

# Environmental Compliance & Transportation Information Bulletin



Edition 65.



December 2008

## Editor's Corner

*So, naughty or nice? Again, Christmas is right around the corner. My kids, now 11 and 7, are eagerly awaiting the big day. How things have changed. From dolls to digital cameras. Good thing I have a job!*

*All is fine in Omaha and in Huntsville as we prepare for the new year. I hope this newsletter finds all our coworkers and friends happy and healthy. Myself and the EM CX folk, wish you all a very happy and safe holiday season and hope to hear from you all in 2009!*

*Sandi Claus*



## Upcoming training sessions

Our surveyed sessions for the Initial and Recertification Hazardous Waste Manifesting/DOT courses are scheduled for March 16-20, 2009 in Las Vegas. If you or some you know needs the initial or recertification course, there are still spaces, but do not wait too long, the courses are almost full.



The FY09 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 DOD and ISEERB approved.
- HW Recertification Course (16-hours), Course 429. This is the 2-day recertification course for hazardous waste. It is DOD and ISEERB approved.
- 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) 697-2555, 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.Vancleaf@usace.army.mil](mailto:Beverly.D.Vancleaf@usace.army.mil).

## New Revisions to the Definition of Solid Waste



On October 30, 2008 on page 64668 of the Federal Register, EPA published a final rule "Revisions to the Definition of Solid Waste".

The new rule defines "hazardous secondary material (HSM)" as "a secondary material (e.g., spent material, by-product, or sludge) that when discarded, would be identified as hazardous waste" and specifies conditions by which reclaimed HSM is neither regulated as solid waste nor as hazardous waste under RCRA.

This rule accomplishes the following:

- It excludes certain HSM that is (1) reclaimed under the control of the generator in non-land based units; (2) reclaimed under the control of the generator in land-based units; (3) transferred to another person for the purpose of legitimate reclamation; and (4) exported and reclaimed in a foreign country.
- It codifies factors for evaluating whether recycling of HSM is legitimate (40 CFR 260.43).
- It establishes procedures for seeking formal non-waste determinations from regulators for reclaimed hazardous secondary materials (40 CFR 260.34).
- It addressed financial assurance for management of excluded HSM.

This rule is deregulatory in nature and is of interest to us as there may be opportunities to reduce hazardous waste management costs by pursuing recycling of HSM under the provisions of this rule.

An EM CX fact sheet summarizing the rule can be found at: <http://www.environmental.usace.army.mil/pdf/ftsht0802.pdf>

The complete rule can be found at [http://www.access.gpo.gov/su\\_docs/fedreg/a081030c.html](http://www.access.gpo.gov/su_docs/fedreg/a081030c.html)

## FY09 Regulatory Training – Two more course available:

CCN 398 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.

CCN 356 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**.

## 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>



### **12/02/2008 p 73520 - p 73544 Amendment to the Universal Waste Rule: Addition of Pharmaceuticals**

**Action:** Proposed rule

**Summary:** EPA proposes to add pharmaceutical wastes to the Universal Waste Rule.

**Applicability:** This proposal applies to discarded pharmaceuticals which are hazardous waste either because they are listed waste or because they exhibit a hazardous waste characteristic.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a081202c.html](http://www.access.gpo.gov/su_docs/fedreg/a081202c.html)

### **12/01/2008 p 72912 - p 72960 Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated with Colleges and Universities**

**Action:** Final rule

**Summary:** This provides an alternative set of hazardous waste management regulations that can be used to manage wastes generated by college and university academic laboratories.

**Applicability:** The rule does not apply to government labs, but may be of general interest to those tracking RCRA regulations.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a081201c.html](http://www.access.gpo.gov/su_docs/fedreg/a081201c.html)

**11/25/2008 p 71644 - p 71653 Federal Agency Hazardous Waste Compliance**

**Action:** Notice of twenty-third update of the Federal Agency Hazardous Waste Compliance Docket

**Summary:** This updates the Federal Agency Hazardous Waste Compliance Docket. Under CERCLA, EPA is required to ensure a preliminary assessment is conducted for sites listed on the Docket to determine whether cleanup is warranted under Superfund.

**Applicability:** Three USACE Civil Works sites are added to the Docket and one is removed.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a081125c.html](http://www.access.gpo.gov/su_docs/fedreg/a081125c.html)



**11/24/2008 p 71423 - p 71433 Semiannual Regulatory Agenda**

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

**Summary:** This announces availability of EPA's Semiannual Regulatory Agenda, Annual Regulatory Plan, Semiannual Regulatory Flexibility Agenda, and Monthly Action Initiation List. Together these inform the public of EPA's regulatory priorities, status of environmental policies and regulations under development, regulations with significant impact to small entities, and recently completed actions.

**Applicability:** This applies to all major environmental programs including Safe Drinking Water Act, Clean Air Act, Clean Water Act, RCRA, TSCA, EPCRA, CERCLA, and FIFRA.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a081124c.html](http://www.access.gpo.gov/su_docs/fedreg/a081124c.html)

**11/12/2008 p 66895 Drinking Water: Preliminary Regulatory Determination on Perchlorate**

**Action:** Reopening of comment period

**Summary:** EPA reopened the comment period regarding their preliminary determination not to pursue establishing National Primary Drinking Water Regulations under the Safe Drinking Water Act for perchlorate. Comments are being received until 28 November 2008.

**Applicability:** This determination is of interest to DoD because military munitions are a potential source of perchlorate in drinking water. Ground water clean up could be affected by EPA's determination.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a081112c.html](http://www.access.gpo.gov/su_docs/fedreg/a081112c.html)



**10/30/2008 p 64668 – p 64788 Revisions to the Definition of Solid Waste**

**Action:** Final rule

**Summary:** This revises the definition of solid waste with respect to secondary materials that are legitimately recycled; codifies factors for determining legitimacy of recycling; and establishes procedures for pursuing a "non-waste" determination regarding recycled secondary material.

**Applicability:** This revised definition applies to certain recyclable materials that were previously regulated as hazardous waste. It applies to four categories of hazardous secondary materials (HSM) - HSM legitimately reclaimed under the control of the generator in non-land-based units, HSM legitimately reclaimed under the control of the generator in land-based units, HSM transferred to another person for legitimate recycling; and HSM exported for legitimate recycling.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a081030c.html](http://www.access.gpo.gov/su_docs/fedreg/a081030c.html)

**10/10/2008 p 60262 – p 60282 Drinking Water: Preliminary Regulatory Determination on Perchlorate**

**Action:** Notice

**Summary:** This presents EPA's preliminary regulatory determination for perchlorate in accordance with the Safe Drinking Water Act (SDWA). EPA has determined that a national primary drinking water regulation (NPDWR) for perchlorate would not present "a meaningful opportunity for health risk reduction for persons served by public water systems."

**Applicability:** This will be of interest at sites involving remediation of perchlorate.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a081010c.html](http://www.access.gpo.gov/su_docs/fedreg/a081010c.html)



**10/06/2008 p 58388 - p 58416 Revisions to: The Requirements for Transboundary Shipments of Wastes Between OECD Countries, the Requirements for Export Shipments of Spent Lead-Acid Batteries, the Requirements on Submitting Exception Reports for Export Shipments of Hazardous Wastes, and the Requirements for Imports of Hazardous Wastes**

**Action:** Proposed rule

**Summary:** EPA proposes to modify: The requirements to implement the Organization for Economic Cooperation (OECD) framework concerning the transboundary movement of hazardous waste among countries belonging to the OECD.

**Applicability:** This applies to movement of RCRA regulated waste among OECD countries.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a081006c.html](http://www.access.gpo.gov/su_docs/fedreg/a081006c.html)

**09/29/2008 p 56572 – 56578 Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities**

**Action:** Notice of Availability

**Summary:** EPA Regions 1, 2, 3, 5, 6, 9, and 10 today are finalizing EPA's NPDES general permit for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP). The MSGP consists of thirty four (34) separate Regional EPA permits that may vary from each other based on State or Tribal water quality based requirements. This permit replaces the existing permits that expired on October 30, 2005. As with the earlier permits, this permit authorizes the discharge of stormwater associated with industrial activities in accordance with the terms and conditions described therein. Industrial dischargers have the choice to seek coverage under an individual permit. An individual permit may be necessary if the discharger cannot meet the terms and conditions or eligibility requirements in the permit.

**Applicability:** This notice potentially directly affects staff involved with CWA compliance, NPDES permitting and military construction. Of particular interest is the incorporation of TMDLS into the permits and electronic reporting that will become available in the next 6 months through the eNOI webpage <http://www.epa.gov/npdes/eNOI>

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a080929c.html](http://www.access.gpo.gov/su_docs/fedreg/a080929c.html)



**09/15/2008 p 53218 – 53241 Notice of Final Effluent Guidelines Program Plan**

**Action:** Notice of Final 2008 Effluent Guidelines Program Plan

**Summary:** Under various provisions of the CWA, EPA is required to periodically review, evaluate and propose their plans and activities relative to the development of effluent limit guidelines and pretreatment standards for existing and new industrial categories. The notice provides a summary of EPA's activities for 2008.

**Applicability:** Staff involved with CWA compliance, NPDES permitting, and CERCLA 5 year reviews may find the summary notice of particular interest.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a080915c.html](http://www.access.gpo.gov/su_docs/fedreg/a080915c.html)



**09/09/2008 p 52558 – 52572 Hazardous Materials: Risk-Based Adjustment of Transportation Security Plan Requirements**

**Action:** Proposed Rule

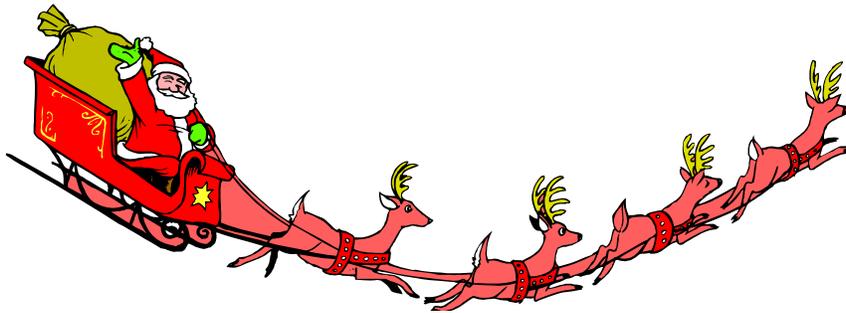
**Summary:** PHMSA, in consultation with the Transportation Safety Administration (TSA) and the Department of Homeland Security (DHS) is proposing to modify currently existing security plan requirements governing commercial transportation of hazardous materials in all modes (air, rail, vessel, and highway). PHMSA is using experience gained by the agency and the regulated community to reevaluation security threats associated with specific types and quantities of hazardous materials. The proposed rule would narrow the list of materials subject to security plan requirements and reduce associated regulatory costs and paperwork burden. The proposed rule also would clarify certain requirements related to security planning, training, and documentation and incorporate and build on recent international standards governing hazardous materials security. Comments are due 11/10/2008.

**Applicability:** This proposed rule has a direct impact on compliance and restoration missions. In particular, bulk shipments of Class 9 materials would no longer require security plans.

**Reference:** [http://www.access.gpo.gov/su\\_docs/fedreg/a080909c.html](http://www.access.gpo.gov/su_docs/fedreg/a080909c.html)

**Do you have a “burning” regulatory question?** Call us or e-mail us at  
[http://www.environmental.usace.army.mil/tech\\_reg.htm](http://www.environmental.usace.army.mil/tech_reg.htm)

*Merry Christmas to all and to all a good night!*



**EC&T Information Bulletin**

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