

Environmental Compliance & Transportation Information Bulletin



Edition 57.



December 2006

Editor's Corner

So, the big question.....naughty or nice?? Well, it is beginning to look a lot like Christmas-- it is cold enough anyway. My kids, now 9 and 5 are just bouncing off the walls awaiting Santa's visit. At least this guarantees a few weeks of "goodness" out of them!

All is fine in Omaha as we prepare for the new year. I hope this newsletter finds all our coworkers and friends happy and healthy. Myself and the other regulatory folks here at the CX, wish you a very happy and safe holiday season and hope to hear from you all in 2007!

Sandi Claus



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.



Remember,

The Purple Book can be found at:
<http://pdsc.usace.army.mil/CrsScheduleNewFy.aspx>
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 VanCleeef at (402) 697-2559, e-mail: Beverly.D.Vancleef@usace.army.mil.

Changes to Basic Shipping Description for Shipments by Air and Water



Effective 1 January, 2007, the alternate basic shipping description **must** be used for all hazmat shipments offered by water and air. The alternate sequence is:

UN Identification number, Proper Shipping Name, hazard class(es), packing group

So, for example, to ship hazardous waste n.o.s. by vessel, the shipping description would be:

RQ, UN1090, Waste acetone, 3, PG II

In order to use this alternative sequence you will need to understand what words modify the proper shipping name (49 CFR 172.101(c)) versus what words modify the basic shipping description (49 CFR 172.203). For example, "RQ" modifies the basic shipping description as per the discussion in 49 CFR 172.203(a)(2). But, the word "Waste" modifies the proper shipping name as discussed in 49 CFR 172.101(c)(9). You will need to pay great attention to this or you will be in violation.

CERCLA Off-site Rule: Updated list of EPA contacts

40 CFR 300.440 of CERCLA establishes the criteria and procedures for determining whether off-site facilities are acceptable for the receipt of wastes from CERCLA response actions. The regulation establishes compliance criteria and release criteria, and establishes a process for determining whether facilities are acceptable based on the criteria. The final decision of off-site acceptability resides with EPA, after substantial consultation with the State in which the facility is located. Each Regional office maintains a list of acceptable facilities.

As required by 40 CFR 300.440, prior to moving CERCLA wastes off-site, the Corps project representative must contact the EPA Regional Off-Site Contact to determine if the facility is acceptable as per EPA and State criteria. An updated list is available at <http://www.epa.gov/epaoswer/hazwaste/id/offsite/offsite.htm>

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**.

The gift of training!!



Give the gift of PROSPECT – a training course is the gift that keeps on giving!

Some folks think that just because they missed signing up for a PROSPECT course during the survey time, they can't sign up at all. That is not true. If there is a course you need or want, go through your training office and contact the Huntsville registrar and he/she will get you into the course, unless the class is full.

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>

09/28/2006 p 56894 Hazardous Materials: Prohibition on the Transportation of Primary Lithium Batteries and Cells Aboard Passenger Aircraft

Action: Final rule; correction

Summary: The Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT, is correcting an error in an interim final rule, published in the Federal Register on December 15, 2004. That interim final rule imposed a limited prohibition on offering for transportation and transportation of primary lithium batteries and cells as cargo aboard passenger-carrying aircraft and equipment containing or packed with large lithium batteries. Effective date: October 1, 2006.

Applicability: Applies to shipments of equipment containing primary lithium batteries shipped as cargo on passenger-carrying aircraft.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060928c.html

09/25/2006 p 55757 Hazardous Materials; Miscellaneous Amendments

Action: Notice of proposed rulemaking (NPRM)

Summary: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT, proposes to make miscellaneous amendments to the Hazardous Materials Regulations based on petitions for rulemaking and PHMSA initiatives. These proposed amendments are intended to update, clarify or provide relief from certain regulatory requirements. Among other provisions, PHMSA is proposing a new proper shipping name and UN identification number for fuel mixtures composed of ethanol and gasoline to help emergency response personnel respond appropriately to incidents involving such fuel mixtures. In addition, PHMSA proposes to update certain incorporations by reference, revise and clarify certain hazard communication requirements, and clarify transportation requirements applicable to dry ice, detonator assemblies and explosives. PHMSA also proposes to provide expanded exceptions from regulation for household hazardous wastes and small amounts of materials used in pharmaceutical research. Comments must be received by November 24, 2006.

Applicability: This could be applicable to all hazmat shippers.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060925c.html



09/21/2006 p 55156 Hazardous Material: Revision of Requirements for Security Plans

Action: Advance notice of proposed rulemaking (ANPRM) and public meeting

Summary: Pipeline and Hazardous Materials Safety Administration, PHMSA is considering revisions to the list of hazardous materials that require development and implementation of a security plan to address security risks during transportation in commerce. This effort is being coordinated with other Department of Transportation modal administrations (Federal Aviation Administration, Federal Motor Carrier Safety Administration, and Federal Railroad Administration) and the Transportation Security Administration of the Department of Homeland Security. PHMSA will hold a public meeting on November 30, 2006 to obtain stakeholder comments on security plan requirements. Written comments: Comments must be received by December 20, 2006.

Applicability: Applies to those required to develop a Security Plan.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060921c.html



09/20/2006 p 54937 Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications

Action: Final rule; correction

Summary: The Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT, is correcting a minor error in a final rule, published in the Federal Register on September 14, 2006. That final rule corrected editorial errors, made minor regulatory changes and, in response to requests for clarification, improved the clarity of certain provisions in the Hazardous Materials Regulations (HMR). Effective date: October 1, 2006.

Applicability: Applies to all hazmat shippers.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060920c.html

09/14/2006 p 54338 Hazardous Materials Regulations: 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 minor changes and do not impose new requirements. Effective date: October 1, 2006.

Applicability: These changes may be applicable to all hazmat shippers.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a060914c.html



11/27/2006 p 68483-68492 Application of Pesticides to Waters of the United States in Compliance With FIFRA

Action: Final rule

Summary: EPA issues a regulation stating that the application of a pesticide in compliance with relevant requirements of FIFRA does not require an NPDES permit when the application of the pesticide is made directly to waters of the US to control pests that are present in the water or when the application of the pesticide is made to control pests that are over, including near, waters of the United States. This rulemaking is based on the Agency's interpretation of the definition of the term "pollutant" under the Clean Water Act (CWA) as not including such pesticides.

Applicability: This pertains to pesticide applied directly or close to waters of the US.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a061127c.html

11/24/2006 p 67802-67807 Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units

Action: Direct final rule; technical correction

Summary: This makes a technical correction to the emission guidelines and new source performance standards (NSPS) for other solid waste incineration (OSWI) units. This corrects an inadvertent error to the opacity test averaging time presented in a December 16, 2005 final rule.

Applicability: This applies to incinerators subject to regulation under 40 CFR 60 Subpart EEE.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a061124c.html

11/08/2006 p 65574 - 65660 National Primary Drinking Water Regulations: Ground Water Rule

Action: Final rule

Summary: To provide protection against microbial pathogens in drinking water, this rule establishes a risk-targeted approach to target ground water systems that are susceptible to fecal contamination. This rule requires ground water systems that are at risk of fecal contamination to take action to protect against pathogens.

Applicability: This applies to public water systems.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a061108c.html



10/16/2007 p 60704 – p 60708 Request for Nominations of Drinking Water Contaminants for the Contaminant Candidate List

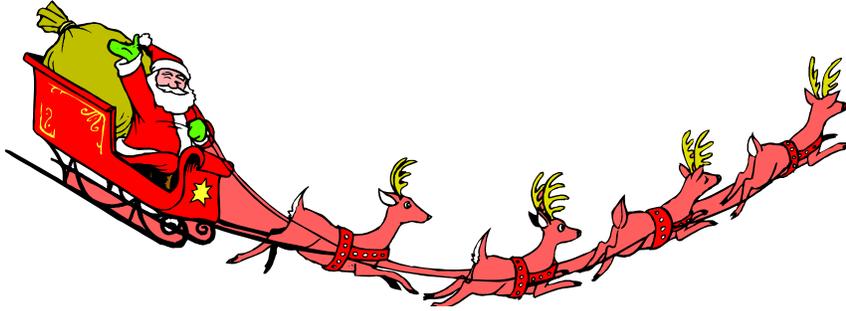
Action: Notice

Summary: EPA is in the process of developing the third drinking water Contaminant Candidate List (CCL3). This notice requests nominations for contaminants for the list and requests information that shows the nominated contaminant may have an adverse health effect on people and the contaminant occurs or is likely to occur in public water systems.

Applicability: This pertains to public water systems.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a061016c.html

Do you have a regulatory question? Call us or e-mail us at
http://www.environmental.usace.army.mil/tech_reg.htm



Merry Christmas to all and to all a good night!



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