

# Environmental Compliance & Transportation Information Bulletin



Edition 54.

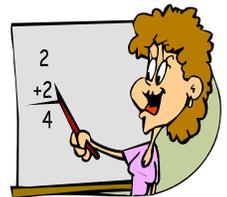
March 2006

## Editor's Corner

*Well, it is the beginning of March, and dare I say, it appears that spring is upon us. Today is supposed to be 65 degrees. We have had a mild winter and with one month left....I just am keeping my fingers crossed it stays that way. All else is fine in Omaha. We have been working hard to prepare for our upcoming initial and recertification class. As always, if you need recertification training, give us a call!*

*Sandi O'Zebrowski*

## Upcoming training sessions



Our surveyed session for the initial training and recertification training will be held in lovely Omaha, the week of March 20-24, 2006. [http://pdsc.usace.army.mil/CourseListDetailsNewFy.asp?Cntrl\\_Num=223](http://pdsc.usace.army.mil/CourseListDetailsNewFy.asp?Cntrl_Num=223)  
[http://pdsc.usace.army.mil/CourseListDetailsNewFy.asp?Cntrl\\_Num=429](http://pdsc.usace.army.mil/CourseListDetailsNewFy.asp?Cntrl_Num=429)

Please note the recertification course is now TWO FULL days – 16 hours.

In addition, to schedule an onsite for initial training or refresher training, or obtain additional information about other scheduled onsite recertification courses, contact: Sandi Zebrowski, (402) 697-2562, e-mail: [Sandi.M.Zebrowski@usace.army.mil](mailto:Sandi.M.Zebrowski@usace.army.mil) or Beverly VanCleaf at (402) 697-2559, e-mail: [beverly.d.vancleef@usace.army.mil](mailto:beverly.d.vancleef@usace.army.mil).

***And, remember, ALL PROSPECT training is open to ALL federal agencies and their contractors.***

## DOT Security Planning and Training Requirements

As we continue to train folks and talk with hazmat/hazardous waste shippers and other Corps staff, we grow increasingly concerned as to whether or not the DOT Security Planning and Training requirements are being met as required by 49 CFR 172, subpart I and DoD 4500. Remember, if you offer a placarded amount of hazmat, then as the shipper/officer, USACE needs a plan and USACE staff needs to be trained on their plan. If the contractor is hauling the hazmat offsite, he would have his own security plan and conduct his own security training. A detailed fact sheet, FS 03-03, can be found at <http://www.environmental.usace.army.mil/info/technical/comply/complguide/complyfs/complyfs.html>

## Air and Waste Management Sponsored 2006 Waste Management National Meeting; Follow up to the National RCRA Meeting; January 18-20, 2006; Arlington, Virginia

Beverly VanCleaf and I attended the above meeting where EPA conducted a panel session on the new Manifest. Here are copies of Beverly's notes from the meeting.

**The New Manifest.** Regarding registry of printers of the new manifest forms, so far no states have pursued registration. Thus far there have been 4 applicants, but none have received approval yet. Applications require additional information regarding QA/QC procedures in place to ensure each manifest has a unique tracking number. EPA anticipates approvals within the next 3 months and for manifest forms to be available before the September 2006 implementation date. Approved manifest printers will be posted on the EPA Manifest Registry website at <http://www.epa.gov/epaoswer/hazwaste/gener/manifest/registry/>. This website includes information on becoming a registered printer, obtaining manifest forms, and guidance regarding use of the new manifest form.

EPA is not currently planning to issue clarifications on the Manifest Rule via the Federal Register. Instead, issues will be addressed as "frequently asked questions" on the EPA website. Questions raised during the meeting included issues such as: is the generator or the rejecting facility responsible for providing a 24 hour emergency response phone number when a subsequent manifest is generated to reject or forward waste to an alternate site; is the generator or the rejecting TSDF responsible for exception reporting for wastes shipped to an alternate facility on a subsequent manifest; at what point is a TSDF required to enter waste handling codes on the manifest (upon receipt or within a certain number of days of receipt); does the TSDF need to track rejected waste within their facility operating records; and do any standards (such as inspections) pertain to hazardous waste temporarily stored at a TSDF prior to rejection.

**Electronic Manifest.** In 2001, EPA proposed a decentralized approach to electronic manifesting. Due to adverse comments received, a centralized national system is now being pursued. Feedback from stakeholders indicate industry is willing to pay a service fee for emanifesting. The estimated cost per emanifesting is between \$0.50 and \$3 per manifest. Consistent with the EGov Act of 2002, EPA is taking a "Share in Savings" approach in which a vendor assumes risk in initial development of the electronic manifesting system and then is paid by savings resulting from use of the system or by enhanced revenue. However, before EPA can proceed, legislation is required to authorize EPA to collect and retain user fees to fund the system. Other issues to be considered before emanifesting becomes a reality include developing of a workable fee structure, determining the type of electronic signature technology to use, establishing signature security, protecting waste data to maintain confidentiality, addressing state adoption of the emanifest procedures, and retaining the option of a paper manifest for those businesses not set up for emanifesting. A Notice of Data Availability is expected to be issued soon which will explain the change toward a centralized national system. The final rule is anticipated during the first quarter of 2007.





## Proposed lead rule

On 10 January 2006, EPA issued a proposed rule entitled **Lead; Renovation, Repair and Painting Program**. This regulation proposes specific training, certification, work practice and notification requirements that must be complied with when conducting renovation, repair and painting activities for compensation in pre-1978 housing. The requirements apply to these activities when performed in owner-occupied housing constructed prior to 1978 in which a child 6 years of age or under resides and to all rental housing constructed prior to 1978. In addition, the proposed regulation contains new requirements for a renovation specific lead-hazard information pamphlet to be provided to the owners and occupants of housing in which covered activities are performed. The HTRW CX fact sheet on the proposed rule can be viewed at

<http://www.environmental.usace.army.mil/info/technical/comply/complguide/complyfs/complyfs.html>

The entire register can be viewed at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/06-71.pdf>

## Regulatory Update

*Note that this update just provides registers of interest pertaining to the management and transportation of hazardous materials and hazardous wastes. See our web site for a more complete listing of EPA Federal Registers that impact all Corps environmental work:*

[http://www.environmental.usace.army.mil/info/technical/compliance\\_tools/comptools/comptools.html](http://www.environmental.usace.army.mil/info/technical/compliance_tools/comptools/comptools.html)

The entire register can be assessed at <http://www.gpoaccess.gov/fr/index.html>

### 02/27/2006 p 9751 Lead Renovation, Repair, and Painting Program; Notice of Public Meetings

**Action:** Notice of Public Meetings

**Summary:** EPA is announcing that it will hold five public meetings in the months of March and April to address the proposed Lead Renovation, Repair and Painting Program proposed in the Federal Register on 10 January 2006. Meetings will be held in Chicago, Washington, D.C., New York City, Atlanta and San Francisco.

**Applicability:** This notice applies to those persons interested in attending one of the meetings on the proposed lead paint rule.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060227c.html](http://www.access.gpo.gov/su_docs/fedreg/a060227c.html)

### 02/23/2006 p 9413 Houston TX Requirements on Storage of Hazardous Materials During Transportation

**Action:** Notice of administrative determination of preemption

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) has made a preemption determination regarding several requirements within the Houston Fire Code as applied by the Houston Fire Department to the storage of hazardous materials during transportation at George Bush Intercontinental Airport because (a) the designation, description, and classification of hazardous materials in the Fire Code is not substantively the same as in the HMR; (b) these requirements are not substantively the same as requirements in the HMR regarding the use of shipping documents to provide emergency response information in the event of an incident during the transportation of hazardous material; and (c) these requirements require advance notification of the transportation of hazardous materials which creates an obstacle to accomplishing and carrying out the purposes and goals of Federal hazardous material transportation law and the HMR. Of further interest is the fact that PHMSA found there was insufficient information to find Federal hazardous material transportation law preempts the secondary containment



requirements found in the Houston Fire Code. This is an important illustration of the relationship between environmental and transportation related regulations.

**Applicability:** Personnel involved with environmental compliance and hazardous materials transportation may be interested in this distinction.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060223c.html](http://www.access.gpo.gov/su_docs/fedreg/a060223c.html)

#### **02/17/2006 p 8485 Hazardous Materials: Revisions to Civil and Criminal Penalties; Penalty Guidelines**

**Action:** Final Rule

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is revising its regulations to reflect revisions to the civil and criminal penalties in the Hazardous Materials Safety and Security Reauthorization Act enacted on August 10, 2005. PHMSA is also revising baseline assessments for violations related to training and security plans and making editorial changes to the List of Frequently Cited Violations under the PHMSA Guidelines for Civil Penalties.

**Applicability:** Installation and project staff involved with the transportation of hazardous materials may find the entries in Appendix A to Subpart D of 49 CFR 107 addressing training and security plans of interest.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060217c.html](http://www.access.gpo.gov/su_docs/fedreg/a060217c.html)

#### **02/17/2006 p 8462 Oil Pollution Prevention; Non-Transportation Related Onshore Facilities**

**Action:** Final Rule

**Summary:** EPA is extending the dates by which facilities need to amend and implement existing Spill Prevention Control and Countermeasure (SPCC) Plans to meet the new requirements outlined in the July 17, 2002 rulemaking ((67 FR 47042). Dates for amending and implementing have been moved from February and August of this year respectively to a single date of October 31, 2007. EPA considers the additional time warranted due to the complexities of the initial rulemaking.

**Applicability:** The SPCC requirements apply to facilities which have a storage capacity of 1320 gallons of oil and have a reasonable potential to impact surface waters.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060217c.html](http://www.access.gpo.gov/su_docs/fedreg/a060217c.html)

#### **01/30/2006 p 4968 National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule**

**Action:** Correction

**Summary:** This contains minor corrections to the rule which appeared in the Federal Register on January 5, 2006.

**Applicability:** This applies to public water systems that use surface water or ground water under the direct influence of surface water.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060130c.html](http://www.access.gpo.gov/su_docs/fedreg/a060130c.html)

#### **01/27/2006 p 4644 National Primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection Byproducts Rule**

**Action:** Correction

**Summary:** This contains miscellaneous corrections to the rule which appeared in the January 4, 2006 Federal Register.

**Applicability:** The Stage 2 DBPR applies to public water systems that are community water systems or nontransient noncommunity water systems that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060127c.html](http://www.access.gpo.gov/su_docs/fedreg/a060127c.html)

#### **01/27/2006 p 4544 Hazardous Materials: Revision and Reformatting of Requirements for the Authorization To Use International Transport Standards and Regulations**

**Action:** Notice of Proposed Rulemaking

**Summary:** This proposes to amend the Hazardous Materials Regulations by revising and consolidating the requirements applicable to the use of the International Civil Aviation Organization's Technical Instructions

for the Safe Transport of Dangerous Goods by Air, the International Maritime Dangerous Goods Code, the Canadian Transport of Dangerous Goods Regulations, and the International Atomic Energy Agency Safety Standards Series: Regulations for the Safe Transport of Radioactive Material.

**Applicability:** This applies to the transportation of hazardous materials.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060127c.html](http://www.access.gpo.gov/su_docs/fedreg/a060127c.html)

#### **01/10/2006 p 1588 Lead; Renovation, Repair, and Painting Program**

**Action:** Proposed Rule

**Summary:** EPA is proposing new requirements to reduce exposures to lead-based paint hazards. The rule proposes new training, certification, work practices and notification requirements for firms that conduct renovations, repairs and painting actions in all pre-1978 rental housing units and pre-1978 owner-occupied housing where a child under the age of 6 resides. The requirements apply when such actions disturb lead-based paint and are performed for compensation, including work performed at federal facilities. In addition, a lead hazard information pamphlet must be supplied to owners and occupants prior to commencement of renovation activities.

**Applicability:** This rule will be of interest to facilities that manage or maintain target housing, including military family housing units.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060110c.html](http://www.access.gpo.gov/su_docs/fedreg/a060110c.html)

#### **01/05/2006 p 654 NPDWR: Long Term 2 Enhances Surface Water Treatment Rule**

**Action:** Final Rule

**Summary:** The purpose of this rule is to address cryptosporidium and other microbial pathogens in drinking water and to address risk-risk trade-offs with the control of disinfection byproducts.

**Applicability:** This applies to public water systems that use surface water or ground water under the direct influence of surface water (GWUDI).

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060105c.html](http://www.access.gpo.gov/su_docs/fedreg/a060105c.html)

#### **01/04/2006 p 387 National Primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection Byproducts Rule**

**Action:** Final Rule

**Summary:** EPA is promulgating the Stage 2 Disinfectants and Disinfection Byproducts Rule. This contains MCLGs for chloroform, monochloroacetic acid and trichloroacetic acid; MCLs, monitoring, reporting and public notification requirements for total trihalomethanes and haloacetic acids; and revisions to the reduced monitoring requirements for bromate. This rule also specifies the best available technologies for the final MCLs. EPA is also approving additional analytical methods for the determination of disinfectants and DBPs in drinking water.

**Applicability:** The Stage 2 DBPR applies to public water systems that are community water systems or nontransient noncommunity water systems that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060104c.html](http://www.access.gpo.gov/su_docs/fedreg/a060104c.html)

#### **01/03/2006 p 29 Expanded Definition of Byproduct Material (NARM Rulemaking)**

**Action:** Availability of Web Page

**Summary:** The Energy Policy Act of 2005 requires the NRC to establish a regulatory framework for the expanded definition of byproduct material to include certain naturally occurring and accelerator-produced radioactive material through rulemaking. This announces availability of a web page for the rulemaking titled "Expanded Definition of Byproduct Material," also known as the "NARM rulemaking". Documents in support of this rulemaking will be posted on the Web page via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov> as they become publicly available.

**Applicability:** This applies to radioactive waste.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a060103c.html](http://www.access.gpo.gov/su_docs/fedreg/a060103c.html)

#### **12/28/2005 p 76918 National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters**

**Action:** Final Rule, amendments; notice of final action on reconsideration

**Summary:** EPA is finalizing amendments to the NESHAP standard for Industrial, Commercial and Institutional Boilers as Process Heaters that was promulgated on 13 September 2004. The amendments are minor in nature and are intended to improve and clarify the process for demonstrating eligibility to comply with the health-based compliance alternatives contained in the 2004 final rule.

**Applicability:** These amendments may be of interest to those who manage or operate industrial, commercial, or institutional boilers or process heaters.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a051228c.html](http://www.access.gpo.gov/su_docs/fedreg/a051228c.html)

#### **12/23/2005 p 76285 Proposed National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities – Extension of Comment Period**

**Action:** Notice; extension of comment period

**Summary:** EPA is proposing to extend the comment period on the general permit (initial notice published on 12/1/2005) by 30 days until February 16, 2005.

**Applicability:** Facilities, installations, and projects subject to EPA storm water permit jurisdiction will wish to remain current on the status of permit issuance.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a051223c.html](http://www.access.gpo.gov/su_docs/fedreg/a051223c.html)

#### **12/19/2005 p 75320 Exemption of Certain Area Sources from Title V Operating Permit Programs**

**Action:** Final Rule

**Summary:** The EPA is finalizing permanent exemptions from the CAA Title V Operating Permit program for five categories of non-major (area) sources subject to National Emission Standards for Hazardous Air Pollutants (NESHAPS). The five sources are: perchloroethylene dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide (EO) sterilizers and secondary aluminum smelters. State programs may choose to retain the requirement to obtain operating permits for these sources.

**Applicability:** Facilities, installations and projects that operate exempted sources will want to be aware of the exemption from permitting requirements.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a051219c.html](http://www.access.gpo.gov/su_docs/fedreg/a051219c.html)

#### **12/12/2005 p 73518 Oil Pollution Prevention; Non-Transportation Related Onshore Facilities**

**Action:** Proposed Rule

**Summary:** EPA is proposing to extend the compliance dates for SPCC plan development and implementation (from February 06 and August 06 respectively) to October 31, 2007.

**Applicability:** Facilities responsible for the development and implementation of SPCC plans will be interested in the proposed extension of compliance dates.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a051212c.html](http://www.access.gpo.gov/su_docs/fedreg/a051212c.html)

#### **12/12/2005 p 73524 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Plan Requirements— Amendments**

**Action:** Proposed Rule

**Summary:** The Environmental Protection Agency (EPA or the Agency) is proposing to amend the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements to reduce the regulatory burden for certain facilities by: providing an option that would allow owners/operators of facilities that store less than 10,000 gallons of oil and meet other qualifying criteria to self-certify their SPCC Plans, in lieu of review and certification by a Professional Engineer; providing an alternative to the secondary containment requirement, without requiring a determination of impracticability, for facilities that have certain types of oil-filled equipment; defining and providing an exemption for motive power containers; and exempting airport mobile refuelers from the specifically sized secondary containment requirements for bulk storage containers. In addition, the Agency also proposes to remove and reserve certain SPCC requirements for animal fats and vegetable oils and proposes a separate extension of the compliance dates for farms. In proposing these changes, EPA is significantly reducing the burden imposed on the regulated community in complying with the SPCC requirements, while maintaining protection of human health and the environment. Further, the Agency requests comments on the potential scope of future rulemaking.

**Applicability:** Facilities managing oil filled equipment and those with less than 10,000 gallons of oil storage capacity may directly benefit from the potential regulatory relief granted by this proposal.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a051212c.html](http://www.access.gpo.gov/su_docs/fedreg/a051212c.html)

### **12/01/2005 p 72116 Proposed National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities**

**Action:** Notice of Availability for comment

**Summary:** EPA proposed its National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from industrial activity (a.k.a., Multi-Sector General Permit (MSGP)). This proposed permit will replace the existing permit covering industrial sites in EPA Regions 1, 2, 3, 5, 6, 8, 9 and 10 that expired on 30 October 2005. EPA has requested comments on the proposed permit and MSGP 2006 fact sheet. The MSGP provides facility-specific requirements for many types of industrial facilities within one overall permit. The permit outlines steps that facility operators must take prior to being eligible for permit coverage, including development and implementation of a stormwater pollution prevention plan (SWPPP).

**Applicability:** Civil Works, active installations and remediation staff subject to the various sector provisions of the 2000 MSGP will be interested in the renewal permit.

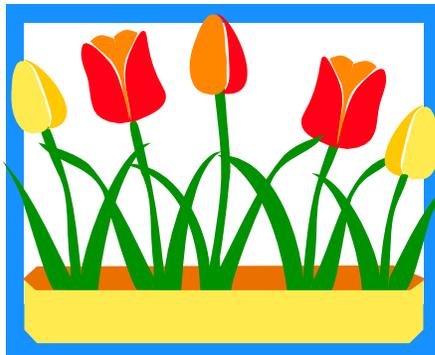
**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a051201c.html](http://www.access.gpo.gov/su_docs/fedreg/a051201c.html)

### **Sustainable Management of Waste in Military Construction, Renovation and Demolition**

The Air Force Center For Environmental Excellence has developed a guide on sustainable operations linking the concepts of sustainability and environmental management systems. It is intended to help their bases integrate efforts in planning for sustainability of waste management, water quality and availability, energy supply, endangered species population and distribution, land use outside the fence line, air space and air emissions. The guide is available at:

<http://www.afcee.brooks.af.mil/products/so/guide/docs/SOguide.pdf>

**Do you have a regulatory question?** Call us or e-mail us with a question, or just go to <http://www.environmental.usace.army.mil/info/technical/comply/compltopical/compltopical.html>



#### **EC&T Information Bulletin**

**Preparer**

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