

Environmental Compliance & Transportation Information Bulletin



Edition 56.

Sept 2006

Editors Corner

Fall is upon us once again. We close out yet another fiscal year. The kids head back to school and summer vacations are over. My son turned five and started kindergarten this year and my daughter turned nine and just started 4th grade. We remembered five years ago when an incomprehensible act of terrorism was committed against the nation. We are all too aware of the precious gift of time.

Well, also by now you should be using the new Uniform Hazardous Waste manifest which went into effect on September 5th for any shipments of hazardous waste offsite. Hopefully! We would love to hear any experiences you may have with the new form, transporters and TSDFs. E-mail me!

As always, we are here to help, so if you have questions, just give us a call. Have a wonderful autumn!

Sandi Zebrowski



Upcoming training sessions

In FY07 our initial manifesting course will be March 12-16, 2007 in Phoenix, AZ. The recertification class will be March 14 and 15, 2007 in Phoenix, also. We have also been contacted about two onsite courses in FY07. If you will need an onsite initial or recertification course, please contact us as soon as possible.

The Purple Book can be found at: <http://pdsc.usace.army.mil/CrsScheduleNewFy.aspx>
Remember, this training is open to **all federal employees**.



Initial Hazardous Waste Manifesting Course (36-hours):
<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=223>

Hazardous Waste Recertification Course (16-hours):
<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=429>

Initial Radioactive Waste Manifesting Course (24 hours):
<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=441>

Hazardous & Radioactive Waste Recertification Course (20 hours):
<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=430>

As always, to schedule an onsite for initial training or refresher training, or to obtain additional information, contact: Joe Pickett, (256) 895-7445, Sandi Zebrowski, (402) 697-2562, e-mail: Sandi.M.Zebrowski@usace.army.mil or Beverly VanCleaf at (402) 697-2559, e-mail: Beverly.D.Vancleaf@usace.army.mil.

FY07 Regulatory Training – Two more course available:

Environmental Regulations – Practical Application This course is designed to further the student's understanding and ability to apply the technical requirements of various major federal environmental regulations. This course consists of a review of the technical application of selected environmental requirements pertinent to compliance issues. It will not consist of an exhaustive, detailed study of environmental statutes and regulations. This course is comprised of discussions and practical exercises pertaining to the technical application of various environmental regulations such as RCRA waste classification and generator standards, used oil management, NPDES wastewater and stormwater requirements, SPCC plans, PCB management, Clean Air Act regulations, USTs, SWDA requirements, spill reporting, pesticide management, hazardous materials transportation, and EPCRA requirements. The course also includes a brief introductory session on environmental management systems addressed in EO 13148. This course focuses on the practical application of these regulations during day-to-day compliance activities at DoD installations, Corps construction projects and Civil Works Projects and Facilities.



<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=398> The Course Control Number is 398.

CERCLA/RCRA Process Remediation Course This course trains personnel on the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA) hazardous substance response process and the Resource Conservation and Recovery Act (RCRA) corrective action process as it relates to the Department of Defense. It addresses the Defense Environmental Restoration Program which includes the Installation Restoration Program (IRP), the Base Realignment and Closure (BRAC) Program, and the Formerly Used Defense Sites (FUDS) Program. It also has applicability to cleanups conducted under the Formerly Used Sites Remedial Action Program (FUSRAP), the EPA Superfund program, and cleanups at Army Corps of Engineers Civil Works facilities. This is an ISEERB approved course. This course has been developed by in-house USACE staff and focuses on the regulatory requirements for cleaning up hazardous substances, pollutants, and contaminants under CERCLA and solid and/or hazardous wastes at RCRA sites. This course covers the CERCLA process as outlined by Subpart E of the National Contingency Plan and the RCRA corrective action process as implemented via EPA guidance, RCRA permit requirements, and consent orders. CERCLA topics addressed include preliminary assessments, site inspections, removal site evaluations, engineering evaluations/cost analyses, removal actions, remedial investigations, feasibility studies, proposed plans, records of decision (ROD), pre and post-ROD changes,

remedial design and construction, and public participation requirements. RCRA topics include the initiation of the RCRA corrective action process via permit conditions and consent orders, the RCRA Facility Assessment, RCRA Facility Investigations, Interim Stabilization Measures, Corrective Measures Studies, and Corrective Measures Implementation.

<http://pdsc.usace.army.mil/CourseListDetail.aspx?CtrlNbr=356> The Course Control Number is 356.

If interested contact the Registrar at the Training Center at **256-895-7425 or 7421**.

New HTRW CX Web Site

Our current web site is under revision. During the month of September we plan to post our new web site. Things may be tough to find at first, but we are confident that the new web site will be much improved. Regulatory Fact Sheets and Register summaries will still be posted on the new web site. In the next issue I will provide the new links to our regulatory information.



New Rulemaking for Cathode Ray Tubes

On July 28, 2006, EPA published in the Federal Register a final rule identifying management options for Cathode Ray Tubes (CRTs).

CRTs often exhibit a hazardous waste characteristic due to lead in CRT glass. This rule provides conditional exclusions for CRTs and CRT glass. A CRT is a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device such as a television, computer monitor, oscilloscope, etc. This rule conditionally excludes used, intact CRTs; used, broken CRTs; and glass removed from CRTs. No exclusion is necessary for unused CRTs since these are products not subject to RCRA in the first place. In addition, the rule also addresses processing of CRTs and exporting of CRTs for reuse and for recycling.

Solid Waste Exclusion for Used, Intact CRTs

A used, intact CRT means a CRT whose vacuum has not been released.

- ✓ Used, intact CRTs within the United States are not solid waste unless they are disposed, or unless they are accumulated speculatively by CRT collectors or glass processors. A CRT collector is defined as "a person who received used, intact CRTs for recycling, repair, resale, or donation". See 40 CFR 261.1(c)(8) for the definition of "accumulated speculatively".
- ✓ When exported from the United States for recycling, used, intact CRTs are excluded from the definition of solid waste provided they are not speculatively accumulated; the Environmental Protection Agency is notified of the intent to export; and the receiving country consents to the export.

Solid Waste Exclusion for Used, Broken CRTs

A used, broken CRT refers to glass removed from its housing or casing whose vacuum has been released.



Prior to processing, used, broken CRTs destined for recycling are excluded from the definition of solid waste if the following conditions are met:

- ✓ Broken, CRTs must be stored in a building or placed in a closed container to minimize releases.
- ✓ Containers must be labeled "Used cathode ray tube(s) - contains leaded glass" or "Leaded glass from television or computers" and must be labeled "Do not mix with other glass materials".
- ✓ When transported, broken CRTs must be in labeled, closed containers that minimize releases to the environment.
- ✓ The broken CRTs cannot be speculatively accumulated.
- ✓ The broken CRTs used in a manner constituting disposal must comply with 40 CFR 266.

- ✓ For exports, EPA must be notified of the intent to export, and CRTs cannot be exported without consent of the receiving country. A copy of the Acknowledgement of Consent to Export CRTs must accompany the shipment, and the exporter must maintain records for three years.

Glass Removed From CRTs

Glass removed from CRTs is conditionally excluded from the definition of solid waste provided:

- ✓ It is destined for recycling at a CRT glass manufacturer or a lead smelter.
- ✓ It is not speculatively accumulated.

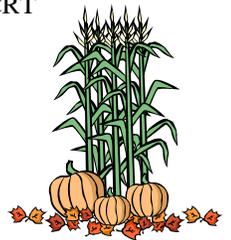
Exclusion for Used CRT Processing

CRT processing means conducting all of the following:

- (1) receiving broken or intact CRTs and
- (2) intentionally breaking intact CRTs or further breaking or separating broken CRTs and
- (3) sorting or otherwise managing glass removed from CRT monitors. (Merely breaking the CRT does not constitute processing, all of the above must be conducted to be considered CRT processing.)

Used, broken CRTs undergoing processing are excluded from regulation provided they meet the following conditions:

- ✓ During storage, broken CRTs can not be stored in a manner constituting disposal (in other words, on the land) or accumulated speculatively.
- ✓ During processing, breaking, separating, sorting or otherwise managing glass removed from CRTs, activities must occur in a building and can not be performed at temperatures which would volatilize lead.



Export of Used, Intact CRTs for Reuse

Persons who export used, intact CRTs for reuse must send a one-time notice to EPA and keep records demonstrating that each shipment of exported CRTs will be reused.

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/transdoc.htm>

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

08/31/2006 p51894 Hazardous Materials: Harmonization with United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions

Action: Proposed rule

Summary: The Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT, 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 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. Comments must be received by October 16, 2006.

Applicability: These revisions are applicable to all offerors as rule harmonizes US requirements with international requirements.



Reference: http://www.access.gpo.gov/su_docs/fedreg/a060831c.html

8/17/2006 p 47670 National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning

Action: Proposed Rule

Summary: The EPA is proposing revised standards to limit emissions of methylene chloride (MC), perchloroethylene (PCE), and trichloroethylene (TCE) from existing and new halogenated solvent cleaning machines. In 1994, EPA promulgated technology-based emission standards to control emissions of methylene chloride (MC), perchloroethylene (PCE), trichloroethylene (TCE), 1,1,1-trichloroethane (TCA), carbon tetrachloride (CT), and chloroform from halogenated solvent cleaning machines. Pursuant to the Clean Air Act (CAA) section 112(f), EPA has evaluated the remaining risk to public health and the environment following implementation of the technology-based rule and is proposing more stringent standards in order to protect public health with an ample margin of safety. The proposed standards are expected to provide further reductions of MC, PCE, and TCE beyond the 1994 national emission standards for hazardous air pollutants (NESHAP), through application of a facility-wide total MC, PCE, and TCE emission standard. In addition, EPA has reviewed the standards as required by section 112(d)(6) of the CAA and has determined that, taking into account developments in practices, processes, and control technologies, no further action is necessary at this time to revise the national emission standards. The term “facility-wide” applies to facilities with emissions associated with halogenated solvent cleaning activities only. Comments must be received on or before October 2, 2006.

Applicability: This rule may affect entities that use large amounts of the specified solvents.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060817c.html



8/8/2006 p 44929 Hazardous Materials: Incorporation of Statutorily Mandated Revisions to the Hazardous Materials Regulations; Correction

Action: Final rule; correction

Summary: On December 9, 2005, the Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT, published a final rule to revise terminology, definitions, and requirements for consistency with the Hazardous Materials Safety and Security Reauthorization Act of 2005. These amendments included revising the definitions of “hazmat employee” and “hazmat employer”; modifying shipping paper retention requirements; providing a security plan exception for farmers; and replacing the term “Exemption” with “Special permit.” This final rule corrects an error in the final rule. In addition, we are clarifying the amendments applicable to shipping paper retention requirements, the definition of “hazmat employer,” and the transition from “Exemption” to “Special permit.” Effective date: August 8, 2006.

Applicability: All persons offering hazmat.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060808c.html

07/28/2006 p 42928 Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes

Action: Final rule

Summary: Cathode ray tubes (CRTs) often exhibit a hazardous waste characteristic due to lead in CRT glass. CRTs are the video display component of electronic equipment such as televisions and computer monitors. This rule provides conditional exclusions from the definition of solid waste for CRTs and glass from CRTs.

Applicability: This applies to used, intact CRTs; used broken CRTs; processing of CRT glass; and exporting of used CRTs. Collectors and processors for used CRTs will want to be aware of requirements of this exclusion.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060728c.html



7/19/2006 p 41072 Revision of the Emergency Response Guidebook

Action: Notice; request for comments

Summary: Pipeline and Hazardous Materials Safety Administration (PHMSA) DOT is providing notice to the public that they are soliciting comments on the development of the 2008 Emergency Response Guidebook (ERG2008). PHMSA is especially looking for comments from users of the 2004 ERG during a

hazardous materials incident for experiences and ways to enhance the document. Comments are due by September 18, 2006.

Applicability: Hazmat employees trained under DOT regulation (49 CFR 172.700) should find this notice of interest.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060719c.html

07/28/2006 p 42951 Requirements for Expanded Definition of Byproduct Material

Action: Proposed Rule

Summary: Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to include jurisdiction over certain radium sources, accelerator-produced radioactive materials, and certain naturally occurring radioactive material, as required by the Energy Policy Act of 2005 (EPAc), which was signed into law on August 8, 2005. The EPAc expanded the Atomic Energy Act of 1954 definition of byproduct material to include any discrete source of radium-226, any material made radioactive by use of a particle accelerator, and any discrete source of naturally occurring radioactive material, other than source material, that the Commission, in consultation with other Federal officials named in the EPAc, determines would pose a similar threat to the public health and safety or the common defense and security as a discrete source of radium-226, that are extracted or converted after extraction for use for a commercial, medical, or research activity. In so doing, these materials were placed under the NRC's regulatory authority. The EPAc also mandated that the Commission, after consultation with States and other stakeholders, issue final regulations establishing requirements that the Commission determines necessary under the EPAc. This rulemaking effort is being undertaken in response to that mandate and includes significant contributions from many States that have regulated the naturally occurring and accelerator-produced radioactive material, the Organization of Agreement States, Inc., and the Conference of Radiation Control Program Directors, Inc. (CRCPD). In addition, this proposed rule was informed and guided by the CRCPD's applicable Suggested State Regulations for the Control of Radiation. Licensees and individuals who are engaged in activities involving the newly defined byproduct material in both Agreement States and non-Agreement States and United States Territories may be affected by this rulemaking.

Applicability: Those possibly working the FUSRAP program.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060728c.html

7/17/2006 p 40520 Environmental Management Systems and the National Environmental Policy Act

Action: Notice and Request for Comments

Summary: The Council on Environmental Quality (CEQ) used an interagency work group to develop a guide to Federal agencies in aligning their Environmental Management Systems (EMS) with the National Environmental Policy Act (NEPA). CEQ invites comments on the proposed guide before publishing and distributing a final guide. The proposed guide, "Aligning the Complementary Processes of Environmental Management Systems and the National Environmental Policy Act", is available at <http://www.nepa.gov> in the Current Developments section. Written comments should be submitted on or before September 1, 2006.

Applicability: NEPA actions.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060717c.html

07/14/2006 p 40253 Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations

Action: Final rule

Summary: This corrects errors in the hazardous waste and used oil regulations, as a result of printing omissions, typographical errors, misspellings, citations to paragraphs and other references that have been deleted or moved to new locations without correcting the citations, and similar mistakes appearing in numerous final rules published in the Federal Register. This final rule does not create new regulatory requirements.

Applicability: This pertains to hazardous waste and used oil regulations.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060714c.html



06/28/2006 p 36726 Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units

Action: Notice of reconsideration of final rule; request for public comment; notice of public hearing.

Summary: EPA is announcing its reconsideration of and requesting comment on whether sewage and sludge incinerators should be excluded from the other solid waste incineration units (OSWI) rules which was published on December 16, 2005 as "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units."

Applicability: This applies to incineration of sewage and sludge.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060628c.html

06/07/2006 p 32887 National Pollutant Discharge Elimination System (NPDES) Water Transfers

Action: Proposed rule

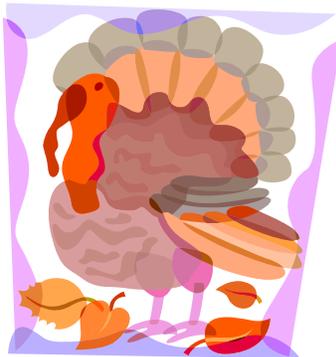
Summary: EPA is proposing an amendment to its Clean Water Act (CWA) regulations to expressly exclude water transfers from regulation under section 402 of the CWA (NPDES permitting). The proposed rule would define water transfers as an activity that conveys waters of the United States to another water of the United States without subjecting the water to intervening industrial, municipal, or commercial use. This proposed rule focuses exclusively on water transfers and is not relevant to whether any other activity is subject to the CWA permitting requirement. This exclusion does not apply to pollutants added by the water transfer activity itself to the water being transferred.

Applicability: USACE staff involved public water supply, irrigation, power generation, flood control, and environmental restoration in the regulatory and operations programs will likely be very interested in this proposal. The proposed rule would allow some mitigation program and storm water manager's relief from the NPDES permitting requirements.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060607c.html

Web Site of the Quarter: [Approved Registered Printers for the Manifest | Wastes | EPA](#)

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



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