

# Environmental Compliance & Transportation Information Bulletin



Edition 68.

Sept 2009

## Editor's Corner



Welcome to Edition 68 as the last warm breezes of summer. I cannot believe that the kids are back in school already. My daughter turned 12 this month and is in 7<sup>th</sup> grade. My son turned 8 and is in 3<sup>rd</sup> grade. Boy, how time flies.

This is also the end of another Fiscal Year. As you are getting ready for next year, remember to schedule your training needs. March in Orlando this year for the initial and refresher DOT/manifesting courses – Decided to go east!

As always, we are just a phone call away, so if you need me or the CX, do not hesitate to call! You know where to find us!

Very sincerely,

*Sandi Zebrowski*

## Upcoming training sessions

For the remainder of FY2009 we have one more refresher scheduled. Rick Waples is teaching at Sacramento District on 16-17 September. If you need initial or recertification training, call Rick Waples or Beverly VanCleaf and they will let you know what is available or put your name on a “training needs” list.

The survey is closed for FY10, but you can always sign up for a course. Remember, a new training year is upon us. Sign up for your Initial Hazardous Waste/DOT Manifesting Course or Recertification courses today. Just because the survey has closed, that does not mean you can no longer register. You can register for a course anytime.



Also, if you want to schedule an onsite course, please call Beverly VanCleaf. This will be a busy year for onsite recertification courses, so get your request in early.

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



## What You Should Know: A Guide to Developing a Hazardous Materials Training

Published July 15, 2009, this guide explains the training requirements in the Hazardous Materials Regulations, identifies those employees who must be trained, and provides a tool to help hazmat employers determine what type of training and training environment may be best for their employees. It can be found at:

<http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.ebdc7a8a7e39f2e55cf2031050248a0c/?vgnextoid=c5c8a82fed572210VgnVCM1000001ecb7898RCRD&vgnnextchannel=0f0b143389d8c010VgnVCM100008049a8c0RCRD&vgnnextfmt=print>

The Office of Hazardous Materials Safety is the Federal safety authority for ensuring the safe transport of hazardous materials by air, rail, highway, and water. Their main web site is:

<http://www.phmsa.dot.gov/hazmat>

## Emergency Response Guidebook (ERG)

...Helps You Find Emergency Procedures Quickly

The Emergency Response Guidebook (ERG2008) was developed jointly by the US Department of Transportation, Transport Canada, and the Secretariat of Communications and Transportation of Mexico (SCT) for use by firefighters, police, and other emergency services personnel who may be the first to arrive at the scene of a transportation incident involving a hazardous material. It is primarily a guide to aid first responders in (1) quickly identifying the specific or generic classification of the material(s) involved in the incident, and (2) protecting themselves and the general public during this initial response phase of the incident. The ERG is updated every three to four years to accommodate new products and technology. The next version is scheduled for 2012.

DOT's goal is to place one ERG2008 in each emergency service vehicle, nationwide, through distribution to state and local public safety authorities. To date, nearly eleven million copies have been distributed without charge to the emergency response community. Copies are made available free of charge to public emergency responders through State Coordinators (refer to the menu on the right) in the United States of America. In Canada, contact CANUTEC at 613-992-4624 or via email at [canutec@tc.gc.ca](mailto:canutec@tc.gc.ca) for distribution information. In Mexico, call SCT at 52-5-684-1275. Copies are also available commercially through the GPO Bookstore and other commercial vendors. For a PC download of the 2008 ERG and more information from Transport Canada please see:

<http://phmsa.dot.gov/hazmat/library/erg>

Note: On this web site is a great interactive version of the ERG! Try it out! FREE!!!!!!

## 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>

**08/19/2009 p 41896 Proposed Acute Exposure Guideline Levels for Hazardous Substances**

**Action:** Notice of Availability

**Summary:** The National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) is developing AEGLs on an ongoing basis to provide Federal, State, and local agencies with information on short-term exposures to hazardous substances. This notice provides a list of 19 proposed.

AEGLs that are available for public review and comment. Comments are welcome on both the proposed AEGLs and their Technical Support Documents placed in the docket.

**Applicability:** This is provided for general information and may be of interest to persons involved in risk assessment and/or remediation projects.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/09-19860.pdf>

**08/19/2009 p 41883 - p 41893 Drinking Water: Perchlorate Supplemental Request for Comments**

**Action:** Notice

**Summary:** EPA is seeking comments on additional approaches to analyzing data related to EPA's perchlorate regulatory determination. These additional comments are sought in an effort to ensure consideration of all the potential options for evaluating whether there is a meaningful opportunity for human health risk reduction of perchlorate through a national primary drinking water rule. EPA will make a final regulatory determination for perchlorate after considering comments and information provided in the 30-day comment period following this notice.

**Applicability:** Perchlorate is of special interest to DoD because it is associated with certain munitions.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-19507.pdf>

**08/03/2009 p 38348 - p 38358 Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures**

**Action:** Final Rule

**Summary:** This announces EPA's approval of alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations.

**Applicability:** This is relevant to monitoring of drinking water.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-18361.pdf>

**07/15/2009 p 34311 Proposed Suspension and Modification of Nationwide Permit 21**

**Action:** Notice

**Summary:** The U.S. Army Corps of Engineers is proposing to take two actions concerning Nationwide Permit (NWP) 21. The permit currently authorizes discharges of dredged or fill material into waters of the United States (WUS) for surface coal mining activities. The Corps proposes to modify NWP 21 to prohibit its use to authorize discharges of dredged or fill material into WUS for surface coal mining activities in the states of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia until the permit expires on March 18, 2012. Secondly, the Corps is proposing to suspend NWP 21 to provide an interim means of requiring individual permit reviews while taking a long term measure to prohibit the use of NWP 21 for discharges of dredge and fill material into WUS associated with surface coal mining in the Appalachian region of the listed six States.

**Applicability:** USACE regulatory offices in the Appalachian states listed could be directly impacted by this proposal.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-16803.pdf>

**07/06/2009 p 31905 Definition of Solid Waste Public Meeting; Extension of Comment Period**

**Action:** Notice of Public Meeting and Request for Comments; Extension of comment period.

**Summary:** EPA is considering a petition requesting reconsideration and repeal of the recently promulgated revisions to the definition of solid waste. The May 27, 2009 Federal Register announced a public meeting and request for comments regarding this issue. The deadline for commenting is being extended an additional 30 days. The new comment deadline is August 13, 2009.

**Applicability:** DoD supported the modification to the definition of solid waste. This issue remains of interest because the definition of solid waste impacts whether reclaimed hazardous secondary materials are regulated as hazardous waste.



**06/29/2009 p 30950 - 30959 National Primary Drinking Water Regulations: Minor Correction to the Stage 2 Disinfectants and Disinfection Byproducts Rule and Changes in References to Analytical Methods**

**Action:** Final rule

**Summary:** This makes corrections to the Jan 4, 2006 Stage 2 Disinfectant and Disinfection Byproducts Rule and makes minor editorial changes in references to analytical methods in the regulations.

**Applicability:** This applies to public water systems that provide water for human consumption and which treat water with disinfectants.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-14598.pdf>

**06/25/2009 p 30228 Reorganization and Name Change for the Office of Solid Waste (OSW) Within the Office of Solid Waste and Emergency Response**

**Action:** Final rule

**Summary:** On January 8, 2009, OSW changed its name to the Office of Resource Conservation and Recovery (ORCR).

**Applicability:** This may be of general interest to those dealing with solid or hazardous waste.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-14859.pdf>

**06/24/2009 p 30075 -30076 EPA Launches NetDMR**

**Action:** Notice

**Summary:** As of June 22, 2009, select EPA Regions, States, Tribes and Territories will be able to file NPDES discharge monitoring reports (DMRs) using NetDMR. NetDMR provides an internet-based reporting tool to allow electronic signature and submission of DMRs. More information can be found at <http://www.epa.gov/netdmr>

**Applicability:** Facilities subject to DMR reporting may be able to take advantage of electronic DMR filing

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-14868.pdf>



**06/19/09 p 29136 - 29142 Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities**

**Action:** Final Rule

**Summary:** EPA is amending the dates by which facilities must prepare or amend their Spill Prevention, Control, and Countermeasure (SPCC) plans and implement those plans from July 1, 2009 to November 10, 2010. This is a separate rulemaking from the "Tier 1 and associated amendments" rule that has a delayed effective date of January 14, 2010.

**Applicability:** The final rule allows an additional 16 months for facilities subject to 40 CFR 112 requirements to amend and implement their plans.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-14247.pdf>

**06/16/09 p 28468 - 28471 Intent to Evaluate Whether the Waste Isolation Pilot Plant Continues to Comply with the Disposal Regulations and Compliance Criteria**

**Action:** Notice of availability; request for comments

**Summary:** EPA intends to evaluate and recertify whether or not the Waste Isolation Pilot Plant (WIPP) continues to comply with EPA's environmental and radiation protection standards for the disposal of

radioactive waste. DOE must submit documentation to EPA every five years that the facility is in compliance with EPA's standards. The end of the comment period will be announced in a subsequent Federal Register notice.

**Applicability:** USACE does not typically dispose of transuranic radioactive waste. This notice is provided for information purposes.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-14023.pdf>

**06/12/2009 p 28047-28948 Release of Exposure Draft Technical Bulletin 2009-1: Deferral of the Effective Date of the Technical Bulletin 2006-01, Recognition and Measurement of Asbestos-Released Cleanup Costs**

**Action:** Notice

**Summary:** This makes available the draft Technical Bulletin (TB) 2009-1, Recognition and Measurement of Asbestos-Related Cleanup Costs. This TB, if finalized, would defer the asbestos liability reporting date specified previously in TB 2006-1 as September 2009 until 2011.

**Applicability:** This pertains to federal entities that own buildings, facilities, ships, or other tangible property, plant, and equipment (PP&E) that contain any form of asbestos and present general purpose financial reports.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-13803.pdf>



**06/10/2009 p 27535 - 27536 Notice of Availability of National Recommended Water Quality Criteria for Acrolein and Phenol**

**Action:** Notice of availability of updated water quality criteria for acrolein and phenol

**Summary:** EPA is announcing the availability of updated national recommended water quality criteria for the protection of human health for acrolein and phenol

**Applicability:** This notice may be of interest to facilities and projects subject to NPDES permitting.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-13600.pdf>

**06/02/09 p 26460 Hazardous Materials: Request for Comments on Issues or Problems Concerning International Atomic Energy Regulations for Safe Transport of Radioactive Material**

**Action:** Notice; request for comments

**Summary:** PHMSA and the NRC are jointly seeking comments on issues or problems concerning requirements in the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive (referred to as TS-R-1). The IAEA is considering revisions to the TS-R-1 regulations as part of its periodic two-year review cycle for a 2013 Edition. Comments are to be submitted by June 15, 2009.

**Applicability:** USACE would take advantage of this opportunity to make comments if there are any issues or problems with TS-R-1 regulations because typically these regulations are relied on when PHMSA and the NRC proposed harmonization rulemaking to standardize with the international regulations.

**Reference:** <http://edocket.access.gpo.gov/2009/pdf/E9-12778.pdf>

**Do you have a 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)



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**P r e p a r e r**

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