 and was transmitted to the Senate. The bill was referred to the Senate Highways and Transportation Committee on February 22, 2005. The bill passed the Senate on March 10, 2005 and was sent to the Governor on March 15, 2005. The sponsor is Representative Diane Rice (R). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0266.htm>

MONTANA HB 286 – PRAIRIE DOGS – Proposes to remove prairie dogs from the list of nongame species in need of management. The bill was introduced on January 13, 2005. A hearing was held on January 25, 2005. The bill was tabled in the Fish, Wildlife and Parks Committee on February 12, 2005. The sponsor is Representative Wayne Stahl (R). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0286.htm>

MONTANA HB 293 - LAND USE – Proposes to require secure access to surface water as part of growth policy requirements. The bill was introduced and referred to the Committee on Natural Resources on January 14, 2005. A hearing was held on January 24, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Representative Mike Jopek (D). <http://data.opi.state.mt.us/bills/2005/lchtml/LC1966.htm>

MONTANA HB 347 - LAND USE – Proposes to extend the amount of time certain land can be converted or diverted from open space land. The bill was introduced and referred to the Local Government Committee on January 19, 2005. The bill passed the House and was transmitted to the Senate on February 9. The bill passed the Senate on March 11, 2005 and sent to the Governor on March 17, 2005. The sponsor is Representative Gail Gutsche (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0347.htm>

MONTANA HB 359 - PESTICIDES – Proposes to allow localities to pass ordinances addressing pesticide application. Establishes minimum criteria which must be adhered to by the localities when passing such ordinances. The bill was introduced and referred to the Agriculture Committee on January 19, 2005. A hearing was held on February 3, 2005. The bill passed the House on February 17, 2005. A Senate Local Government Committee hearing is scheduled for

March 29, 2005. The sponsor is Representative Gail Gutsche (D).
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0359.htm>

MONTANA HB 394 - CONSERVATION – Proposes to create the Fish and Wildlife Protection Act and would require state agencies to consider the environmental and wildlife impacts of any project. The bill was introduced and referred to the Fish, Wildlife and Parks Committee on January 21, 2005. The bill was heard at a February 3, 2005 hearing, but was tabled in Committee on February 16, 2005. The sponsor is Representative Paul Clark (D).
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0394.htm>

MONTANA HB 403 - GROUNDWATER – Proposes to remove the exemption for water right permits for withdrawals of 35 gallons and 10 acre-feet a year or less. The bill was introduced and referred to the Natural Resources Committee on January 21, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Representative Mike Jopek (D).
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0403.htm>

MONTANA HB 429 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES – Proposes to make uniform the code sections addressing DEQ authority to determine and collect penalties and allow the DEQ to utilize private entities for the purpose of collection of fees and penalties. The bill was introduced and referred to Natural Resources Committee on January 24, 2005. The bill passed the House and was transmitted to the Senate on February 21, 2005. The bill was referred to the Senate Judiciary Committee on February 22. The sponsor is Representative Gail Gutsche (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0429.htm>

MONTANA HB 450 - LAND USE – Proposes to change administrative procedures for the sale of publicly owned lands. The bill was introduced and referred to the Natural Resources Committee on January 26, 2005. The bill passed the House and was transmitted to the Senate on February 21, 2005. The bill was referred to the Senate Education and Cultural Resources Committee on February 22, 2005. The bill passed the Senate on March 11, 2005 and was returned to the House with amendments. The sponsor is Representative Mike Jopek (D).
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0450.htm>

MONTANA HB 453 - WASTE – Proposes to change penalties for permit violations under the underground storage tank licensing, solid waste and junk vehicle laws. Sets administrative penalties at no more than \$500 and civil penalties not to exceed \$5000. The bill was introduced and referred to the Natural Resources Committee on January 26, 2005. The bill was reported from Committee on February 15, 2005. The bill passed the House on March 10, 2005 and was referred to the Senate Natural Resources Committee on March 11, 2005. The sponsor is Representative Kevin Furey (D).
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0453.htm>

MONTANA HB 455 - MERCURY EMISSIONS – Proposes to require owners of fossil-fuel or biomass power plants that have not filed an air quality permit application to reduce the uncontrolled mercury emissions by at least 80%. Those who have already filed the air quality permit application must comply with the 80% reduction by January 1, 2010. The bill was introduced and referred to the Natural Resources Committee on January 27, 2005. The bill was heard in Committee on February 4, 2005. The bill failed in Committee on February 17, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Representative Paul Clark (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0455.htm>

MONTANA HB 464 - ALTERNATIVE FUELS – Proposes to reduce the tax incentive for the production of alcohol for fuel from 30 cents to 10 cents. The bill was introduced and referred to

the Agriculture Committee on January 27, 2005. A hearing was held on February 10, 2005. The motion failed on February 18, 2005. The sponsor is Representative Bob Bergren (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0464.htm>

MONTANA HB 470 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES – Proposes to require those who must have an environmental impact statement prepared as part of an application to pay for the costs associated with the impact statement. The bill was introduced and referred to the Natural Resources Committee on January 28, 2005. A hearing was held on February 16, 2005. The amended bill passed the House on February 19, 2005. The bill was sent to the Senate on March 20, 2005. The sponsor is Representative Paul Clark (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0470.htm>

MONTANA HB 480 - LAND USE – Proposes to prohibit a city from surrounding an area by the extension and connection of sewer lines into unincorporated lands. The bill was introduced and referred to the Local Government Committee on January 28, 2005. The bill failed to meet the March 1 transmittal deadline. The sponsor is Representative David E. Wanzenried (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0480.htm>

MONTANA HB 489 - ALTERNATIVE FUELS – Proposes to establish the Ethanol Education Board which is tasked with educating the state's citizens about the benefits, effects, and uses of ethanol and other biofuels as renewable alternative fuels to replace traditional fossil fuels. The bill was introduced and referred to the Highways and Transportation Committee on January 25, 2005. The bill was heard in Committee on February 10, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Representative Dave Gallik (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0489.htm>

MONTANA HB 665 - MERCURY – Proposes to prohibit the sale of products containing mercury unless the manufacturer has provided the Department of Public Health and Human Services with written notice which must contain a brief description of the product, the purpose of the mercury in the product and the amount of mercury contained in the product. Also proposes to prohibit a person from knowingly placing a mercury-added product in a solid waste disposal facility. The bill was introduced and referred to the Human Services Committee on February 11, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Representative Theresa Henry (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0665.htm>

MONTANA HB 674 - ALTERNATIVE FUELS – Proposes to require that fuel blended with ethanol contain at least 10% ethanol and must not contain MTBE, ethyl tertiary butyl ether (ETBE), or tertiary amyl methyl ether (TAME), and must have a minimum octane content standard of at least 87.5. The bill was introduced and referred to the Agriculture Committee on February 12, 2005. A hearing was held on February 15, 2005. The bill passed the House on March 20, 2005 and was referred to the Senate Taxation Committee on March 11, 2005. The sponsor is Representative Karl Waitschies (R). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0674.htm>

MONTANA HB 720 - LAND USE – Proposes to require local governments to review applications for development and use of property under regulations in effect at the time a site-specific development plan is submitted. The bill was introduced and referred to the House Taxation Committee on February 15, 2005. A hearing is scheduled for March 29, 2005. The sponsor is Representative John Sinrud (R). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0720.htm>

MONTANA HB 756 - ALTERNATIVE FUELS – Proposes to encourage the production and use of biodiesel. The bill was introduced and referred to the Taxation Committee on February 18, 2005. A hearing was scheduled for March 22, 2005. The sponsor is Representative Gail Gutsche (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0756.htm>

MONTANA SB 20 - WATER – Proposes to revise law to remove the requirement that a municipality divert water from a closed water body in order to qualify for the consideration for nonabandonment of a municipal water right. The bill was referred to the Local Government Committee on December 29, 2005. The Bill passed the Senate and was transmitted to the House on January 14, 2005. The bill was referred to the House Local Government Committee on February 21, 2005. The bill passed the House on March 8, 2005. The Governor signed the bill on March 15, 2005. The sponsor is Senator Glenn Roush (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0020.htm>

MONTANA SB 44 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES – Proposes to revise the state water planning process by adding that the administrative department shall make recommendations to the Legislature about amendments, extensions, or additions to the state water plan. The bill was referred to Natural Resources Committee on December 29, 2004. The committee passed the bill on January 21, 2005. The bill passed the Senate and was transmitted to House on January 25, 2005. The bill was referred to the House Natural Resources Committee on February 21, 2005. A hearing was scheduled for March 4, 2005. The sponsor is Senator Daniel McGee (R). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0044.htm>

MONTANA SB 107 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES FOR GROUNDWATER – Proposes to clarify when specific groundwater management plans must be developed and implemented. The bill was introduced and referred to the Senate Agriculture, Livestock and Irrigation Committee on January 5, 2005. It passed the Senate and was transmitted to the House on January 12, 2005. A hearing was held in the House on March 9, 2005. The bill passed the House Natural Resources Committee on March 18, 2005. The sponsor is Senator Frank Smith (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0107.htm>

MONTANA SB 131 - GROUNDWATER – Proposes to prohibit the importation, sale, offering of sale, and dispensing of gasoline containing MTBE in amounts that exceed trace levels. The bill was introduced and referred to the Senate Highway and Transportation Committee on January 5, 2005. The bill passed the Senate and was transmitted to the House on February 15, 2005. A hearing was held in the House on March 11, 2005. The bill passed the House Natural Resources Committee on March 18, 2005. The sponsor is Senator Jerry Black (R). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0131.htm>

MONTANA SB 142 - FORESTRY ISSUES – Proposes to allow the Department of Natural Resources and Conservation to license and lease state lands for the purposes of forest management. The bill was referred to the Natural Resources Committee on December 29, 2004. The bill passed the Senate on January 24, 2005. The bill was referred to the House Natural Resources Committee on March 1, 2005. A hearing was scheduled for March 4, 2005. The sponsor is Representative Bill Tash (R). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0142.htm>

MONTANA SB 144 - ALTERNATIVE FUELS – Proposes to require all gasoline sold to consumers for use in motor vehicles to be operated on public highways, roads, and streets be blended with at least 10 percent of agriculturally derived, denatured ethanol. Provides that the gasoline may not contain more than trace amounts of the additive MTBE. The bill was referred

to the Committee on Highways and Transportation on December 29, 2004. The bill was tabled on January 21, 2005. The sponsor is Senator Jerry Black (R).

<http://data.opi.state.mt.us/bills/2005/billhtml/SB0144.htm>

MONTANA SB 145 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES FOR ABOVEGROUND STORAGE TANKS – Proposes to revise laws related to the regulation of petroleum tanks. Increases the number of members of the petroleum tank release compensation board. Revises the reimbursement eligibility criteria and procedures. The bill was referred to the Committee on Energy and Telecommunications. The bill passed the Senate and was transferred to the House on January 18, 2005. The bill was referred to the House Natural Resources Committee on March 1, 2005. A hearing was scheduled for March 9, 2005. The sponsor is Senator Dan W. Harrington (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0145.htm>

MONTANA SB 173 - LAND USE – Proposes to provide for minimum setbacks from rivers and streams in water management corridors. The bill was introduced and referred to the Senate Committee on Local Government on January 6, 2005. The bill passed a second reading but the amended motion failed. A motion to reconsider the bill failed on February 18, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Senator Bob Hawks (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0173.htm>

MONTANA SB 195 - GROWTH MANAGEMENT – Proposes to define the terms, growth jurisdiction, land use management techniques, market incentives, public facilities, quality growth area, rural center, sensitive resource lands, and transfer of development rights. The bill was introduced and referred to the Senate Committee on Local Government on January 10, 2005. The bill was reported from Committee on February 9, 2005. The bill passed the Senate on February 14, 2005 and was referred to the House Local Government Committee on February 22, 2005. A hearing was scheduled for March 8, 2005. The sponsor is Senator Michael Wheat (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0195.htm>

MONTANA SB 216 - LAND USE – Proposes to allow a public body to assess per household fees for the purpose of curbing growth and conserving land. The bill was introduced and referred to the Natural Resources Committee on January 12, 2005. The bill passed Committee on January 29, 2005. The Taxation Committee tabled the bill on February 8, 2005. The sponsor is Senator Greg Lind (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0216.htm>

MONTANA SB 235 - SITING CRITERIA – Proposes to remove transmission substation, a switch yard, voltage support, and control equipment from being defined as a facility. The bill was introduced and referred to the Energy and Telecommunications Committee on January 15, 2005. Received first committee hearing January 27. The bill passed the Senate and was transmitted to the House on February 7, 2005. The House passed the bill on March 15, 2005. The bill was sent to the Governor on March 21, 2005. The sponsor is Senator Jeff Mangan (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0235.htm>

MONTANA SB 236 - WATER QUALITY – Proposes to allow the Board of Environmental Review to enact water quality standards that are more stringent than federal regulations require. The bill was introduced and referred to the Natural Resources Committee on January 15, 2005. It passed Committee on January 29, 2005. The bill passed the Senate and was transmitted to the House on February 3, 2005. The bill was referred to the House Natural Resources Committee on March 2, 2005. The sponsor is Senator Greg Kind (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0236.htm>

MONTANA SB 269 – GROUNDWATER – Proposes to clarify the definition of groundwater for the Upper Missouri River Basin. Ground water for the purposes of this legislation is defined as water beneath the surface the appropriation of which will not reduce basin surface water flows or volume at any time. The bill was introduced and referred to the Natural Resources Committee on January 20, 2005. The bill passed the Senate and was transmitted to the House on February 8, 2005. A hearing was scheduled for March 21, 2005. The sponsor is Senator Mike Wheat (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0269.htm>

MONTANA SB 281 - CONSERVATION – Proposes to provide state agencies broad authority when issuing permits to protect fish and wildlife. The bill was introduced and referred to the Public Health, Welfare and Safety Committee on January 21, 2005. A hearing was held on February 11, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Senator Carol Williams (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0281.htm>

MONTANA SB 293 - ALTERNATIVE FUELS – Proposes to require the Department of Labor and Industry to adopt standards to ensure that all gasoline sold in the state is comprised of at least 10% denatured ethanol following certification that 30 million gallons of denatured ethanol has been produced in the state. The bill was introduced and referred to Transportation Committee on January 26, 2005. The bill passed the Senate and was transmitted to the House on February 15, 2005. A hearing was scheduled for March 22, 2005. The sponsor is Senator Jerry Black (R). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0293.htm>

MONTANA SB 326 - UNDERGROUND STORAGE TANKS – Proposes to require excavators who cause damage to underground storage tanks to pay fees in the amount of \$500 for the first incident, \$2500 for the second incident and \$3000 for each additional incident. The fees are to be paid to the owner of the underground tank. The bill was introduced and referred to the Business, Labor, and Economic Affairs committee on January 28, 2005. The bill passed the Senate and was transmitted to the House on February 14, 2005. The bill was referred to the Business and Labor Committee on March 3 2005. The bill passed its second reading on March 21, 2005. The sponsor is Senator Jesse Laslovich (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0326.htm>

MONTANA SB 382 - EMINENT DOMAIN – Proposes to prohibit a city or town from serving as a pass-through entity by using its power of eminent domain. The bill was introduced and referred to the Local Government Committee on February 5, 2005. The bill failed to meet the March 1 transmittal deadline. The sponsor is Senator Jim Elliot (D) <http://data.opi.state.mt.us/bills/2005/billhtml/SB0382.htm>

MONTANA SB 458 - LAND USE – Proposes to change the period prescribed for the commencement of an action against a municipality arising from a decision of the municipality relating to a land use, construction, or development project to 30 days from the date of the written decision. The bill was introduced and referred to the Local Government Committee on February 11, 2005. The bill passed the Senate and was transmitted to the House on February 23, 2005. A hearing is scheduled for March 31, 2005. The sponsor is Senator Kim Gillan (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0458.htm>

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NORTH DAKOTA

Regulatory Developments & Other State Information

None.

Legislative Developments

A summary of environmental bills considered by the State Legislature is listed below. The status of the bill occurring since the last published Region Review appears in underlined text. The 2005 legislative session began on January 4, 2005 and will end on April 29, 2005. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

NORTH DAKOTA HB 1245 – TRANSPORTATION – Proposes to permit local governments to regulate the weight limits permitted on state highways. The bill was introduced and referred to the House Transportation Committee on January 10, 2005. The bill passed the House and was transferred to the Senate on February 2, 2005. The bill failed to pass its second reading on March 14, 2005. The sponsor is Representative Robin Weisz (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FAPQ0100.pdf>

NORTH DAKOTA HB 1279 – HAZARDOUS WASTE - Proposes to create and enact a new law relating to contaminated properties and to amend regulations relating to institutional controls by counties, cities, and townships to provide a continuing appropriation. The bill was introduced and referred to the Political Subdivisions Committee. The bill was adopted by the House on February 16, 2005. The bill was referred to the Senate Political Subdivisions Committee on February 23, 2005. The bill passed Committee on March 21, 2005. The sponsor of the bill is Representative RaeAnn Kelsch (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FADN0200.pdf>

NORTH DAKOTA HB 1314 – RENEWABLE ENERGY – Proposes to create a renewable electricity and recycled energy credit trading and tracking system. The bill was introduced and referred to the Industry, Business, and Labor Committee on January 10, 2005. The bill passed the House and was transferred to the Senate on February 11, 2005. The bill was referred to the Senate Industry, Business and Labor Committee on February 15, 2005. The bill passed and was returned to the House on March 18, 2005. The sponsor is Representatives Jon Nelson (R), Lois Delmore (D), Matthew Klein (R), and Ken Svedjan (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FAEK0400.pdf>

NORTH DAKOTA HB 1472 – LAND USE - Proposes to adopt the Uniform Conservation Easements Act relating to conservation easements. The bill was introduced and referred to the House Agriculture Committee on January 17, 2005. The bill failed to pass the House on February 11, 2005. The sponsors are Representatives Scott Kelsh (D), Darrell Nottestad (R), and Steven Zaiser (D). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FBGQ0100.pdf>

NORTH DAKOTA HCR 3010 – REMEDIATION - Proposes to direct the Legislative Council to study the feasibility of establishing a state Brownfields law, Superfund law, and other efforts to encourage remediation and redevelopment of sites on which there has been a release of pollution. The bill was introduced and referred to the House Natural Resources Committee on January 20, 2005. The bill passed the House on February 15, 2005 and was referred to the

Senate Natural Resources Committee on February 23, 2005. The bill passed the House on March 11, 2005 and was filed with the Secretary of State on March 18, 2005. The sponsors are Representatives Todd Porter (R) and RaeAnn Kelsch (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FGGF0100.pdf>

NORTH DAKOTA SB 2229 – FUELS – Proposes to require every dealer offering gasoline for sale to offer a ten percent blend of ethanol for sale at that dealer's place of business. The bill was introduced and referred to the Committee on Finance and Taxation on January 19, 2005. The bill failed to pass the Senate on February 7, 2005. A motion to reconsider the bill failed on February 8, 2005. The sponsor is Senator Russell T. Thane (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FALB0200.pdf>

NORTH DAKOTA SB 2268 – WASTE - Proposes to provide for a legislative study committee regarding waste rubber recycling, abatement and remediation of waste rubber tire stockpiles, and to recovery of petroleum based product components. The bill was introduced and referred to the Senate Natural Resources Committee on January 17, 2005. The bill passed the Senate on February 10, 2005 and was referred to the House Natural Resources Committee on February 14, 2005. The bill passed the House on March 21, 2005. The sponsors of the bill are Senators Karen Krebsbach (R), David O'Connell (D), and Tom Seymour (D). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FRAJ0200.pdf>

NORTH DAKOTA SB 2280 - LAND USE – Proposes to regulate, control and eradication of noxious weeds and pests. The bill was introduced and referred to the Senate Agriculture Committee on January 17, 2005. The bill passed the Senate on February 2, 2005. The bill was referred to the House Agriculture Committee on February 11, 2005. A hearing was scheduled for March 3, 2005. The sponsor is Senator Jerry Klein (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-actions/ba2280.html>

NORTH DAKOTA SB 2296 – WATER – Proposes to regulate the terms for issuing a water permit. The bill was introduced and referred to the Committee on Natural Resources on January 19, 2005. The bill passed the Senate on February 14, 2005. The bill was introduced and referred to the House Natural Resources Committee on February 23, 2005. The bill passed the House on March 10, 2005. The sponsor is Senator Joel Heitkamp (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FAHS0100.pdf>

NORTH DAKOTA SB 2338 – WATER - Proposes to create and enact new regulations regarding prevention and control of aquatic nuisance species. The bill was introduced and referred to the Senate Natural Resources Committee on January 17, 2005. The bill passed on February 8, 2005 and was referred to the House Natural Resources Committee on February 11, 2005. A hearing was scheduled for March 3, 2005. The bill passed the House on March 10, 2005. The sponsors are Senators John Traynor (R), Ben Tollefson (R), and Rich Wardner (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FBNJ0100.pdf>

NORTH DAKOTA SB 2346 - CHEMICAL BANS/RESTRICTIONS – Proposes to prohibit the sale of gasoline containing MTBE. The bill was introduced and referred to the Transportation Committee on January 25, 2005. The bill passed the Senate on February 4, 2005. The bill was referred to the House Industry, Business and Labor Committee on February 11, 2005. The bill passed the full Senate on February 11, 2005. It was introduced and referred to the House Transportation Committee on February 15, 2005. The bill passed the House on March 18, 2005. The sponsor is Senator Elroy Lindaas (D). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FBNI0100.pdf>

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SOUTH DAKOTA

Regulatory Developments & Other State Information

None.

Legislative Developments

A summary of environmental bills considered by the State Legislature is listed below. The status of the bill occurring since the last published Region Review appears in underlined text. The 2005 legislative session began on January 11, 2005 and will end in late March, 2005. For information on the 2005 legislative session, link: <http://legis.state.sd.us/index.cfm>.

SOUTH DAKOTA HB 1098 – CONSERVATION – Proposes to clarify certain provisions related to the terms of conservation easements. The bill was introduced and referred to the Agriculture and Natural Resources Committee on January 24, 2005. The bill passed the House on February 2, 2005. The bill was referred to the Senate Agriculture and Natural Resources Committee on February 3, 2005. The bill passed the Senate on February 23, 2005 and was signed by the Governor on March 3, 2005. The sponsor is Representative Roger Hunt (R). <http://legis.state.sd.us/sessions/2005/bills/HB1098p.htm>

SOUTH DAKOTA HB 1139 – CONSERVATION – Proposes to revise provisions related to energy conservation measures. The bill was referred to the State Affairs Committee on January 26, 2005. The bill passed the House on February 5, 2005 and was referred to the Senate Agriculture and Natural Resources Committee on February 7, 2005. The amended bill passed the Senate on February 28, 2005 and was signed by the Governor on March 10, 2005. The sponsor is Representative Ed McLaughlin (R). <http://legis.state.sd.us/sessions/2005/bills/HB1139p.htm>

SOUTH DAKOTA HB 1195 – LAND USE - Proposes to adopt the Uniform Environmental Covenants Act. The bill was introduced and referred to the House Agriculture and Natural Resources Committee on January 27, 2005. The bill died in Committee. However SB 143, a similar bill, did pass. The sponsor is Representatives Sean O'Brien (R). <http://legis.state.sd.us/sessions/2005/bills/HB1195p.htm>

SOUTH DAKOTA SB 110 - LAND USE – Proposes to revise the definition of abandoned property held by governmental entities. The bill was introduced and referred to State Affairs Committee on January 25, 2005. The bill was reported out of Committee on January 28, 2005. The bill failed its second Senate reading on February 1, 2005. The sponsor is Senator Jerry Apa (R). <http://legis.state.sd.us/sessions/2005/bills/SB110SST.htm>

SOUTH DAKOTA SB 143 – LAND USE – Proposes to adopt the Uniform Environmental Covenants Act. The bill was introduced and referred to the Senate Judiciary Committee on January 27, 2005. The bill passed the Senate on February 8, 2005. The bill was referred to the House Judiciary Committee on February 9, 2005. A hearing was scheduled for February 16, 2005. The bill passed on February 16, 2005 and was forwarded to the full House. The amended bill passed the House and was signed by the Governor on March 9, 2005. The sponsor is Senator Dave Knudson (R). <http://legis.state.sd.us/sessions/2005/bills/SB143p.htm>

SOUTH DAKOTA SB 200 – FUELS – Proposes to revise the labeling requirements for certain types of motor fuel. The bill was introduced and referred to the Transportation Committee on January 31, 2005. A hearing was scheduled for February 15, 2005. The bill was deferred to the 41st Legislative Day. The sponsor is Senator Frank J. Kloucek (D).
<http://legis.state.sd.us/sessions/2005/bills/SB200p.htm>

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UTAH

Regulatory Developments & Other State Information

AIR INFORMATION:

ATTAINMENT DESIGNATION FOR PM 10 AND SO₂ – The Utah Department of Environmental Quality (DEQ) is proposing revisions to the PM 10 Maintenance Plan. All areas of Utah formerly designated "non-attainment" pursuant to the CAA, including metropolitan Salt Lake City, are now in attainment for PM 10. Accordingly, the DEQ is undergoing a revision of the PM 10 state implementation plan (SIP) to reflect this redesignation. The plans were scheduled to be presented to the Board at its March 2005 meeting. The DEQ is also currently seeking a SIP revision to designate Salt Lake County and Tooele County above 5600 feet as attainment for SO₂. The plan was approved and is being prepared for submittal to USEPA for final approval. For more information, contact Colleen Delaney at (801) 536-4248.

ADOPTION OF NEW SOURCE REVIEW REFORMS – The DEQ is discussing possible amendments to adopt the federal New Source Review reforms published on December 31, 2002. The DEQ should adopt the amendments by the federal deadline, December 31, 2005. Initial workshops are anticipated in the future. For more information, contact Jan Miller at (801) 536-4042.

AMENDMENT TO OZONE MAINTENANCE PLAN – The DEQ is proposing required updates to the 1-hour ozone maintenance plan for Salt Lake and Davis Counties. The DEQ anticipates holding preliminary stakeholder meetings regarding the revisions in mid-2005. For more information, contact Colleen Delaney at (801) 536-4248.

NEW SOURCE PERFORMANCE STANDARDS – The DEQ is proposing to incorporate the revised federal standards through July 8, 2004. Affected sources are: stationary gas turbines; bulk gasoline terminals and gasoline distribution facilities; volatile organic liquid storage vessels for which construction, reconstruction or modification commenced after July 23, 1984; large municipal waste combustors for which construction commenced after September 20, 1994, or for which modification or reconstruction commenced after June 19, 1996; synthetic organic chemical manufacturing industry; municipal solid waste landfills; and industrial-commercial-institutional steam generating units. The DEQ accepted comments on the proposed revisions through March 17, 2005. The amendments should become effective on April 7, 2005. For more information, contact Jan Miller at (801) 536-4042.

WATER INFORMATION:

STATE TMDLS – The DEQ is preparing TMDLs for the following water bodies: Spirit Lake; Strawberry Reservoir; Tony Grove Lake; Yankee Meadow Reservoir; Utah Lake; Escalante River; Paria River; Silver Creek; and Pineview Reservoir. The Pineview and Silver Creek TMDLs have been completed and approved by the USEPA. Spirit Lake has been delisted. The Tony Grove Lake and Utah Lake TMDLs are currently in development. The Escalante and Paria Rivers study is complete and is anticipated to be released for public comment. For more information, contact Harry Judd at (801) 538-6047.

GENERAL PERMIT FOR TREATED GROUND WATER DISCHARGE – The DEQ approved the re-issuance of the general permit that addresses the discharge of treated ground water contaminated with petroleum products. The permit became effective on April 1, 2005. For more information, contact Jeff Studenka at (810) 538-6779.

DRAFT TMDL AND MANAGEMENT PLAN FOR STRAWBERRY RESERVOIR – The DEQ is completing a technical report for TMDL criteria and management plans for the Strawberry Reservoir. The reservoir is listed as partially supporting beneficial use criterion for its cold water fishery due to low dissolved oxygen concentrations, high total phosphorous concentrations and the presence of blue green algae. Comments on the draft report were due March 29, 2005. Following DEQ approval of the draft, it will be submitted to the USEPA. For more information, contact Carl Adams at (801) 538-9215. The draft report is available at http://waterquality.utah.gov/TMDL/Strawberry_study.pdf.

AMENDMENTS TO STATE WATER QUALITY STANDARDS – The Utah Department of Environment and Natural Resources (DENR) is proposing amendments in response to USEPA guidance that revise references to site specific criteria of various waterbodies and numeric criteria for the protection of aquatic life and human health. Comments were due March 11, 2005. The amendments will be brought before the Water Quality Board for adoption on April 7, 2005. For more information, contact David Wham at (801) 538-6052. A summary of the proposed changes is available at http://waterquality.utah.gov/public%20notices/Staffstatement%20_WQStandards_1-15-05.pdf.

WASTE INFORMATION:

CONSTRUCTION AND DEMOLITION LANDFILLS – The DEQ has begun proposing several rulemakings regarding amendments to its requirements for construction and demolition waste (CDW) landfills. The proposed amendments address the types of wastes that may be accepted at CDW landfills and the requirements for CDW landfills that handle wastes other than construction and demolition waste. For more information, contact Carl Wadsworth at (801) 538-6769.

Legislative Developments

A summary of environmental bills considered by the State Legislature is listed below. The status of the bill occurring since the last published Region Review appears in underlined text. The 2005 legislative session began January 17, 2005 and ended March 2, 2005. For information on the 2005 legislative session, link: <http://www.le.state.ut.us/>.

UTAH HB 38 - WATER CONSERVATION – Proposes to provide for graduated criminal penalties for violations of various criminal provisions pertaining to the regulation and distribution of water. The bill was referred to the House Natural Resources and Environment Committee on January 25, 2005. The bill passed the House on February 3, 2005 and was referred to the Senate Natural Resources, Agriculture, and Environment Committee on February 7, 2005. The bill passed the Senate on February 25, 2005 and was signed by the Governor on March 18, 2005. The sponsor is Representative Michael R. Styler (R). <http://www.le.state.ut.us/2005/bills/hbillint/hb0038.htm>

UTAH HB 96 - ALTERNATIVE FUELS, FUELS – Proposes to create incentives for vehicles using clean fuels. The bill was introduced and referred to the House Rules Committee on

January 26, 2005. A substitute bill was recommended on February 10, 2005. The substitute bill passed the House on February 24, 2005 and was introduced and referred to the Senate Rules Committee on February 25, 2005. The bill passed the Senate on March 2, 2005 and was signed by the Governor on March 16, 2005. The sponsor is Representative Fred R. Hunsaker (R). <http://www.le.state.ut.us/~2005/htmdoc/hbillhtm/hb0096.htm>
<http://www.le.state.ut.us/~2005/htmdoc/hbillhtm/hb0096s01.htm>

UTAH HB 150 - WATER, GROUNDWATER – Proposes to allow the state engineer to charge fees for water rights to certain public entities in certain situations. The bill was introduced and referred to the Rules Committee on January 26, 2005. The bill passed the House on February 10, 2005 and was referred to the Senate Natural Resources, Agriculture, and Environment Committee on February 11, 2005. The bill passed out of Committee on February 16, 2005. The bill passed the Senate on February 24, 2005 and was signed by the Governor on March 11, 2005. The sponsor is Representative James R. Gowans (D).
<http://www.le.state.ut.us/~2005/bills/hbillint/hb0150.htm>

UTAH HB 157 - WATER CONSERVATION – Proposes to modify the state engineer's enforcement and penalty processes as they relate to water rights. The bill was introduced and referred to the House Natural Resources and Agriculture Committee on January 21, 2005. It was reported from committee on January 28, 2005. The bill passed the House on February 3, 2005 and was referred to the Natural Resources, Agriculture, and Environment Committee on February 7, 2005. The bill passed the Senate on February 25, 2005 and was signed by the Governor on March 10, 2005. The sponsor is Representative David Ure (R).
<http://www.le.state.ut.us/2005/bills/hbillint/hb0157.htm>

UTAH HB 162 - LAND USE – Proposes to increase from 20 to 30 days the amount of time a property owner has to pay the municipal treasurer for costs incurred in cleaning up the property owner's property. The bill was referred to House Political Subdivisions Committee on January 17, 2005. The bill passed House on January 27, 2005 and was referred to the Senate Natural Resources and Agriculture Committee January 31, 2005. The bill passed the Senate on February 8, 2005. The bill was signed by the Governor on March 11, 2005. The sponsor is Representative Michael Morely (R). <http://www.le.state.ut.us/2004/bills/hbillint/hb0274.htm>

UTAH HB 208 - EMINENT DOMAIN – Proposes to add intangible property to the definition of property and allow a person whose property has been seized as evidence to petition the court for its return. The bill also proposes to clarify the disposition of property that comes into the possession of peace officers. The bill was introduced and referred to the Rules Committee on January 20, 2005. The bill passed the House on February 10, 2005. The bill was introduced and referred to the Senate Judiciary Committee on February 11, 2005. The bill passed the Senate on February 21, 2005 and was signed by the Governor on March 16, 2005. The sponsor is Representative Paul Ray (R). <http://www.le.state.ut.us/~2005/bills/hbillint/hb0208.htm>

UTAH HB 230 – SOLID WASTE – Proposes to modify provisions of the Waste Tire Recycling Act related to the use of waste tires. Provides that a recycler may receive partial reimbursement for each ton of recycled waste tires. The bill was introduced and referred to the House Natural Resources, Agriculture, and Environment Committee on January 24, 2005. The bill passed the House on February 17, 2005. The bill was introduced to the Senate Natural Resources, Agriculture, and Environment Committee on February 18, 2005. The bill passed the Senate on March 2, 2005 and was signed by the Governor on March 16, 2005. The sponsor is Representative David Ure (R). <http://www.le.state.ut.us/~2005/bills/hbillint/hb0230.pdf>

UTAH HB 246 - SOLID WASTE – Proposes to reduce the nonhazardous waste disposal fee under the Environmental Quality Code, and apply the fee to all nonhazardous waste facilities, both commercial and noncommercial. The bill was introduced on January 28, 2005. The bill passed out of the House Natural Resources, Agriculture and Environment Committee on February 11, 2005. The amended bill passed the House on February 23, 2005. The bill failed in the Senate on March 1, 2005. The sponsor is Representative Stephen Urquhart (R).

UTAH SB 24 - SOLID WASTE – Proposes to require the Solid and Hazardous Waste Control Board to review and report to the Legislature every five years on the adequacy of the amount of financial assurance required for closure and postclosure care of a commercial hazardous waste treatment, storage, or disposal facility. The bill died and a substitute bill was recommended. The sponsor is Senator Curtis S. Bramble (R). <http://www.le.state.ut.us/2005/bills/sbillint/sb0024.htm>

UTAH SB 24 (SUBSTITUTE) - SOLID WASTE – Proposes to modify the Environmental Quality Code and the Radioactive Waste Tax Act. Prohibits any entity in the state from accepting Class B or C low-level radioactive waste which has a higher radionuclide concentration than allowed under existing licenses. Proposes to require the Solid and Hazardous Waste Control Board to review and report to the Legislature every five years on the adequacy of the amount of financial assurance required for closure and post closure care of a commercial hazardous waste treatment, storage, or disposal facility. The bill was introduced and referred to the Senate Revenue and Taxation Committee on January 17, 2005. The bill passed the Senate on February 2, 2005 and was referred to the House Natural Resources, Agriculture and Environment Committee on February 3, 2005. It passed the House on February 9, 2005 and was signed by the Governor on February 25, 2005. The sponsor is Senator Curtis S. Bramble (R). <http://www.le.state.ut.us/~2005/bills/sbillint/sb0024s01.pdf>

UTAH SB 81 - HAZARDOUS WASTE – Proposes to clarify that local government approval of a commercial nonhazardous solid or hazardous waste treatment or disposal facility is required before obtaining legislative and gubernatorial approval. The bill was referred to the Senate Natural Resources, Agriculture and Environment Committee on January 17, 2005. The bill passed the Senate and on January 26, 2005. The bill was referred to the House Political Subdivisions Committee on January 27, 2005. The bill passed the House on February 3, 2005 and signed by the Governor on March 10, 2005. The sponsor is Senator Beverly Evans (R). <http://www.le.state.ut.us/2005/bills/sbillint/sb0081.htm>

UTAH SB 85 – ADMINISTRATIVE PROCEDURES – Proposes to create the Federal Research Committee which will review and make recommendations regarding federal installations or federal programs in the State and whether they impact citizens' health and public safety. The bill was introduced and referred to the Senate Government Operations and Political Subdivisions Committee on January 17, 2005. A motion to recommend the bill failed on February 11, 2005. The sponsor is Senator Gene Davis (D). <http://www.le.state.ut.us/~2005/bills/sbillint/sb0085.htm>

UTAH SB 141 - LAND USE – Proposes to establish a program that supports economic development on military installations throughout the state. The bill was referred to the Senate Workforces Committee January 26. The bill passed the Senate on February 15, 2005. It was referred to the House Government Operations Committee on February 16, 2005. The bill passed the House on March 1, 2005 and was signed by the Governor on March 17, 2005. The sponsor is Senator Sheldon Killpack (R). <http://www.le.state.ut.us/~2005/bills/sbillint/sb0141.htm>

UTAH SB 148 – LAND USE – Proposes to create the Conservation Easement Monitoring Endowment Account that can be used to monitor or assist in the maintenance of conservation easements held by the Department of Natural Resources. The bill was introduced and referred to the Senate Natural Resources, Agriculture, and Environment Committee on January 27, 2005. The bill passed the senate on February 15, 2005 and was referred to the House Government Operations Committee on February 16, 2005. The bill died in Committee. The sponsor is Senator Beverly Ann Evans (R). <http://www.le.state.ut.us/~2005/bills/sbillamd/sb0148.pdf>

UTAH SB 166 - HAZARDOUS WASTE – Proposes to modify provisions relating to certain types of low-level radioactive waste. The bill was referred to the Rules Committee on January 31, 2005. The bill was referred to the Senate Revenue and Taxation Committee on February 1, 2005. On February 24, 2005 the Revenue and Taxation Committee returned a bill report to the Rules Committee. The bill died in Committee. The sponsor is Senator Patrice Arent (D). <http://www.le.state.ut.us/~2005/status/sbillsta/sb0166.htm>

UTAH SB 173 – BROWNFIELDS – Proposes to amend the Environmental Quality Code regarding cleanup of contaminated sites. The bill was introduced and referred to the Senate Natural Resources, Agriculture, and Environment Committee on February 9, 2005. The bill passed the Senate and was transmitted to the House on February 18, 2005. The bill passed the House on March 2, 2005 and was signed by the Governor on March 17, 2005. The sponsor is Senator L. Alma Mansell (R). <http://www.le.state.ut.us/~2005/bills/sbillint/sb0173.htm>

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WYOMING

Regulatory Developments & Other State Information

AIR INFORMATION:

AMENDMENT TO OPEN BURNING RESTRICTIONS AND SMOKE MANAGEMENT REQUIREMENTS – The Wyoming Department of Environmental Quality (DEQ) has amended Chapter 10 of the Wyoming Air Quality Standards and Regulations, Sections 2 and 4. The amendments specifically exempt agricultural burning, including irrigation ditches, fence lines, barley residue, and agricultural croplands from the smoke management portion of the rulemaking. The rules were adopted on February 17, 2005. For more information, contact Dan Olson at (307) 777-7391. The rules are available at <http://deq.state.wy.us/aqd/index.asp?pageid=8>.

WATER INFORMATION:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT UPDATES – The DEQ has amended Chapter 2 and repealed Chapters 7, 10, and 18. These amendments are outside of the triennial review process. The changes include an amendment to allow landowners and operators to seek site-specific effluent limits based upon a demonstration that the alternate limits for chlorides, sulfates and/or total dissolved solids would still ensure that agricultural and wildlife uses would be supported and that down stream water quality standards would not be exceeded and mitigation procedures for dredge and fill activities in isolated wetlands. The revised regulation became effective on November 10, 2004. For more information, contact Todd Parfitt at 307-777-6709.

AMENDMENTS TO CROSS CONNECTION AND BACKFLOW PREVENTION RULES FOR PUBLIC WATER SUPPLY DISTRIBUTION SYSTEMS – The DEQ is proposing to amend rules that would allow residential and domestic non-residential service connections to be exempted from the requirement to install backflow devices. Certain conditions must be met to qualify for exemption. Comments were due on April 7, 2005. For more information, contact Lou Harmon at (307) 777-7088. The proposed amendments are available at http://deq.state.wy.us/wqd/www/crossconnection_files/Outreach_document.htm.

GROUNDWATER WATER QUALITY – The DEQ adopted amendments to update the standards for classifying groundwater as suitable for (Class 1) domestic use, and revise language related to in situ mining in order to align the regulations with statutory requirements. The amendments have been forwarded to the Governor's office for final approval. For more information, contact Mr. Kevin Frederick at (307) 777-7781. A draft of the proposed amendments is available at http://deq.state.wy.us/wqd/events/Kevin/EQC_01_19_05/Ch8_Second%20Revision.pdf.

WASTE INFORMATION:

None.

Legislative Developments

A summary of environmental bills considered by the State Legislature is listed below. The status of the bill occurring since the last published Region Review appears in underlined text. The 2005 legislative session began January 11, 2005 and ended March 4, 2005. For information on the 2005 legislative session, link: <http://legisweb.state.wy.us>.

WYOMING HB 2 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES – Proposes to provide for the State Engineer's Office to conduct water permit business electronically. The bill was introduced and referred to the Agriculture, Public Lands and Water Resources Committee on January 11, 2005. The amended bill passed on January 21, 2005 and was referred to the Senate. The bill passed the House on January 21, 2005 and was referred to the Senate Agriculture, Public Lands and Water Resources Committee on February 1, 2005. The bill passed the Senate and was signed by the President of the Senate on February 15, 2005. The Governor signed the bill on February 17, 2005. The sponsor is the Joint Agriculture, Public Land and Water Resources Interim Committee. <http://legisweb.state.wy.us/2005/Introduced/HB0002.pdf>

WYOMING HB 11 – LAND USE – Proposes to develop policies concerning the management of federal lands and natural resources to promote maximum recognition of state and local interest in the federal land use management process. The bill was introduced and referred to the Agriculture, Public Lands and Water Resources Committee on January 11, 2005. The bill died in committee. The sponsor is the Joint Agriculture, Public Land and Water Resources Interim Committee. <http://legisweb.state.wy.us/2005/Introduced/HB0011.pdf>

WYOMING HB 71 - SOLID WASTE – Proposes to allow for inspections and corrective action for municipal and regional landfills to reduce solid waste, and implement solid waste planning. Appropriates funding for grants and loans to local governments with approved plans. The bill was introduced and referred to the House Minerals, Business and Economic Development Committee on January 11, 2005. The bill died in committee. The sponsor is the Wyoming Joint Minerals, Business and Economic Development Interim Committee. <http://legisweb.state.wy.us/2005/Introduced/HB0071.pdf>

WYOMING HB 94 - ENVIRONMENTAL JUSTICE – Proposes to authorize a study of environmental health risks and dangers confronting the citizens of Wyoming. The bill was introduced and referred to the House Labor, Health and Social Services Committee on January 12, 2005. It passed Committee on January 17, 2005. The bill passed the House on January 24, 2005 and was introduced and referred to the Senate Labor, Health and Social Services Committee on January 28, 2005. The bill passed the Senate and was signed by the Governor on February 25, 2005. The sponsor is the Joint Labor, Health and Social Services Interim Committee. <http://legisweb.state.wy.us/2005/Introduced/HB0174.pdf>

WYOMING HB 158 – RADIOACTIVE MATERIALS – Proposes to modify emergency response fees imposed on transportation of radioactive materials. The bill was introduced and referred to the Transportation, Highways, and Military Affairs Committee on January 13, 2005. The bill died in committee. The sponsors are Representatives Mary Meyer Gilmore (D), Larry Meuli (R), Ann Robinson (D), and Jeff Wasserburger (R). <http://legisweb.state.wy.us/2005/Introduced/HB0158.pdf>

WYOMING HB 174 - DRINKING WATER – Proposes to enact the "Wyoming Safe Drinking Water Act." Establishes standard provisions for obtaining a permit to operate a public water supply and administrative fees for violations. The bill was introduced and referred to the House

Labor, Health and Social Services Committee on January 13, 2005. The bill failed to meet the deadline to be reported out of committee. The sponsor is Representative Dan Zwonitzer (R). <http://legisweb.state.wy.us/2005/Introduced/HB0174.pdf>

WYOMING HB 273 - WATER USE – Proposes to allow requirements for nonelectronic mapping in relation to water permits. The bill was introduced and referred to the Agriculture, Public Lands and Water Resources Committee on January 20, 2005. The bill passed its third reading on January 31, 2005. The bill was introduced and referred to the Senate Agriculture, Public Lands and Water Resources Committee on February 1, 2005. The bill passed out of Committee on February 4, 2005 and was placed on general file. The sponsor is Representative Doug Samuelson (R). <http://legisweb.state.wy.us/2005/Introduced/HB0273.pdf>

WYOMING H.B. 300 - LAND USE – Proposes to establish "historic preservation rights" as a nonpossessory property right stated in the form of a restriction, easement, covenant or condition or, with or without limitation, in any other form in any deed, will, or plat. The bill was introduced and referred to the Travel, Recreation, Wildlife and Cultural Resources Committee on January 24, 2005. It passed the House on February 9, 2005 and was introduced to the Senate on February 10, 2005. The bill passed the Senate amended on February 24, 2005 and was signed by the Governor on March 2, 2005. The sponsor is Representative Jerry Lelke (R). <http://legisweb.state.wy.us/2005/Introduced/HB0300.pdf>

WYOMING SF 15 – CONSERVATION AND LAND USE – Proposes to create a Trust Land Preservation and Enhancement Account to be used on projects which preserve and enhance the market value of all surface and mineral lands held in trust by the state. The bill passed the Senate on January 26, 2005 and was referred to the House Agriculture, Public Lands and Water Resources Committee on February 1, 2005. The amended bill passed the House on February 16, 2005. The Governor signed the bill on February 24, 2005. The sponsor is the Joint Agriculture, Public Lands and Water Resources Interim Committee. <http://legisweb.state.wy.us/2005/Introduced/SF0015.pdf>

WYOMING SF 19 - LAND USE – Proposes to create a task force to review the trust responsibilities of the office of state lands and investments. Allows funding for the task force. Passed the Senate on January 26, 2005 and was referred to the House Committee on Agriculture, Public Lands, and Water Resources on February 1, 2005. The bill passed the House on February 28. The amended bill was signed by the Senate President and the House Speaker on March 3, 2005. The sponsor is the Joint Agriculture, Public Lands and Water Resources Interim Committee. <http://legisweb.state.wy.us/2005/Introduced/SF0019.pdf>

WYOMING SF 28 - WATER USE – Proposes to stipulate penalties for violation of water laws. The bill was introduced and referred to the Agriculture, Public Lands and Water Resources Committee on January 11, 2005. Amendments were adopted on January 25, 2005. The bill passed on the third reading on January 27, 2005. The bill was introduced and referred to the House Agriculture, Public Lands and Water Resources Committee on February 1, 2005. The bill passed the House on February 18, 2005 and was signed by the Governor on February 24, 2005. The sponsor is Senator Gerald E. Geis (R). <http://legisweb.state.wy.us/2005/Introduced/SF0028.pdf>

WYOMING SF 41 – NATURAL RESOURCES – Proposes to enact the "Wildlife and Natural Resources Funding Act", establish a Wyoming Wildlife and Natural Resources trust account and stipulate procedures for expenditures from the account for the improvement and maintenance of existing terrestrial habitat necessary to maintain native wildlife populations. The bill was

introduced and referred to the Travel, Recreation, Wildlife and Cultural Resources Committee on January 11, 2005. The bill passed the Senate on February 8, 2005 and was referred to the House Mineral, Business and Economic Development Committee on February 9, 2005. The bill passed the House on February 28, 2005. The bill was signed by the Senate President and the House Speaker on March 3, 2005. The sponsor is the Travel, Recreation, Wildlife and Cultural Resources Interim Committee. <http://legisweb.state.wy.us/2005/Introduced/SF0041.pdf>

WYOMING SF 51 - LAND USE – Proposes to authorize the Adjutant General to dispose of lands, buildings, or fixtures under the control of the Nation Guard by sale, exchange or other transfer. The bill was introduced and referred to the Transportation and Highways Committee on January 11, 2005. The bill passed its third reading on January 17, 2005. The bill was introduced and referred to the House Transportation and Highways Committee on February 4, 2005. The bill passed the House on February 14, 2005 and the Governor signed the bill on February 17, 2005. The sponsor is the Joint Transportation and Highways Interim Committee. <http://legisweb.state.wy.us/2005/Introduced/SF0051.pdf>

WYOMING SF 74 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES – Proposes to allow permitting and reporting requirements of the DEQ to be conducted electronically as provided by the Uniform Electronic Transaction Act and any applicable federal electronic requirements. The bill was introduced and referred to the Senate Corporations, Elections and Political Subdivisions Committee on January 12, 2005. The bill was reported from Committee and placed on general file on January 20, 2005. The bill passed its third reading on January 24, 2005. The bill was introduced to the House on January 27, 2005 and passed on February 11, 2005. The Governor signed the bill on February 17, 2005. The sponsor is Senator Kit Jennings (R). <http://legisweb.state.wy.us/2005/Introduced/SF0074.pdf>

WYOMING SF 106 - WATER USE – Proposes to authorize the temporary acquisition or transfer of water rights for managing instream flow. The bill was introduced and referred to the Agriculture, Public Lands and Water Resources Committee on January 14, 2005. The bill died in committee. The sponsor is Senator Cale Case (R). <http://legisweb.state.wy.us/2005/Introduced/SF0106.pdf>

WYOMING SF 107 - WATER USE – Proposes to specify considerations for evaluating water return flows and provide procedures for reviewing instream flow water rights. The bill was introduced and referred to the Agriculture, Public Lands and Water Resources Committee on January 14, 2005. The bill died in committee. The sponsor is Senator Cale Case (R). <http://legisweb.state.wy.us/2005/Introduced/SF0107.pdf>

WYOMING SF 149 - EMINENT DOMAIN – Proposes to authorize the creation of conservation easements by a governing entity and reserves the rights of the state pertaining to eminent domain. The bill was introduced and referred to the Travel, Recreation, Wildlife and Cultural Committee on January 25. The bill was passed in the Senate on February 3, 2005 and was introduced to the House on February 7, 2005. The bill passed the House on February 23, 2005 and was signed by the Governor on February 25, 2005. The sponsor is Senator Phil Nicholas (R). <http://legisweb.state.wy.us/2005/Introduced/SF0149.pdf>

WYOMING SF 174 - UNDERGROUND STORAGE TANKS – Proposes to address public health and safety and specify procedures and requirements relating to the repair or replacement of septic systems. The bill was introduced and referred to the Corporations, Elections & Political Subdivisions Committee on January 26, 2005. The bill was reported from Committee and place

on general file as of February 1, 2005. The sponsor is Senator Kathryn Sessions (D).
<http://legisweb.state.wy.us/2005/Introduced/SF0174.pdf>

WYOMING HJ 9 – LAND USE – Proposes to allow state agencies to participate in the development of policies concerning the management and use of federal lands. The bill was introduced and referred to the Agriculture, Public Lands and Water Resources Committee on January 31, 2005. The bill passed the House on February 9, 2005 and was introduced in the Senate on February 11, 2005. The bill was placed on general file on February 16, 2005. The sponsors are Representative James C. Hageman (R) and Representative Randall B. Luthi (R).
<http://legisweb.state.wy.us/2005/Introduced/HJ0009.pdf>

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