

## **FY 2010 -- FEDERAL REGISTER SUMMARY**

### **09/30/2010 p 60333 – p 60340 Hazardous Material; Miscellaneous Packaging Amendments**

**Action:** Final rule

**Summary:** PHMSA published a final rule on February 2, 2010 that revised several packaging related definitions. The rule also incorporated requirements for the construction, maintenance and use of Large Packaging. This rule responds to a petition for reconsideration and four appeals and corrects several errors in the original rule. PHMSA is clarifying that a Large Packaging with one or more inner packaging or articles is also a bulk packaging as established by the HMR.

**Applicability:** This would be of interest to shippers of hazardous materials in bulk packaging.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-24336.pdf>.

### **09/29/2010 p 59975 – p 59983 National Priorities List, Final Rule No. 50**

**Action:** Final rule

**Summary:** This rule adds six sites to the National Priorities List.

**Applicability:** Provided for general information only. None of the six sites added are Federal Facilities.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-24311.pdf>.

### **09/29/2010 p 60017 – p 60036 Hazardous Materials: Miscellaneous Amendments**

**Action:** Notice of proposed rulemaking (NPRM)

**Summary:** PHMSA proposes to make miscellaneous amendments to the Hazardous Materials Regulations to update and clarify certain regulatory requirements. Among other provisions, PHMSA is proposing to revise the definition of “person” to include persons who manufacture, test, repair, and recondition packaging. PHMSA is also proposing some additions to revisions to the hazardous material table.

**Applicability:** This may be of interest to shippers of hazardous materials.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-24274.pdf>.

### **09/27/2010 p 59197 – p 59204 Hazardous Materials: Limiting the Use of Electronic Devices by Highway**

**Action:** Notice of proposed rulemaking (NPRM)

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to prohibit texting on electronic devices by drivers during the operation of a motor vehicle containing a quantity of hazardous materials requiring placarding under part 172 of the 49 CFR or any quantity of a select agent or toxin listed in 42 CFR part 73. Additionally, in accordance with requirements published today by the Federal Motor Carrier Safety Administration (FMCSA), motor carriers are prohibited from requiring or allowing drivers of covered motor vehicles to engage in texting while driving.

**Applicability:** Provided for information.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-24114.pdf>.

**09/24/2010 p 58377 – p 58378 Lead in Ammunition and Fishing Sinkers; Disposition of TSCA Section 21 Petition**

**Action:** Notice

**Summary:** On August 3, 2010, several groups filed a petition under the Toxic Substances Control Act (TSCA) section 21 requesting that EPA prohibit under TSCA section 6(a) the manufacture, processing, and distribution in commerce of (1) lead bullets and shot; and (2) lead fishing sinkers. On August 27, 2010, EPA denied the first request due to a lack of authority to regulate lead in bullets and shot under TSCA. EPA's decision is based on the exclusion of shells and cartridges from the definition of "chemical substance" in TSCA section 3(2)(B)(v). EPA is still considering the second request and will respond to that portion of the petition within the 90-day period provided in section 21 of TSCA. This notice explains EPA's reasons for the denial of the request specific to lead bullets and shot.

**Applicability:** This pertains to lead in ammunition and may therefore be of interest to DoD.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-24025.pdf>

**09/17/2010 p 56528 – 56529 EPA's Role in Advancing Sustainable Products**

**Action:** Notice

**Summary:** EPA is soliciting comments on the Agency's role in the "green" or sustainable products movement. Comments are due 10/19/2010.

**Applicability:** This may be of interest with respect to DoD sustainability initiatives.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-23123.pdf>

**09/14/2010 p 55728 – p 55730 Withdrawal of Proposed Rules; Discontinuing Rulemaking Efforts Listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions**

**Action:** Proposed rules; withdrawal

**Summary:** EPA is withdrawing two proposed rules for which the Agency no longer intends to issue final rules. These are "The Proposed Test Rule for Certain Chemicals on the ATSDR/EPA CERCLA Priority List of Hazardous Substances" and the "Proposed Test Rule for Hazardous Air Pollutants".

**Applicability:** Provided for general information purposes only.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-22862.pdf>

**09/10/2010 p 55340 – p 55341 Recovery Fact Sheet 9580.100, Mold Remediation**

**Action:** Notice of availability

**Summary:** This fact sheet makes recommendations for addressing mold contamination. The fact sheet is available at:

<http://www.regulations.gov/search/Regs/home.html#documentDetail?R=0900006480b4b7eb>.

**Applicability:** This may be of general interest because mold can be an indoor air pollutant.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-22587.pdf>

**09/10/2010 p 55274 – p 55277 Change of Address for Region 5 State and Local Agencies; Technical Correction**

**Action:** Final rule; technical amendment

**Summary:** EPA is correcting the addresses for EPA Region 5 state and local agencies in EPA regulations. Certain EPA air pollution control regulations requiring submittal of notifications, reports and other documents to the EPA Regional office, must also be submitted to the appropriate authorized state or local agency. This technical amendment updates and corrects the addresses for submitting such information to the EPA Region 5 state and local agency offices.

**Applicability:** The jurisdiction of EPA Region 5 includes the states of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-22330.pdf>

**09/09/2010 p 54872 – p 54873 Drinking Water Strategy Contaminants as Group(s) – Notice of Public Stakeholder Meeting**

**Action:** Notice

**Summary:** EPA scheduled a public meeting for 09/21/2010 to engage stakeholders on four principles with respect to a new Drinking Water Strategy that was announced on 03/22/2010. The four principles are: Addressing some contaminants as groups rather than one at a time; fostering development of new drinking water technologies to address health risks posed by broad array of contaminants; using the authority of multiple statutes to help protect drinking water; and partnering with States to share more complete data from monitoring of public water systems.

**Applicability:** Provided for information only.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-22470.pdf>

**09/07/2010 p 54419 Notice: Elimination of Expiration Dates for Classification Approvals**

**Action:** Notice

**Summary:** In 2005, PHMSA initiated a policy imposing a 5-year expiration date on firework classification approvals to ensure that background information supporting the approval is current and applicable, information is up-to-date and complete, obsolete approvals are eliminated from the PHMSA database, and approvals are amended with new requirements and/or methods as necessary. In 2009, this policy was extended to include all types of classification approvals, including explosives, oxidizing substances, organic peroxide materials and self-reactive substances. PHMSA is changing its policy and eliminating expiration dates for classification approvals because the policy has had unanticipated effects since its implementation. For instance, explosives assigned EX numbers, and self-reactive materials and organic peroxide materials, assigned CA numbers, have a shelf life far beyond the 5-year expiration date.

**Applicability:** This may be of interest to shippers of explosives, oxidizing substances, organic peroxide materials and self-reactive substances.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-22138.pdf>

**09/01/2010 p 53593 – p 53598 Hazardous Materials: Minor Editorial Corrections and Clarifications**

**Action:** Final rule

**Summary:** This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are non-substantive changes and do not impose new requirements.

**Applicability:** This notice of minor corrections to the HMR would be of interest to USACE and DoD personnel that make hazardous material shipments.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-21759.pdf>

**08/31/2010 p 53267 – p 53268 National Primary Drinking Water Regulations; Revisions to the Total Coliform Rule**

**Action:** Extension of comment period

**Summary:** The comment period is extended until October 13, 2010.

**Applicability:** This rule applies to all public water systems.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-21697.pdf>

**08/26/2010 p 52535 – p 52536 Availability of Draft Toxicological Profile for RDX**

**Action:** Notice of availability

**Summary:** RDX is used by DOD. Under CERCLA, the Department of Defense is required to notify the Department of Health and Human Services (DHHS) of commonly found unregulated hazardous substances at defense facilities. The DHHS then prepares toxicological profiles for those substances, and the information is used to ascertain health effects and/ or whether further research is needed. This announces, for review and comment, the availability of a new draft toxicological profile on RDX. All toxicological profiles issued as “Drafts for Public Comment” represent ATSDR’s best efforts to provide important toxicological information on priority hazardous substances. ATSDR seeks public comments and additional information or reports on studies about the health effects of RDX, chemical name hexahydro-1,3,5-trinitro-1,3,5-triazine, also known as cyclonite, for review and potential inclusion in the profile.

**Applicability:** RDX is a component of explosives used by DOD.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-21298.pdf>

**08/24/2010 p 52070 – p 52138 Hazardous Materials: Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air**

**Action:** Notice of proposed rulemaking

**Summary:** PHMSA proposes to amend the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the Hazardous Materials Regulations with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization’s Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations

Recommendations on the Transport of Dangerous Goods—Model Regulations.  
Comments on the proposed rulemaking are due by 25 October 2010.

**Applicability:** This request for comments would be of interest to USACE and DoD personnel that make hazardous material shipments.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-19952.pdf>

**08/20/2010 p 51434 - p 51436 Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities**

**Action:** Proposed rule corrections and extension of comment period

**Summary:** This includes corrections to proposed rule and extends the comment period 60 days.

**Applicability:** Development of this rule is being closely tracked and reviewed by the RCRA Services Steering Committee for potential impacts to DoD. This is also of special interest to USACE Civil Works because coal combustion residue has been used in construction of levees and as a component of cement and therefore any changes in regulatory status has the potential to affect material availability. As currently proposed, beneficial reuse of coal combustion residuals continue to be allowed.

**08/13/2010 p 49655 – p 49707 TSCA Inventory Update Reporting Modifications**

**Action:** Proposed Rule

**Summary:** The EPA proposes to amend the Toxic Substances Control Act (TSCA) Inventory Update Reporting (IUR) rule, thereby providing improved information for EPA to better identify and, where appropriate, take steps to manage risks associated with chemical substances and mixtures (referred to hereafter as chemical substances).

Additionally, improved information would be available for the public. The IUR rule, promulgated under TSCA section 8(a), requires manufacturers (including importers) of certain chemical substances on the TSCA Chemical Substance Inventory (TSCA Inventory) to report information about the manufacturing (including import), processing, and use of those chemical substances. EPA is proposing to require electronic reporting of IUR information and to modify IUR reporting requirements, including certain circumstances that trigger reporting, the specific data to be reported, the reporting standard for processing and use information, and Confidential Business Information reporting procedures. These modifications would provide information to better address Agency and public information needs, improve the usability and reliability of the reported data, and ensure that data are available in a timely manner. Comments must be received on or before October 12, 2010.

**Applicability:** This request for comments would be of interest to USACE personnel at the dams, electric power facilities.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-19830.pdf>

**08/03/2010 p 45572 – 45579 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule – Proposed Amendments:**

**Action:** Proposed Rule; compliance date amendment

**Summary:** EPA is proposing to amend the compliance date by 1 year for certain facilities regulated by 40 CFR 112. The new compliance date is proposed to be moved

from 11/10/2010 to 11/10/2011. To be eligible for the compliance extension, owners or operators of facilities in operation before August 16, 2002 must continue to maintain their existing SPCC Plans.

**Applicability:** This proposal is directly applicable to existing Civil Works facilities and active installations.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-19075.pdf>

**07/30/2010 p 44930 – 44932 Stakeholder Input; Revisions to Water Quality Standards Regulation**

**Action:** Listening sessions

**Summary:** The Environmental Protection Agency (EPA) is announcing its plans to initiate national rulemaking to make a limited set of targeted changes to EPA's water quality standards regulation. EPA expects to publish such proposed rule changes in the **Federal Register** in Summer 2011. Listening sessions are scheduled for 8/24 and 8/26/2010. The rulemaking process will focus on Anti-degradation Implementation Methods, Administrator's "Determination," Designated Uses, Variances, and Triennial Reviews.

**Applicability:** Staff involved in water quality issues will find this rulemaking of interest. In particular, Civil Works facilities with a water quality mission should track this rulemaking closely.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-18557.pdf>

**07/27/2010 p 43898 – p 43906 Hazardous Materials Transportation: Revisions of Special Permits Procedures**

**Action:** Notice of proposed rulemaking (NPRM)

**Summary:** PHMSA is proposing to revise its procedures for applying for a special permit to require an applicant to provide sufficient information about its operations to enable the agency to evaluate the applicant's fitness and the safety impact of operations that would be authorized in the special permit. In addition, PHMSA is providing an on-line application option. Comments on the NPRM must be submitted by August 26, 2010.

**Applicability:** This proposed rulemaking would be of interest to shippers that might need to obtain a special permit. USACE must coordinate a special permit request through the Surface Deployment and Distribution Command.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-18142.pdf>

**07/27/2010 p 43906 – p 43914 Hazardous Materials: Requirements for the Storage of Explosives During Transportation**

**Action:** Notice of proposed rulemaking (NPRM)

**Summary:** DOT is proposing to enhance existing attendance requirements for explosives stored during transportation by designating the National Fire Protection Association (NFPA) standard 498 as the Federally approved standard for the construction and maintenance of safe havens used for unattended storage of Division 1.1, 1.2, and 1.3 explosives. The proposed rule would require these explosives that are stored during transportation in commerce, to be attended and afforded surveillance in accordance with NFPA.

**Applicability:** This NPRM would be of interest to shippers and highway carriers of Division 1.1, 1.2, and 1.3 explosives.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-18368.pdf>

**07/23/2010 p 43232 – p 43233 Revision of the Emergency Response Guidebook**

**Action:** Notice; request for comments

**Summary:** DOT is seeking comments on the development of the 2012 Emergency Response Guidebook (ERG2012), particularly from those who have experience using the 2008 Emergency Response Guidebook. The ERG is for use by emergency services personnel to provide guidance for initial response to hazardous materials incidents. Comments are due by 09/21/2010.

**Applicability:** This request for comments would be of interest to USACE personnel that make hazardous material shipments.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-18134.pdf>

**07/23/2010 p 43208 Withdrawal of Regulatory Guide 5.17**

**Action:** Withdrawal of Regulatory Guide 5.17, “Truck Identification Markings”

**Summary:** The NRC is withdrawing Regulatory Guide 5.17 “Truck Identification Markings” because it is obsolete. Until November 28, 1979 (44 FR 68184), the NRC had a requirement in 10 CFR 73.31(e) that if you transported Special Nuclear Material (plutonium, enriched U-235, U-233) by highway you needed to mark the top of the conveyance with letters or numbers which allowed identification of the vehicle under daylight conditions from the air in clear weather at 1000 feet above ground level. The NRC has previously deferred the marking, labeling and placarding to DOT (parts 172 through 180).

**Applicability:** This would be of interest for USACE personnel that might ship Class 7 radioactive material that meet the definition of special nuclear material.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-18077.pdf>

**07/21/2010 p 42440 – p 42441 Total Coliform Rule Revisions – Notice of Public Information Meetings**

**Action:** Notice

**Summary:** EPA is hosting public information meetings on the proposed Revised Total Coliform Rule (RTCR) that was proposed in the Federal Register on 07/14/2010. EPA will discuss the major provisions of the current TCR, the history of the development of the proposed RTCR, the core elements of the proposed RTCR, the comparison between the current TCR and the proposed RTCR, and specific areas where EPA is requesting comment. Additional topics that will be discussed include the cost and benefit information of the proposed rule and the planned guidance manuals that will be developed to support the implementation of the final rule.

**Applicability:** This applied to all types of public water systems including consecutive systems that purchase all of their water from another regulated source.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-17795.pdf>

**07/14/2010 p 40926 – p 41016 National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule**

**Action:** Proposed rule

**Summary:** EPA is proposing revisions to the 1989 Total Coliform Rule. The proposed revisions require systems to assess the problem and take corrective action that may reduce cases of illnesses and deaths due to potential fecal contamination and waterborne pathogen exposures.

**Applicability:** This is relevant to Army public water systems of all types. It applies not only to “wholesale systems”, but also to “consecutive systems” that purchase water from another regulated source. It applies to systems classified as community water systems (such as residential systems serving base housing), non-transient non-community water systems (such as non-residential systems regularly serving workers), and transient non-community water systems (such as recreation areas).

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-15205.pdf>

**07/01/2010 p 38168 – p 38169 Hazardous materials: International Regulations for the Safe Transport of Radioactive Material (TS-R-1); Draft Revision Available for Comment**

**Action:** Notice; document availability and request for comments

**Summary:** PHMSA is seeking public comment on a draft revision of the International Atomic Energy Agency’s (IAEA) “Regulations for the Safe Transport of Radioactive Material” (TS– R–1), which is scheduled for publication in 2012. PHMSA and the U.S. Nuclear Regulatory Commission (NRC) will jointly be submitting comments on the draft document to the IAEA. We are requesting input from the public to assist in developing the U.S. comments.

**Applicability:** This notice for comments would be of interest to USACE personnel that ship radioactive materials because of PHMSA’s ongoing international harmonization rulemaking.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-16073.pdf>

**06/21/2010 p 35128 - p 35264 Hazardous and Solid Waste Management Systems; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities**

**Action:** Proposed rule

**Summary:** EPA is proposing to regulate for the first time, coal combustion residuals (CCRs) under RCRA to address the risks from the disposal of CCRs generated from the combustion of coal at electric utilities and independent power producers. The Agency is proposing two alternative regulations. Under the first proposal, EPA would reverse its August 1993 and May 2000 Bevill Regulatory Determinations regarding coal combustion residuals (CCRs) and list these residuals as special wastes subject to regulation under subtitle C of RCRA, when they are destined for disposal in landfills or surface impoundments. Under the second proposal, EPA would leave the Bevill determination in place and regulate disposal of such materials under subtitle D of RCRA by issuing national minimum criteria. Under both alternatives EPA is proposing to establish dam safety requirements to address the structural integrity of surface impoundments to prevent catastrophic releases. EPA is not proposing to change the May 2000 Regulatory Determination for beneficially used CCRs, which are currently exempt from the hazardous waste regulations under Section 3001(b)(3)(A) of RCRA. However, EPA is

clarifying this determination and seeking comment on potential refinements for certain beneficial uses. EPA is also not proposing to address the placement of CCRs in mines, or non-minefill uses of CCRs at coal mine sites in this action.

**Applicability:** The RCRA Services Steering Committee is soliciting comments on this rulemaking. Though the title refers to coal combustion residue from electric utilities, it has the potential for impacts beyond the utility industry.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-12286.pdf>

**06/18/2010 p 34682 Bulk Solid Hazardous Materials: Harmonization With the International Maritime Solid Bulk Cargoes (IMSBC) Code; Correction**

**Action:** Notice of proposed rulemaking; correction

**Summary:** This document corrects the preamble to a proposed rule published in the Federal Register on June 17, 2010, entitled “Bulk Solid Hazardous Materials: Harmonization With the International Maritime Solid Bulk Cargoes (IMSBC) Code.” This correction provides correct information with regard to the preliminary environmental analysis checklist.

**Applicability:** This proposed rulemaking and correction would be of interest to individuals that make shipments of solid hazardous materials in bulk by vessel.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-14737.pdf>

**06/17/2010 p 34574 - p 34609 Bulk Solid Hazardous Materials: Harmonization With the International Maritime Solid Bulk Cargoes (IMSBC) Code**

**Action:** Proposed rule

**Summary:** The Coast Guard proposed to harmonize its regulations with the International Maritime Organization (IMO) amendments to Chapters VI and VII to the International Convention for the Safety of Life at Sea, 1974, as amended, (SOLAS) that make the International Maritime Solid Bulk Cargoes (IMSBC) Code mandatory. The amendments require that all vessels subject to SOLAS and carrying bulk solid cargoes other than grain must comply with the IMSBC Code. The Coast Guard proposes to amend its regulations governing the carriage of solid hazardous materials in bulk to allow use of the IMSBC Code as an equivalent form of compliance for all domestic and foreign vessels operating in U.S. navigable waters. Proposed changes to the Coast Guard regulations will also expand the list of solid hazardous materials authorized for bulk transportation by vessel and include special handling procedures based on the IMSBC Code and existing special permits. These proposed changes would reduce the need for the current special permits for the carriage of certain solid hazardous materials in bulk.

**Applicability:** This proposed rulemaking would be of interest to individuals that make shipments of solid hazardous materials in bulk by vessel. This rule would add a definition of “bulk solid cargo” and would clarify a number of transportation requirements. For example, the proposed rule would limit radioactive shipments in bulk to Low Specific Activity Material, LSA-1, or Surface Contaminated Object, SCO-1.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-14464.pdf>

**06/16/2010 – p 34076-34077 Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations; Extension of Comment Period and Additional Public Meetings**

**Action:** Advance notice of proposed rulemaking; extension of comment period and additional public meetings.

**Summary:** EPA issued an advance notice of proposed rulemaking (ANPRM) in the Federal Register of April 7, 2010, concerning the reassessment of the use authorizations for PCBs. This document extends the comment period for 45 days, from July 6, 2010, to August 20, 2010. This extension is necessary to provide the public with an opportunity to provide additional and more thorough comments. Also, EPA is holding two additional public meetings to enable additional public comment on the ANPRM during the comment period extension. Comments, identified by docket identification (ID) number EPA-HQ-OPPT-2009-0757, must be received on or before August 20, 2010. Meetings will be held on July 22, 2010, from 9 a.m. until the last speaker has spoken or until 1 p.m., in San Francisco, CA and on July 29, 2010, from 6 p.m. to 9 p.m., in New York, NY. Requests to participate in a meeting must be received 10 days prior to the date of the meeting.

**Applicability:** This would be of interest to USACE personnel at civil works projects, power stations; any USACE owned property. EPA is soliciting comments and data. Of particular interest to USACE is the phase out of PCB transformers and disposal facilities and acceptable levels of PCBs and use authorizations for non-liquid PCBs (PCBs as an ingredient in caulk and paint).

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-14522.pdf>

#### **06/15/2010 p 33712 - p 33724 Withdrawal of the Emission-Comparable Fuel Exclusion Under RCRA**

**Action:** Final rule

**Summary:** This final action withdraws the conditional exclusion from regulations promulgated on 12/19/2008 under subtitle C of the Resource Conservation and Recovery Act (RCRA) for so-called Emission Comparable Fuel (ECF). These are fuels produced from hazardous secondary materials which, when burned in industrial boilers under specified conditions, generate emissions that are comparable to emissions from burning fuel oil in those boilers. EPA is withdrawing this conditional exclusion because the Agency has concluded that ECF is more appropriately classified as a discarded material and regulated as a hazardous waste. The exclusions for comparable fuel and synthesis gas fuel are not addressed or otherwise affected by this final rule.

**Applicability:** Because states did not adopt the exclusion, loss of the exclusion is expected to have very little impact. Minor adjustment to training materials may be needed.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-14097.pdf>

#### **06/04/2010 p 31775 -31785 Draft National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit for Point Source Discharges From the Application of Pesticides**

**Action:** Notice of draft permit and notice of public meetings

**Summary:** EPA Regions 1 – 10 are proposing a draft NPDES general permit for point source discharges for the application of certain pesticides to the waters of the United States. The action is in response to the Sixth Circuit Court's ruling that vacated an EPA regulation that excluded discharges from the application of pesticides to or over,

including near waters of the United States from the need to obtain an NPDES if the application was done in accordance with other laws. EPA was granted a two-year stay of the Court's mandate to provide time to draft and implement the permit. The stay of the mandate expires on April 9, 2011; where after, NPDES permits will be required for all point source discharges to waters of the United States of biological pesticides, and chemical pesticides that leave a residue.

**Applicability:** Permit requirements will potentially impact all USACE missions and this permit notice should be followed closely by the pest management and compliance community.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-13468.pdf>

### **06/04/2010 p 31716 - p 31717 Hazardous Waste Technical Corrections and Clarification Rule**

**Action:** Partial Withdrawal of Direct Final Rule

**Summary:** This action withdraws portions of the direct final rule entitled "*Hazardous Waste Technical Corrections and Clarifications Rule*" which was published in the Federal Register on 03/18/2010 (75 FR 12989). This Direct Final rule included a number of specific technical changes to correct or clarify several parts of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Because EPA received adverse comments, specific amendments are being withdrawn. The withdrawn amendments are:

- 40 CFR 262.34(a) pertaining to hazardous waste accumulation times for large quantity generators.
- 40 CFR 262.34(a)(2) relating to the date upon which the accumulation period begins and must be marked on the containers and tanks.
- 40 CFR 262.34(a)(5) pertaining to closure requirements of tanks, containers, drip pads, and containment buildings (and related section 40 CFR 262.34(a)(1)(iv)(B)).
- 40 CFR 266.20(b) relating to recyclable materials used in a manner constituting disposal.
- 40 CFR 261.32(a).pertaining to K107.

**Applicability:** This is not expected to have a significant impact on DoD, but persons involved in hazardous waste management should be aware of this change.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-13376.pdf>

### **06/04/2010 p 31844 - p 31893 Identification of Non-Hazardous Secondary Materials That Are Solid Waste**

**Action:** Proposed Rule

**Summary:** EPA is proposing a definition of non-hazardous solid waste that would be used to identify whether non-hazardous secondary materials burned as fuels or used as ingredients in combustion units are solid waste. EPA is also proposing that non-hazardous secondary materials that have been discarded, and are therefore solid wastes, may be rendered products after they have been processed (altered chemically or physically) into a fuel or ingredient product. This proposed rule is necessary to identify units for the purpose of developing certain standards under sections 112 and 129 of the CAA.

**Applicability:** The RCRA Services Steering Committee has been actively engaged in the rule development process and plans to comment on the proposal.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-10837.pdf>

**06/01/2010 p 30401 - p 30401 National Primary Drinking Water Regulations; Announcement of the Results of EPA's Review of Existing Drinking Water Standards and Request for Public Comment and/or Information on Related Issues; Extension of the Comment Period**

**Action:** Extension of Public Comment Period

**Summary:** This extends by 30 days the public comment period for the National Primary Drinking Water Regulations; Announcement of the Results of EPA's Review of Existing Drinking Water Standards and Request for Public Comment and/or Information on Related Issues, which was published on March 29, 2010. It pertains to a finding by the Agency that NPDWRs for acrylamide, epichlorohydrin, tetrachloroethylene and trichloroethylene) are candidates for revision.

**Applicability:** TCE and PCE are common contaminants at remedial action sites involving DoD. Any change to the MCLs have the potential to modify cleanup requirements.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-12915.pdf>

**05/14/2010 p 27273 – p 27284 Hazardous Materials; Packages Intended for Transport by Aircraft**

**Action:** Notice of proposed rulemaking (NRPM)

**Summary:** PHMSA proposes to amend requirements in the Hazardous Materials Regulations to enhance the integrity of inner packagings or receptacles of combination packagings containing liquid hazardous material by ensuring they remain intact when subjected to the reduced pressure and other forces encountered in air transportation. In order to substantially decrease the likelihood of a hazardous materials release, the proposed amendments: prescribe specific test protocols and standards for determining whether an inner packaging or receptacle is capable of meeting the pressure differential requirements specified in the regulations and, consistent with the 2011–2012 edition of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Aircraft (ICAO Technical Instructions), require the closures on all inner packagings containing liquids within a combination packaging to be secured by a secondary means or, under certain circumstances, permit the use of a liner. Comments are due by 13 July 2010 on the proposed rule.

**Applicability:** This would be of general interest to persons shipping liquid hazardous materials by aircraft.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-11384.pdf>.

**05/14/2010 p 27205 – p 27215 Hazardous Materials: Incorporation of Special Permits Into Regulations**

**Action:** Final rule

**Summary:** PHMSA is amending the Hazardous Materials Regulations (HMR) to incorporate provisions contained in certain widely used or longstanding special permits that have an established safety record. Special permits allow a company or individual to

package or ship a hazardous material in a manner that varies from the regulations so long as an equivalent level of safety is maintained. The revisions in this final rule are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety.

**Applicability:** This is of general interest to persons involved with the transportation of hazardous materials.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-11570.pdf>.

#### **04/26/2010 p 21872 - p 21884 EPA Semiannual Regulatory Agenda**

**Action:** Semiannual regulatory flexibility agenda and semiannual regulatory agenda

**Summary:** On a semiannual basis, EPA publishes information to update the public about regulations and major policies under development, reviews of existing regulations, and rules or policies cancelled since the last agenda.

**Applicability:** This is of interest to environmental professionals tracking regulatory developments. The scheduled contained in the agenda facilitate involvement in the regulatory process.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-8940.pdf>

#### **04/26/2010 p 21840 - p 21865 DOT Regulatory Agenda; Semiannual Summary**

**Action:** Semiannual regulatory agenda

**Summary:** On a semiannual basis, DOT publishes information to update the public about regulations under development. This enables the public to be more aware of and to participate in the Department's regulatory activities.

**Applicability:** This is of general interest to persons involved with the transportation of hazardous materials.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-8987.pdf>

#### **04/26/2010 p 21625 Notice of Availability of the Draft National Discharge Elimination System (NPDES) General Permits MAG910000 and NHG910000 for Remediation Facility Discharges in the Commonwealth of Massachusetts (Including Both Commonwealth and Indian Country Lands) and the State of New Hampshire: The Remediation General Permits (RGP)**

**Action:** Notice of availability of draft NPDES general permits MAG910000 and NHG910000.

**Summary:** EPA Region I is beginning the NPDES permit reissue process. The comment period closes on 5/26/2010. The current permit, issued in 2005 expires in September of 2010. Region I has developed a Remediation General Permit for various remediation and related activities.

**Applicability:** These permits are potentially applicable or relevant and appropriate requirements for EPA Region I Superfund and IRP/FUDS work. District staff for be aware of the substantive requirements covered in the permit(s).

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-9628.pdf>

**04/22/2010 p 20942 - p 20951 Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Saccharin and Its Salts From the Lists of Hazardous Constituents, Hazardous Wastes, and Hazardous Substances**

**Action:** Proposed rule

**Summary:** EPA proposes to remove saccharin and saccharin salts from the RCRA hazardous constituent list as well as the CERCLA hazardous substance list.

**Applicability:** This should have no impact on DoD, but may be of general interest.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-9167.pdf>

**04/12/2010 p 18455 - p 18468 Mandatory Reporting of Green House Gases**

**Action:** Proposed Rule Amendment

**Summary:** EPA is proposing that some additional information be supplied by reporters subject to the Mandatory GHG Reporting rule published on 30 October 2009. The additional information that reporters must submit includes name, address, ownership status of their U.S. parent company, their primary and all other applicable NAICS codes and an indication of whether or not any of their reported emissions are from a cogeneration unit.

**Applicability:** This will be of interest to those entities required to report GHG emission per the Mandatory GHG Reporting Rule, 30 October 2009.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-6765.pdf>

**04/07/2010 p 17645 - p 17667 Polychlorinated Biphenyls (PCBs); Reassessment of Used Authorizations**

**Action:** Advanced Notification of Proposed Rule Making

**Summary:** EPA is issuing an ANPRM for the use and distribution in commerce of certain classes of PCBs and PCB items and certain other areas of the PCB regulations under the Toxic Substance Control Act. EPA is reassessing the use and distribution in commerce, marking, and storage for reuse of liquid PCBs in electric and non-electric equipment; the use of 50 parts per million (ppm) level for excluded PCB products; the use of non-liquid PCBs; and the use and distribution in commerce of PCBs in porous surfaces; and the marking of PCB articles in use. EPA is also reassessing the definitions of "excluded manufacturing process," "quantifiable level/level of detection," and "recycled PCBs." EPA is soliciting comments on these and other areas of the PCB use regulations. Comments must be received on or before July 6, 2010.

**Applicability:** This Advanced Notification of Proposed Rulemaking would be of interest to USACE personnel at civil works projects, power stations; any USACE owned property. EPA is soliciting comments and data. Of particular interest to USACE is the phase out of PCB transformers and disposal facilities and acceptable levels of PCBs and use authorizations for non-liquid PCBs (PCBs as an ingredient in caulk and paint).

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-7751.pdf>

**03/30/2010 p 15613 - p 15620 Hazardous Materials Transportation; Registration and Fee Assessment Program**

**Action:** Final Rule

**Summary:** PHMSA is amending the statutorily mandated registration and fee assessment program for persons who transport, or offer for transportation, certain categories and

quantities of hazardous materials. For those registrants not qualifying as a small business or not-for-profit organization, PHMSA is increasing the annual fee from \$975 (plus a \$25 administrative fee) to \$2,575 (plus a \$25 administrative fee) for registration year 2010-2011 and following years.

**Applicability:** Federal agencies are excepted from registration requirements per 49 CFR 107.606. However, these fees would apply to contractors transporting certain categories of hazardous materials including explosives, radioactive material, material poisonous by inhalation, etc.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-7035.pdf>

**03/29/2010 p 15500 - p 15572 National Primary Drinking Water Regulations; Announcement of the Results of EPA's Review of Existing Drinking Water Standards and Request for Public Comment and/or Information on Related Issues**

**Action:** Notice

**Summary:** EPA has completed its detailed review of 71 National Primary Drinking Water Regulations (NPDWRs) and at this time believes that four NPDWRs are candidates for regulatory revision. These four NPDWRs are acrylamide, epichlorohydrin, tetrachloroethylene (PCE), and trichloroethylene (TCE). EPA requests public comment and/or relevant information that will assist the Agency as we move forward with regulatory action to revise these four NPDWRs.

**Applicability:** This is relative to public drinking water systems. In addition, any modification to the MCLs for these contaminants may have impacts to remediation programs (FUDs, IRP, and Superfund) involving ground water and to five-year reviews.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-6624.pdf>

**03/18/2010 p 12989 - p 13009 Hazardous Waste Technical Corrections and Clarifications Rule**

**Action:** Direct Final Rule

**Summary:** The Environmental Protection is taking Direct Final action on a number of technical changes that correct or clarify several parts of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations that relate to hazardous waste identification, manifesting, the hazardous waste generator requirements, standards for owners and operators of hazardous waste treatment, storage and disposal facilities, standards for the management of specific types of hazardous waste and specific types of hazardous waste management facilities, the land disposal restrictions program, and the hazardous waste permit program. These changes correct existing errors in the hazardous waste regulations that have occurred over time in numerous final rules published in the Federal Register, such as typographical errors, incorrect or outdated citations, and omissions. Some of the corrections are necessary to make conforming changes to all appropriate parts of the RCRA hazardous waste regulations for new rules that have since been promulgated. In addition, these changes clarify existing parts of the hazardous waste regulatory program and update references to Department of Transportation (DOT) regulations that have changed since the publication of various RCRA hazardous waste final rules. This Direct Final Rule is effective on June 16, 2010 without further notice unless EPA receives adverse comments by May 3, 2010.

**Applicability:** This applies to generators and TSDFs. Modifications include manifesting procedures relative to rejected and forwarded shipments of hazardous waste.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-5700.pdf>

**03/18/2010 p 13066 - p 13068 Hazardous Waste Technical Corrections and Clarifications Rule**

**Action:** Proposed Rule

**Summary:** This proposes a number of technical changes that would correct or clarify several parts of the hazardous waste regulations that relate to hazardous waste identification, manifesting, the hazardous waste generator requirements, the standards for owners and operators of hazardous waste treatment, storage and disposal facilities, the standards for the management of specific types of hazardous waste and specific types of hazardous waste management facilities, the land disposal restrictions program and the hazardous waste permit program.

**Applicability:** These changes impact hazardous waste generators, and TSDFs.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-5697.pdf>

**03/09/2010 p 10974 - p 10989 Hazardous Materials: Risk-Based Adjustment of Transportation Security Plan Requirements**

**Action:** Final rule

**Summary:** PHMSA, in consultation with the Transportation Security Administration (TSA) of the Department of Homeland Security (DHS), is modifying current security plan requirements applicable to the commercial transportation of hazardous materials by air, rail, vessel, and highway. Based on an evaluation of the security threats associated with specific types and quantities of hazardous materials, the final rule narrows the list of materials subject to security plan requirements and reduces associated regulatory costs and paperwork burden. The final rule also clarifies certain requirements related to security planning, training, and documentation. The final rule is effective October 1, 2010 but voluntary compliance with all the amendments is authorized as of April 8, 2010.

**Applicability:** This final rulemaking would be of interest to USACE personnel involved with shipping hazardous materials, including hazardous waste and radioactive waste. Previous shipments that might have required a security plan because it met 1 or more of the 7 conditions will want to review this rule to determine if their shipments continue to need a security plan.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-4778.pdf>.

**03/08/2010 - p 10477 - p 10479 Draft Report to Congress: Study of Discharges Incidental to Normal Operation of Commercial Fishing Vessels and Other Non-Recreational Vessels Less Than 79 Feet**

**Action:** Notice

**Summary:** This provides public notification of a draft *Report to Congress: Study of Discharges Incidental to Normal Operation of Commercial Fishing Vessels and Other Non-Recreational Vessels Less than 79 feet*. EPA conducted the study required by Public Law 110-299 and is publishing this draft report to seek public comment prior to finalizing the report. This draft report presents the information on the types of wastewater discharged from commercial fishing vessels and non-recreational vessels less than 79 feet

in length. The draft report can be accessed in its entirety at <http://www.epa.gov/npdes/vessels>.

**Applicability:** This does not apply to vessels of the armed services, but would be applicable to vessels operated by USACE Civil Works.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-4828.pdf>

**03/08/2010 p10438 - p 10439 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category**

**Action:** Correction; Correcting Amendments

**Summary:** EPA is correcting a date in a final rule that appeared in the Federal Register on 12/01/2009, 74 FR 62995, due to a date calculation error. The final rule established Clean Water Act technology-based Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development point source category.

**Applicability:** This pertains to the construction and development point source category.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-4823.pdf>

**03/01/2010 p 9147 - p 9148 Hazardous Materials: Transportation of Lithium Batteries**

**Action:** Notice of public meeting

**Summary:** On January 11, 2010, PHMSA in coordination with the FAA, published a notice of proposed rulemaking to comprehensively address the safety risks associated with the air transport of lithium cells and batteries. PHMSA and FAA will hold a public meeting on March 5, 2010 in Washington, DC, to provide interested persons with an opportunity to submit oral comments on the proposals in the NPRM. Written comments need to be submitted by 12 March 2010.

**Applicability:** This proposed rulemaking would be of interest to USACE personnel involved with shipping lithium batteries or equipment that contains lithium batteries.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-4232.pdf>.

**02/23/2010 p 8045 National Environmental Policy Act (NEPA) Draft Guidance, Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act**

**Action:** Notice of Availability, Draft Guidance

**Summary:** This draft guidance clarifies the rules for categorical exclusions and ensures that there is a concise public record when agencies apply them. While CEQ previously has sought public comments on this matter, this guidance provides additional clarifications, so it will seek additional public comment for 45 days.

**Applicability:** USACE civil works personnel involved in environmental compliance should be aware of the revised categorical exclusions guidance within environmental compliance documentation.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-3531.pdf>.

**02/23/2010 p 8046 National Environmental Policy Act (NEPA) Draft Guidance, Consideration of the Effects of Climate Change and Greenhouse Gas Emissions.**

**Action:** Notice of Availability, Draft Guidance

**Summary:** CEQ is issuing draft guidance for public comment on when and how Federal agencies must consider the impacts of proposed Federal actions on global climate change, as well as the expected environmental effects from climate change that may be relevant to the design of the proposed Federal action. CEQ has been asked to provide guidance on this subject informally by Federal agencies and formally by a petition under the Administrative Procedure Act. The draft guidance explains how Federal agencies should analyze the environmental impacts of greenhouse gas emissions and climate change when they describe the environmental impacts of a proposed action under NEPA by (1) providing practical tools for agency reporting, including a presumptive threshold of 25,000 metric tons of carbon dioxide equivalent emissions from the proposed action to trigger consideration of a quantitative analysis, and (2) suggestions to agencies on how to assess the effects of climate change on the proposed action, and, in turn, on the design of agency actions. CEQ will seek public comment on this guidance for 90 days. Public comments are requested on or before May 24, 2010.

**Applicability:** USACE personnel involved with natural resources, particularly in Operations and NEPA compliance should be aware to the recent focus to incorporate greenhouse gas emission into environmental compliance documents, the revised.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-3532.pdf>.

#### **02/23/2010 p 8046 - p 8047 National Environmental Policy Act (NEPA) Draft guidance, NEPA Mitigation and Monitoring.**

**Action:** Notice of Availability, Draft Guidance

**Summary:** Draft Guidance Clarifying (1) the Appropriateness of “Findings of No Significant Impact” and (2) Specifying the Need for Ongoing Monitoring of Environmental Mitigation Commitments: Many Federal actions receive an environmental review, known as an Environmental Assessment.

**Applicability:** USACE civil works personnel involved in environmental compliance should be aware of the additional mitigation monitoring guidance within environmental compliance documentation.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-3532.pdf>.

#### **02/02/2010 p 5376 - p 5403 Hazardous Material; Miscellaneous Packaging Amendments**

**Action:** Final rule

**Summary:** PHMSA (DOT) has finalized the rule making initiated by the September 1, 2006 NPRM. The NPRM addressed thirteen (13) specific issues relative to packaging requirements, clarifications, and amendments. In this final rule, PHMSA is amending packaging requirements in the Hazardous Materials Regulations to enhance compliance flexibility, clarify certain regulatory issues and reduce compliance burdens on the regulated community. The primary focus of the rule addresses intermediate bulk packaging, associated packaging authorizations and performance oriented packaging. This final rule also incorporates requirements for construction, maintenance, and end use of Large Packaging. The effective date of this rule is October 1, 2010.

**Applicability:** USACE personnel involved with the transportation of hazardous materials should be aware of the revised definitions and specific packaging authorizations.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-1615.pdf>.

**01/28/2010 p 4554 - p 4557 Modification of the 2008 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated With Construction Activities**

**Action:** Notice

**Summary:** EPA Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 today are modifying the 2008 National Pollutant Discharge Elimination System (NPDES) general permits for stormwater discharges associated with construction activity in order to extend by one year the expiration date of the permit. These NPDES general permits will be referred to as “permit” or “2008 construction general permit” or “2008 CGP.” The 2008 CGP was originally issued for a period of two (2) years. Today, EPA is modifying the CGP in order to extend the 2 year term of the 2008 CGP by one year so that it expires on June 30, 2011, instead of June 30, 2010, resulting in a permit that will be in effect for a total period of three (3) years. By Federal law, no NPDES permit may be issued for a period that exceeds five (5) years.

**Applicability:** The 2008 CGP is for construction activities regulated by EPA. State authorized programs are not subject to this schedule. For those staff subject to the federal general permit(s), the permit extension is provided for clarity.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-1743.pdf>

**01/11/2010 p 1302 - p 1324 Hazardous Materials: Transportation of Lithium Batteries**

**Action:** Notice of proposed rulemaking

**Summary:** PHMSA (DOT) in consultation with the Federal Aviation Administration (FAA), is proposing to amend the Hazardous Materials Regulations (HMR) on the transportation of lithium cells and batteries, including lithium cells and batteries packed with or contained in equipment. The proposed changes are intended to enhance safety by ensuring that all lithium batteries are designed to withstand normal transportation conditions. This would include provisions to ensure all lithium batteries are packaged to reduce the possibility of damage that could lead to a catastrophic incident, and minimize the consequences of an incident. In addition, lithium batteries would be accompanied by hazard communication that ensures appropriate and careful handling by air carrier personnel, including the flight crew, and informs both transport workers and emergency response personnel of action to be taken in an emergency. Lithium batteries are hazardous in transportation because they present both chemical (e.g., flammable electrolytes) and electrical hazards. DOT is proposing revisions to shipping descriptions, adopt watt-hours in place of equivalent lithium content to measure the relative hazard of lithium ion cells, eliminate regulatory exceptions for lithium cells and batteries in air transportation mode, require lithium cells and batteries be packed to prevent short circuits in all modes of transport, consolidate and simplify current and revised lithium battery requirements in the HMR. Comments on the proposed rulemaking are due March 12, 2010.

**Applicability:** This proposed rulemaking would be of interest to USACE personnel involved with shipping lithium batteries or equipment that contains lithium batteries.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-281.pdf>

**01/08/2010 p 1235 - p 1262 Revisions to the Requirements for: Transboundary Shipments of Hazardous Wastes Between OECD Member Countries, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes, and Imports of Hazardous Wastes**

**Action:** Final rule

**Summary:** This rule amends certain existing regulations promulgated under the hazardous waste provisions of the Resource Conservation and Recovery Act regarding hazardous waste exports from and imports into the United States. Specifically, the amendments implement recent changes to the agreements concerning the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), establish notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country, specify that all exception reports concerning hazardous waste exports be sent to the International Compliance and Assurance Division in the Office of Enforcement and Compliance Assurance's Office of Federal Activities in Washington, DC, and require U.S. receiving facilities to match EPA provided import consent documentation to incoming hazardous waste import shipments and to submit to EPA a copy of the matched import consent documentation and RCRA hazardous waste manifest for each import shipment.

**Applicability:** This applies in imports and exports of hazardous waste.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/E9-31081.pdf>

**01/08/2010 p 1085 - p 1087 Commerce in Explosives; List of Explosive Materials (2009R-18T)**

**Action:** Notice of List of Explosive Materials

**Summary:** Pursuant to 18 U.S.C. 841(d) and 27 CFR 555.23, the Department of Justice must publish and revise at least annually a list of explosives determined to be within the coverage of 18 U.S.C. 841 *et seq.* This notice publishes the 2009 List of Explosive Materials. The list covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in 18 U.S.C. 841(c). As a result of a recent court decision, ammonium perchlorate composite propellant (APCP) is no longer regulated under the Federal explosives laws. Therefore, APCP has been removed from the list of explosives. In addition, the Department is revising the list to include a parenthetical text after "ammonium perchlorate explosive mixtures" to clarify that this term excludes APCP.

**Applicability:** This may be of general interest since DoD manages explosives.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-45.pdf>

**01/07/2010 p 984 - p 986 Draft Recommended Interim Preliminary Remediation Goals for Dioxin in Soil at CERCLA and RCRA Sites**

**Action:** Notice of availability and announcement of public comment period

**Summary:** EPA announces a 50-day public comment period for draft recommended interim preliminary remediation goals (PRGs) developed in the *Draft Recommended Interim Preliminary Remediation Goals for Dioxin in Soil at Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource*

*Conservation and Recovery Act (RCRA) Sites.* EPA's Office of Solid Waste and Emergency and Emergency Response (OSWER) has developed the draft recommended interim PRGs for dioxin in soil. These draft recommended interim PRGs were calculated using existing, peer-reviewed toxicity values and current EPA equations and default exposure assumptions.

**Applicability:** This is relevant to cleanup actions under CERCLA or RCRA involving dioxin.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-16.pdf>

**01/04/2010 p 146 - p 148 Public Comment on Candidate National Enforcement and Compliance Assurance Priorities for Fiscal Years 2011-2013**

**Action:** Notice of public comment period

**Summary:** EPA is soliciting public comment and recommendations on enforcement and compliance national priorities to be addressed for fiscal years 2011-2013.

**Applicability:** Awareness of EPA priorities may be beneficial to staff seeking to prioritize resources.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/E9-31042.pdf>

**01/04/2010 p 63 - p 74 Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Corrections**

**Action:** Final rule; corrections

**Summary:** PHMSA published a final rule amending the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. The revisions were necessary to harmonize the HMR with recent changes to the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, the International Maritime Dangerous Goods Code, Transport Canada's Transportation of Dangerous Goods Regulations, and the United Nations Recommendations on the Transport of Dangerous Goods. These revisions also included amendments and clarifications addressing the safe transportation of batteries and battery-powered devices. This final rule corrects several errors in the 01/14/2009 final rule.

**Applicability:** This would be of interest to USACE personnel that make hazardous material shipments.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/E9-30556.pdf>

**12/29/2009 p 68703 - p 68709 Requirements for Intermodal Equipment Providers and for Motor Carriers and Drivers Operating Intermodal Equipment**

**Action:** Final rule; technical amendments, response to petitions for reconsideration, and; partial extension of deadline

**Summary:** The Federal Motor Carrier Safety Administration (FMCSA) has made intermodal equipment providers (IEPs) subject to certain Federal Motor Carrier Safety

Regulations (FMCSRs), and establishes shared safety responsibility among IEPs, motor carriers, and drivers. These amendments create a fifth marking option for identifying the IEP responsible for the inspection, repair, and maintenance of items of intermodal equipment. The effective date of this final rule is December 29, 2009. IEPs must mark their intermodal chassis with its legal name or a single trade name and a USDOT identification number by December 17, 2010.

**Applicability:** USACE personnel involved with intermodal shipments would want to be aware of these requirements for the IEPs, carriers and drivers.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-30654.pdf>

### **12/29/2009 p 68701 - p 68702 Hazardous Materials: Adjustment of Maximum and Minimum Civil Penalties**

**Action:** Final rule

**Summary:** PHMSA is adjusting the maximum and minimum civil penalties for a knowing violation of the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law.

**Applicability:** USACE personnel involved with shipping hazardous materials should be aware of the potential civil penalties for a knowing violations of a the hazmat regulations.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-30696.pdf>

### **12/22/2009 p 68004 - p 68015 Hazardous Materials: Incorporation of Special Permits Into Regulations**

**Action:** Notice of proposed rulemaking

**Summary:** The Pipeline and Hazardous Materials Safety Administration is proposing to amend the Hazardous Materials Regulations to incorporate provisions contained in certain widely used or longstanding special permits that have an established safety record. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations so long as an equivalent level of safety is maintained.

**Applicability:** Amendments addressing the use of non-specification packaging, lab packs, and aerosols for recycling or disposal may be of particular interest hazardous waste management staff.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-30280.pdf>

### **12/15/2009 p 66259 - p 66260 Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Conditional Exclusion From Hazardous Waste and Solid Waste for Solvent-Contaminated Industrial Wipes Extension of Comment Period; Data Availability**

**Action:** Extension of Comment Period

**Summary:** The EPA is extending the comment period for the document entitled "Conditional Exclusion from Hazardous and Solid Waste for Solvent-Contaminated Industrial Wipes," which appeared in the Federal Register on 10/27/2009. The public comment period for this document was to close on 12/28/2009, but is extended until 02/26/2010.

**Applicability:** Army generates solvent contaminated rags affected by this rulemaking. Army tracks this action and commented on the Notice of Proposed Rulemaking.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-29804.pdf>

**12/08/2009 p 64643 - p 64658 Withdrawal of the Emission-Comparable Fuel Exclusion Under RCRA**

**Action:** Proposed rule

**Summary:** EPA proposes to withdraw the conditional exclusion from RCRA promulgated on 12/19/2008 for Emission Comparable Fuel (ECF). These are fuels produced from hazardous secondary materials which, when burned in industrial boilers under specified conditions, generate emissions that are comparable to emissions from burning fuel oil in those boilers. EPA is proposing to withdraw this conditional exclusion because ECF appears to be better regarded as being a discarded material and regulated as a hazardous waste. The exclusions for comparable fuel and synthesis gas fuel are not addressed or otherwise affected by this proposed rule.

**Applicability:** This applies to fuels produced from hazardous secondary materials.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-29063.pdf>

**12/07/2009 p 64572 - p 64574 Nuclear Regulatory Commission Semiannual Regulatory Agenda**

**Action:** Semiannual regulatory agenda

**Summary:** The NRC is publishing its semiannual regulatory agenda in accordance with Public Law 96-354, "The Regulatory Flexibility Act," and EO 12866, "Regulatory Planning and Review." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action.

**Applicability:** USACE closely tracks the activities of the NRC as it pertains to the cleanup or radioactive contaminated sites.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-28595.pdf>

**12/07/2009 p 64496 - p 64503 Environmental Protection Semiannual Regulatory Agenda**

**Action:** Semiannual regulatory agenda and semiannual regulatory flexibility agenda.

**Summary:** EPA publishes the semiannual regulatory agenda online (the e-agenda) at [www.reginfo.gov](http://www.reginfo.gov) to update the public about: (1) Regulations and major policies currently under development, (2) Reviews of existing regulations and major policies, and (3) Rules and major policymakings completed or canceled since the last agenda.

**Applicability:** Army closely tracks activities of the EPA in all media areas for potential impacts to Army.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-28594.pdf>

**12/07/2009 p 64470 - p 64492 Department of Transportation Semiannual Regulatory Agenda**

**Action:** Semiannual Regulatory Agenda

**Summary:** The regulatory agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department of Transportation. The agenda provides the public with information about the DOT's regulatory activity. It is expected that this information will enable the public to be more aware of and participate in the DOT's regulatory activity.

**Applicability:** USACE monitors the regulatory actions of DOT for potential impacts to the Army.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-28604.pdf>

**12/07/2009 p 64137 - p 64374 The Regulatory Plan**

**Action:** Semiannual Regulatory Agenda

**Summary:** This provides the Fall 2009 Regulatory Plan that lists regulatory actions of various agencies, including EPA. It includes a statement of EPA's priorities, highlights of EPA's regulatory plan, and abstracts listed items.

**Applicability:** This is used by Army as a tool for monitoring regulatory actions of EPA and other agencies for potential impacts to Army.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-28608.pdf>

**12/1/2009 p 62996 - p 63058 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category;**

**Action:** Final Rule

**Summary:** EPA has finalized the effluent limitations guidelines (ELG) for construction and development. The ELG applies discharges associated with construction activity required to obtain NPDES permit coverage under 40 CFR 122.26(b)(14)(x) and (b)(15) [i.e. sites disturbing 1 or more acres]. There are both non-numeric and numeric standards (i.e. turbidity) for this ELG. The non-numeric standards are consistent with existing general construction best management practices (BMPs) and address erosion and sediment controls, soil stabilization, dewatering, pollution prevention measures, prohibited discharges, and surface outlets. The effective date for those standards is February 1, 2010. Numeric standards for turbidity (280 NTU daily maximum) are applicable to larger sites. Sites disturbing 10 or more acres will require compliance with turbidity standards in four (4) years [2/2/2014], while sites disturbing 20 or more acres will require compliance with in 18 months of the 2/1/2010 effective date [8/12/2010]. EPA is sensitive to the state and local permitting requirements and has adjusted the phase in period to reflect existing construction general permit cycles.

**Applicability:** USACE construction, engineering and civil works staff involved with the design and construction activities with regulated storm water should be aware of the new requirements effective 2/1/2010.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-28446.pdf>

**11/30/2009 p 62606 - p 62609 Notice of Public Meeting and Request for Comment on Blending of Low-Level Radioactive Waste;**

**Action:** Notice of Public Meeting and a Request for Comment on Issues Related to Blending of Low-Level Radioactive Waste.

**Summary:** The NRC plans to conduct a public meeting on January 14, 2010 in Rockville, MD to solicit input on issues associated with blending of low-level radioactive waste (LLRW). Since the closure of Barnwell, SC on June 30, 2008 to out-of-compact generators, the issue of blending LLRW has received increased attention from stakeholders, industry, and Agreement States especially blending that results in a change in the classification of the waste. Blending, as defined by the NRC, refers to mixing of LLRW of different concentrations and does not involve mixing radioactive waste with

non-radioactive waste (i.e. dilution) and concerns only disposal in a licensed facility. Comments on the issues and questions presented in this notice and discussed at the meeting should be sent no later than January 29, 2010.

**Applicability:** This request for comments on blending would be of interest to USACE when performing radioactive cleanups especially if they are dealing with a Class B or Class C waste.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-28507.pdf>

**11/13/2009 p 58784 - p 58832 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule – Amendments; Final Rule**

**Action:** Final rule

**Summary:** EPA is finalizing their December 5, 2008 proposed amendments to the SPCC rule. With few exceptions, EPA is taking no action to change proposed language, but is providing minor technical corrections in some areas. EPA is removing the following provisions in the December 2008 amendments: the exclusion of farms and oil production facilities from the loading/unloading rack requirements; the exemption for produced water containers at an oil production facility; and the alternative qualified facility eligibility criteria for an oil production facility.

**Applicability:** The amendments to the SPCC rule provide significant relief and clarification to USACE SPCC regulated activities.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-27156.pdf>

**11/12/2009 p 58211 - p 58213 Safety Zone; Munitions and Explosives of Concern (MEC); Seal Island, ME**

**Action:** Final rule; removal of interim rule

**Summary:** This removes an interim rule published on September 8, 2009 (74 FR 46011), which announced a permanent safety zone around Seal Island, Maine from the shoreline out to the 60 foot depth curve. The interim rule is being removed because a comprehensive survey of Munitions and Explosives of Concern (MEC) in the area has not been completed and therefore the Coast Guard is unable to determine if the risk posed warrants permanent establishment of the safety zone.

**Applicability:** This is a FUDS site being investigated under the USACE MMRP program.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-27131.pdf>

**11/10/2009 p 58909 - p 57918 Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures**

**Action:** Final rule

**Summary:** This announces the alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. EPA makes 25 additional methods available for analyzing drinking water samples required by regulation. This provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection.

**Applicability:** This pertains to analysis of drinking water.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-27044.pdf>

**10/30/2009 p 56260 - p 56519 Mandatory Reporting of Greenhouse Gases**

**Action:** Final Rule

**Summary:** EPA is promulgating a regulation to require reporting of greenhouse gas emissions from all sectors of the economy. The final rule applies to fossil fuel suppliers and industrial gas suppliers, direct greenhouse gas emitters and manufacturers of heavy-duty and off road vehicles and engines. The rule does not require control of greenhouse gases, rather it requires only that sources above certain threshold levels monitor and report emissions.

**Applicability:** This applies to all sectors.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-23315.pdf>

**10/28/2009 p 55506 - p 55524 Lead; Amendment to the Opt-Out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program**

**Action:** Proposed Rule

**Summary:** This proposes revisions to the April 22, 2008 Lead Renovation, Repair, and Painting Program (RRP) rule. The rule establishes accreditation, training, certification, and recordkeeping requirements as well as work practice standards on persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities. EPA proposes to eliminate the "opt-out" provision that currently exempts a renovation firm from the training and work practice requirements of the rule where the firm obtains a certification from the owner of a residence that no child under age 6 or pregnant women resides in the home and the home is not a child-occupied facility. EPA is also proposing to require renovation firms to provide a copy of the records demonstrating compliance with the training and work practice requirements of the RRP rule to the owner and, if different, the occupant of the building being renovated or the operator of the child-occupied facility.

**Applicability:** This pertains to lead-based paint renovations for compensation in most pre-1978 housing and child-occupied facilities.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-25986.pdf>

**10/27/2009 p 55089 - p 55094 Designation of Biobased Items for Federal Procurement**

**Action:** Final Rule

**Summary:** The U.S. Department of Agriculture (USDA) is amending its Guidelines for Designating Biobased Products for Federal Procurement, to add nine sections to designate items within which biobased products will be afforded Federal procurement preferenc. USDA also is establishing a minimum biobased content for each of these items.

**Applicability:** This pertains to Federal Procurement.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-25756.pdf>

**10/27/2009 p 55163 - p 55168 Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Conditional Exclusion From Hazardous Waste and Solid Waste for Solvent-Contaminated Industrial Wipes**

**Action:** Notice

**Summary:** This relates to a November 20, 2003, proposal to conditionally exclude from the definition of hazardous waste solvent-contaminated rags/wipes. EPA has since completed a revised risk analysis and is making it available for public comment before making decisions on the final rule. The proposed rule did not address whether landfills receiving solvent-contaminated wipes or laundry sludge would be unlined or lined. Because the revised risk analysis indicates that a number of solvents show a potential for risk in unlined landfills, EPA is considering two additional approaches for managing solvent-contaminated wipes and laundry sludge in landfills. The first approach would allow the disposal of solvents not showing a risk in any municipal landfill or nonhazardous waste landfill whether lined or unlined. The solvents that indicated a potential risk if disposed of in an unlined landfill (benzene, 1,1,2-trichloroethane, chlorobenzene, methylene chloride, toluene, trichloroethylene, and xylene) could only be disposed in a lined municipal landfill or lined non-hazardous waste landfill. This could be accomplished by requiring disposal in a Subtitle D municipal or industrial landfill. The second approach would be to establish conditions that allow all solvent-contaminated wipes, no matter which solvent they contain, except perhaps tetrachloroethylene, to be sent to a Subtitle D municipal or industrial landfill.

**Applicability:** DoD generates solvent contaminated rags and wipes that could benefit from the proposed rule. DoD submitted comments on the proposal and continues to track the develop of this rule.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-25812.pdf>

**10/27/2009 p 55292 - p 55365 Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule**

**Action:** Proposed Rule

**Summary:** In anticipation of EPA promulgating regulations under the CAA to control greenhouse gas emissions (GHG), EPA is proposing to tailor the major source applicability thresholds for greenhouse gas (GHG) emissions under the Prevention of Significant Deterioration (PSD) and Title V programs of the Clean Air Act (CAA or Act) and to set a PSD significance level for GHG emissions. The proposed rule is to provide relief to State permitting authorities and the proposed rule will phase in applicable thresholds for both PSD and Title V programs for GHG. As proposed, the first phase would last 6 years and would establish a temporary level for PSD and Title V applicability thresholds at 25,000 tons per year (tpy) on a "carbon dioxide equivalent" (CO<sub>2</sub>e) basis and a temporary PSD significance level for GHG emissions of between 10,000 and 25,000 tpy CO<sub>2</sub>e. EPA will then conduct an administrability study followed by another rulemaking that would constituent phase II.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-24163.pdf>

**10/21/2009 p 53982 Hazardous Materials: Harmonization with the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations, International Maritime Dangerous Goods Code, International Civil Aviation**

**Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, and Transport Canada's Transport of Dangerous Goods Regulations**

**Action:** Advance notice of proposed rulemaking (ANPRM)

**Summary:** PHMSA is considering amending the Hazardous Materials Regulations (HMR) by incorporating various amendments to international standards and modal regulations, including changes to proper shipping names, hazard classes, packing groups, special provisions, and packaging authorizations. This is an ongoing effort by PHMSA to harmonize with international regulations. Comments regarding the sixteenth revised edition of the UN Model Regulations, the 4<sup>th</sup> revised edition of the UN Manual of Tests and Criteria, the 2011-2012 edition of the ICAO Technical Instructions, the 2010 edition of the IMDG Code, and Amendments 6 & 7 of the TDG Regulations are due by January 19, 2010.

**Applicability:** This ANPRM would be of interest to shippers of hazardous materials.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-25358.pdf>

**10/19/2009 p 53494 - p 53498 Modification to 2008 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Construction Activities**

**Action:** Notice

**Summary:** EPA Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 are proposing for public comment a modification to the 2008 National Pollutant Discharge Elimination System (NPDES) general permits for stormwater discharges associated with construction activity in order to extend by one-year the expiration date of the permit. Hereinafter, these NPDES general permits will be referred to as "permit" or "2008 construction general permit" or "2008 CGP." The 2008 CGP was originally issued for a period not to exceed two (2) years. EPA proposes to modify the CGP in order to extend the 2 year term of the 2008 CGP by one year so that it expires on June 30, 2011, instead of June 30, 2010.

**Applicability:** This pertains to stormwater discharges associated with construction activity.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-25123.pdf>

**10/19/2009 p 53445 - p 53454 Protection of Stratospheric Ozone: New Substitute in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program**

**Action:** Proposed Rule

**Summary:** EPA is required to review alternatives for ozone depleting substances and to approve of substitutes that do not present a risk more significant than other alternatives that are available. Under that authority, the Significant New Alternatives Policy (SNAP) program of EPA proposes to expand the list of acceptable substitutes for ozone-depleting substances (ODS). The substitute addressed in this proposal is for the motor vehicle air conditioning (MVAC) end-use within the refrigeration and air-conditioning sector. EPA proposes to find HFO-1234yf acceptable, subject to use conditions as a substitute for CFC-12 in motor vehicle air conditioning. The proposed substitute is a non ozone depleting gas and consequently does not contribute to stratospheric ozone depletion.

**Applicability:** This may be of interest to persons servicing vehicle, refrigerator, or air conditioning units.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-25106.pdf>

**10/19/2009 p 53590 - p 53625 National Primary Drinking Water Regulations: Drinking Water Regulations for Aircraft Public Water Systems**

**Action:** Final Rule

**Summary:** EPA is establishing national primary drinking water regulations for aircraft public water systems under the Safe Drinking Water Act (SDWA). This final rule's requirements are intended to tailor existing health-based drinking water standards to the unique characteristics of aircraft water systems for the enhanced protection of public health against illnesses attributable to microbiological contamination.

**Applicability:** This applies to passenger aircraft providing water for human consumption. However, it does not apply to aircraft that do not regularly serve an average of at least twenty-five individuals daily at least 60 days out of the year.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-24552.pdf>

**10/19/2009 p 53413 Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers**

**Action:** Final Rule

**Summary:** PHMSA (DOT) is amending the HMR to clarify requirements governing emergency response information (ERI) services provided by arrangement with hazardous materials offerors (shippers). In this rulemaking the HMR are revised to 1) Require an offeror who has made an arrangement with an ERI provider to be identified on the shipping paper in clear association with the telephone number; 2) Any person (e.g. freight forwarder, offeror) preparing a subsequent shipper paper for continued transport of a hazardous material shipment must include the original offeror's name (who has a contractual agreement with the ERI provider) or the contract number with the ERI provider on the new shipping paper; 3) ERI provider must transmit all written information in English; 4) International telephone numbers used to meet the emergency response telephone number must include the international access code or a "+" sign as a placeholder for the international access code, country code and city code as appropriate; 5) Clarifies the term "clear association" with respect to the placement of the identity of the registrant of the ERI provider; 6) Clarifies the current requirement for the emergency response phone number to be in a "clearly visible" location; and 7) Clarifies when the emergency response phone number requirements do not apply to specific types of shipments (e.g. limited quantity shipments, battery powered equipment, consumer commodity, dry ice,). The effective date of this rule is October 1, 2010 as corrected by <http://edocket.access.gpo.gov/2009/pdf/Z9-24799.pdf> and voluntary compliance is November 18, 2009.

**Applicability:** This rule would be of interest to shippers of hazardous materials.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-24799.pdf>

**10/16/2009 p 53182 Hazardous Materials: Minor Editorial Corrections and Clarifications**

**Action:** Final Rule

**Summary:** PHMSA is issuing a number of corrections and clarifications to the HMR to enhance and reduce misunderstandings of the regulations. These revisions are considered

non-substantive changes but the reader should be aware that PHMSA is revising the definition of “Commerce” and “material poisonous by inhalation”. PHMSA is also clarifying that immediate notifications to the National Response Center may be done electronically through an Internet site as well as the current telephonic notification. PHMSA is also clarifying the definition of Class 4 material and the assignment of packing group and hazard zones for Division 6.1 materials. Additional clarifications are included for other items. This rule became effective on 16 October 2009.

**Applicability:** This rule would be of interest to shippers of hazardous materials.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-24807.pdf>

### **10/08/2009 p 52117 - p 52127 Executive Order 13514 - Federal Leadership in Environmental, Energy, and Economic Performance**

**Action:** Executive Order

**Summary:** This specifies that Federal agencies shall increase energy efficiency; measure, report, and reduce their greenhouse gas emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services; design, construct, maintain, and operate high performance sustainable buildings in sustainable locations; strengthen the vitality and livability of the communities in which Federal facilities are located; and inform Federal employee about and involve them in the achievement of these goals.

**Applicability:** As a Federal Agency, this has direct applicability to the Army.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-24518.pdf>.

### **10/08/2009 p 51850 Drinking Water Contaminant Candidate List 3 - Final**

**Action:** Notice

**Summary:** The Environmental Protection Agency is publishing the third Contaminant Candidate List (CCL 3) since the Safe Drinking Water Act (SDWA) amendments of 1996. The CCL 3 is a list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations, that are known or anticipated to occur in public water systems, and which may require regulation under SDWA. Today’s final CCL 3 includes 104 chemicals or chemical groups and 12 microbiological contaminants.

**Applicability:** This may be of interest from an emerging contaminant perspective. The SDWA requires EPA to evaluate at least 5 contaminants on the CCL. If EPA pursues establishing a maximum contaminant level for any of the contaminants evaluated, it may impact remediation cleanup standards as well as monitoring of public water systems.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-24287.pdf>

### **10/07/2009 p 51643 - p 51645 Advisory Guidance; Transportation of Batteries and Battery-Powered Devices**

**Action:** Safety Advisory

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Aviation Administration (FAA) are alerting shippers and carriers to the importance of transporting lithium batteries safely. PHMSA and FAA are concerned that

many persons who ship lithium batteries do not recognize the hazards posed by these batteries during transportation. They are issuing this advisory guidance to (1) Inform persons of recent aviation incidents involving fires aboard both passenger and cargo aircraft and the potential hazards that shipments of lithium batteries may present while in transportation, (2) provide information concerning the current requirements for the transportation of lithium batteries and (3) inform persons of the actions being taken to address the hazards of these batteries.

**Applicability:** Batteries are used in Army/DoD equipment.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-24184.pdf>.

### **10/07/2009 p 51625 Withdrawal of Regulatory Guide 7.1**

**Action:** Withdrawal of Regulatory Guide 7.1

**Summary:** The NRC is withdrawing Regulatory Guide 7.1 “Administrative Guide for Packaging and Transporting Radioactive Material” published in June of 1974. The document had become outdated and the NRC was not planning to update it to account for the changes resulting from the harmonization rulemaking. NRC did reference the current DOT guidance document, “Radioactive Material Regulations Review” that pertains to packaging and transporting of radioactive materials and was published in December 2008. The PHMSA document may be downloaded from the following website:

[http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/RAM\\_Regulations\\_Review\\_12-2008.pdf](http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/RAM_Regulations_Review_12-2008.pdf)

**Applicability:** This notice of the withdrawal of the NRC document and the recommendation to use the PHMSA document would be important to USACE offices that are performing radioactive cleanups that require transporting of Class 7 (radioactive) materials.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-24212.pdf>

### **10/06/2009 p 51274 - p 51276 Lead Dust Hazard Standards and Definition of Lead-Based Paint; TSCA Section 21 Petition**

**Action:** Notice

**Summary:** This announces that EPA has received a petition and is requesting comments on issues raised by the petition. The petition requests EPA to lower the regulatory lead dust standards and to modify the regulatory definition of lead-based paint.

**Applicability:** This pertains to lead-based paint in housing, child-occupied facilities, public buildings and commercial buildings.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-23929.pdf>

### **10/06/2009 p 51367 - p 51415 Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators**

**Action:** Final Rule

**Summary:** On 09/15/1997, EPA adopted new source performance standards (NSPS) and emissions guidelines (EG) for hospital/medical/infectious waste incinerators (HMIWI). In a response to a suit the U.S. Court of Appeals for the District of Columbia Circuit (the Court) remanded the HMIWI regulations on 03/02/1999, for further explanation of EPA’s reasoning in determining the minimum regulatory “floors” for new and existing HMIWI.

The HMIWI regulations were not vacated and were fully implemented in 2002. On February 6, 2007, EPA published a proposed response to the Court's remand. Following recent court decisions and receipt of public comments regarding the proposal, EPA re-assessed their response to the remand, and on 12/01/2008 published another proposed response and solicited public comments. This action promulgates EPA's response to the Court's remand and also satisfies the CAA Section 129(a)(5) requirement to conduct a review of the standards every 5 years.

**Applicability:** This may be of interest to Army facilities with medical waste incinerators.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-22928.pdf>