

Environmental Compliance & Transportation Information Bulletin



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June 2007

Editor's Corner

Summer is upon us, as are summer vacations. Have safe and fun travels wherever you go. But, before you go, please remember to sign up now for FY08 PROSPECT training. The training survey is open. Remember, if you need us you know where to find us. We love to hear from all of you!

Sandi Z

Upcoming training sessions

We have been contacted by several districts and will be conducting several onsite training courses this year at the requests of various districts. If you still need recertification training, or know someone who does, you should contact the district POC. Attendance and costs for onsite sessions are controlled by the requesting district. Below is a list of Onsite Recertification courses still to be held this FY. If you are in need of recertification, feel free to contact the POC, but remember attendance is up to the district.

<u>Requesting District</u>	<u>District POC</u>	<u>2007 Course Dates</u>	
Jacksonville	Ed Currie	June 26-27	(does not include Class 7)
Sacramento	Monica Eichler	August 7-8	(does not include Class 7)

Baltimore District may be hosting the initial Class 7 DOT Certification course in October 2007.

If interested in attending, please contact Hans Honerlah.

FY08 PROSPECT Survey is out NOW

The training survey is out. If you are a Corps employee or a federal employee from another agency, you can register for a PROSPECT course during this timeframe. We encourage you to sign up at the survey time. You do not have to pay yet, just register so that the course will not be cancelled. This year we had 12 folks sign up at survey time for our recertification course. Our class size for the recert course was 38. You can register anytime, but at survey time really helps us out. If for some reason you cannot attend, when the registration notice is sent out, then you simply do not register, or pay.



The FY08 PROSPECT Course manual, The Purple Book, can be found at:
<http://pdsc.usace.army.mil/Default.aspx>

Remember, this training is open to *all federal employees* and everyone can and should register now!

Courses are listed in the manual as follows:

- HW Manifest/DOT Certification, Course 223. This is the Initial Hazardous Waste Manifesting and DOT Certification Course (36-hours). It is DOT and ISEERB approved.
- HW Recertification Course (16-hours), Course 429. This is the 2-day recertification course for hazardous waste.
- RW/DOT Certification, Course 441. This is the Initial Radioactive Waste Transportation course (24 hours).
- Rad Waste Transport/DOT Recert, Course 430. This is the Hazardous & Radioactive Waste Recertification Course (20 hours).

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.

Federal Railroad Administration (FRA) inspects hazmat shipments

The Federal Railroad Administrative has sent inspectors out to some of our cleanup sites where we are shipping radioactive wastes offsite in railcars. At these inspections, the FRA has asked for some or all of the following records from the contractor:

- ✓ Security Plans
- ✓ Waste Management/Transportation Plan
- ✓ 40 hr Hazwoper Training Certificates for entire crew and management staff involved with any aspect of transportation via rail)
- ✓ 8 hr Health and Safety Refresher Training Certificates
- ✓ Railroad Safety Training Certificates
- ✓ Hazardous Waste/Radioactive Manifest Training Certificates
- ✓ Copies of completed manifests, TSD returned manifests and CODs.
- ✓ Radioactive Waste Calculator program used to determine Class 7 classifications (if used)



FRA asked the government staff for training records. While FRA did not ask to see our DOT required Security Plans, these inspections should serve to remind everyone that USACE should develop a Security Plan as the offeror of placarded shipments in accordance with 49 CFR 172 Subpart I. USACE is not a part of the Contractor's Security Plan. We need our own plan developed. For those of you who have taken our PROSPECT courses, a template for the security plan can be found on the course CD. It should be relatively easy and quick to adapt the security plan template to your site if a plan is required and you don't

have one. In addition, we recommend that you review the fact sheet pertaining to Security Planning.
<http://www.environmental.usace.army.mil/pdf/ftsht0303.pdf>

For the most part, the inspections have been going well. To date, the only recommendation the FRA made to a transportation subcontractor was to include the following language on our instructions to the rail carrier: "In case of derailment and/or spill; Report to Emergency Response Contact Number, Do Not Touch Damaged Packages or material, First Aid - Medical problems take priority over Radiological concerns."

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>

5/16/2007 p 27444 Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities

Action: Final Rule

Summary: EPA has extended the dates by which facilities must prepare or amend and implement their Spill Prevention, Control, and Countermeasures (SPCC) Plans to July 1, 2009. EPA has provided several extensions since the July 17, 2002 (67 FR 47042) final rule. Since EPA amended some SPCC requirements on December 26, 2006 (71 FR 77266) associated with the original July 2002 final rule, the agency felt the regulated community needed additional time to incorporate changes. EPA is also planning to revisit and modify the final rule later in 2007.

Applicability: This rulemaking affects SPCC development and implementation for active installations, Civil Works activities and associated outgrant/leasees.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070516c.html

05/14/2007 p 27116 Enhancing Environmental Outcomes From Audit Policy Disclosures Through Tailored Incentives for New Owners

Action: Notice

Summary: EPA is considering and requesting comments on whether to provide incentives to encourage new owners of regulated entities to discover, disclose, correct, and prevent the recurrence of environmental violations.

Applicability: This would apply where real estate transfers are occurring.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070514c.html



05/09/2007 p 26367 – p 26372 Grant Guidelines for States Regarding State Compliance Reports on Government Underground Storage Tanks; Solid Waste Disposal Act, Subtitle I, as Amended by Title XV, Subtitle B of the Energy Policy Act of 2005

Action: Notice of Availability

Summary: In this notice, EPA is publishing the grant guidelines for state compliance reports on government USTs in their entirety. EPA developed the grant guidelines for state compliance reports on government USTs as required by Section 9003(j) of Subtitle I of the Solid Waste Disposal Act, as amended by Section 1526 of the Energy Policy Act of 2005.

Applicability: This rule is of interest to DoD because it applies to DoD installations and USACE CW facilities.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070509c.html

05/01/2007 p 24016 – p 24058 Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List—Preliminary Determinations

Action: Notice

Summary: This provides notice and requests comments regarding preliminary determinations not to pursue drinking water standards for 11 contaminants on the Safe Drinking Water Act Contaminant Candidate List 2.

Applicability: This rule is of particular interest to DoD because it includes preliminary determinations for explosive related contaminants (2,4-DNT and 2,6-DNT) that may be present at IRP and FUD sites. It also provides an update on the evaluation of perchlorate.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070501c.html

04/30/2007 p 23155 - p 23300 EPA Spring 2007 Regulatory Agenda

Action: Semi-annual regulatory agenda

Summary: This provides EPA's agenda regarding regulations and major policies under development.

Applicability: This includes regulations under all of EPA's environmental programs including RCRA, TSCA, CAA, CWA, FIFRA, and CERCLA.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070430c.html



04/30/2007 p 21190 – p 21197 Polychlorinated Biphenyls; Manufacturing (Import) Exemption

Action: Proposed rule

Summary: In this document, EPA is proposing to grant a Defense Logistics Agency (DLA) petition to allow import of foreign-manufactured PCBs that DOD currently owns in Japan for disposal in the United States. Comments are solicited on this decision and must be received by May 30, 2007. If finalized, this decision to grant the petition would allow DLA to manufacture (i.e., import) certain PCBs for disposal.

Applicability: This applies to import of DoD owned PCBs.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070430c.html

04/26/2007 p 20848 - p 20849 The National Environmental Policy Act and Environmental Management Systems

Action: Notice of availability, Guide for Aligning National Environmental Policy Act processes with Environmental Management Systems

Summary: The Council on Environmental Quality (CEQ) is publishing "Aligning National Environmental Policy Act Processes with Environmental Management Systems—A Guide for NEPA and EMS Practitioners" to assist Federal agencies in aligning their National Environmental Policy Act (NEPA) processes with their Environmental Management Systems (EMSs). CEQ used an interagency work group to develop the guide and finalized it after considering public comments. The final guide is available from CEQ and at <http://www.NEPA.gov>

Applicability: This guidance applies to Federal agencies to help them recognize the complementary relationship of EMS and NEPA and to assist in aligning EMS elements with NEPA when establishing, implementing, and maintaining their EMS.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070426c.html

04/25/2007 p 20586 – p 20667 Clean Air Fine Particle Implementation Rule

Action: Final rule

Summary: This final action provides rules and guidance regarding State and Tribal plans for implementing the Clean Air Act (CAA) requirements for fine particle (PM_{2.5}) national ambient air quality standards (NAAQS). States and Tribes in nonattainment with the PM_{2.5} standard must take action to attain the standards as expeditiously as possible, but no later than 2015.

Applicability: This applies to 39 areas with air quality non-attainment designations regarding the fine particle national ambient air quality standard.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070425c.html

04/24/2007 p 20304 - p 20305 Revisions to the Definition of Solid Waste

Action: Supplemental proposed rule; extension of comment period

Summary: This extends the deadline for submitting comments on a March 26, 2007 supplemental proposed rule regarding the revision to the definition of solid waste until June 25, 2007.

Applicability: This applies to recyclable materials, includes exclusions regarding recycled secondary hazardous material, and requests comments on whether to codify defining "legitimate" as opposed to "sham" recycling.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070424c.html

04/13/2007 p 18792 – p 18845 Hazardous Materials; Explosives and Blasting Agents

(Note: Table of Contents identifies rule by above title, but text of rule uses title "Explosives Proposed Rule")

Action: Proposed rule

Summary: OSHA proposes to revise the explosives and blasting agents' standard in subpart H of part 1910 to enhance employee protection. Comments on this proposed rule are due on July 12, 2007.

Applicability: This applies to the manufacture, storage, sale, transportation, and use of explosives.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070413c.html

04/12/2007 p 18401 - p 18404 EPAAR Prescription and Solicitation Provision—EPA Green Meetings and Conferences

Action: Final rule

Summary: This modifies EPA acquisition regulations to ensure that environmental preferability is considered in purchase of commercial meeting and conference services. As part of the solicitation process prospective providers, such as hotels, will be requested to provide information regarding recycling programs, availability of public transportation, water and energy conservation measures, use of biobased products, etc.

Applicability: This applies to EPA and their contractors and may be relevant to Superfund work conducted by USACE in support of EPA.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070412c.html



04/10/2007 p 17902 - p 17907 Expedited Approval of Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

Action: Notice

Summary: This provides notice of EPA's intent to expedite the process for establishing alternate testing methods by use of notices in the Federal Register as opposed to using a notice-and-comment rulemaking process. Expediting the approval process for alternate test methods will provide greater flexibility in the selection of analytical methods thereby reducing monitoring costs while maintaining public health protection.

Applicability: This applies to sampling and analysis of public drinking water. It may also pertain to test methods used during remediation projects associated with contaminated ground water that is a potential source of drinking water.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070410c.html

03/26/2007 p 14172 – p 14218 Revisions to the Definition of Solid Waste

Action: Proposed rule

Summary: This supplements a 2003 proposal regarding revision to the definition of solid waste. In response to a court decision, EPA intends to modify the definition of solid waste to clarify that certain hazardous secondary materials reclaimed and/or recycled are not solid waste, nor hazardous waste. In addition, three conditional exclusions are proposed for reclaimed/recycled hazardous secondary material. This represents a change from the previously proposed which would have excluded hazardous secondary material on the basis of whether it was recycled within the same industry. This proposal also requested comments regarding whether to codify legitimate recycling criteria.

Applicability: This applies to hazardous secondary materials that can be reclaimed or recycled. DoD has actively followed and commented on this rulemaking.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070326c.html

03/09/2007 p 11200 – p 11249 Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Analysis and Sampling Procedures

Action: Proposed rule

Summary: This rule modifies the testing procedures approved for analysis and sampling under the Clean Water Act and Safe Drinking Water Act.

Applicability: This applies to water analysis conducted with respect to NPDES discharges or public water systems.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a070312c.html

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



Aloha!



EC&T Information Bulletin

P r e p a r e r

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