

# Environmental Compliance & Transportation Information Bulletin



Edition 71.

June 2010

## Editor's Corner

Welcome to Edition 71. Please read the article on the **PROSPECT** survey at the top of page 2. It is time to register for FY11. Also, please pass this information on to any other folks you know that may need initial or recertification manifest/DOT training. Please also take note that state and county officials as well as contactors may now sign up for PROSPECT training if they meet prescribed requirements for registration.

Summer has arrived in Omaha, the kids are out of school, dance recitals are all done and we are in the throws of baseball season, and the beach is calling me! While I hope to enjoy the beach later this summer off the Carolina coast, my heart goes out to the folks in the Gulf of Mexico threatened by the oil spill. Thinking of what is happening to the wildlife, marshlands, beaches, fishermen, tourists and residents, just breaks my heart. It is too sad for words. I hope and pray they find a solution soon.

Other than that, all is fine at the EM CX. I hope you are all doing well. 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 me!



Very sincerely,

*Sandi Zebrowski*

## Upcoming training sessions

We currently have no initial or recertification onsite scheduled for the remainder of FY10. If you do need an onsite, please call Rick Waples or Beverly VanCleaf. The survey is out for FY11. Remember you can sign up anytime, but survey time is better! See next article.



## FY11 PROSPECT survey is out!

The survey is out and while registration closed the end of May, it is never too late to sign up if you need training. And manifesting goes to Phoenix, February 28<sup>th</sup> 2011 thru March 4<sup>th</sup> 2011. The recertification training will be March 2<sup>nd</sup> and 3<sup>rd</sup> 2011.

If you are a Corps employee or a federal employee from another agency, you can register for a PROSPECT course during this timeframe.

PROSPECT courses are also now open to state and county employees, contractors and even private citizens who meet certain requirements. We encourage you to sign up as soon as possible. If you work for USACE, you do not have to pay yet, just register so that the course will not be cancelled. 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 FY11 PROSPECT Course manual and schedule, go to: <http://ulc.usace.army.mil/> If you are looking for PROSPECT courses for FY11, **there is a change in the way the material is presented.** The Purple Book can be found at: <http://ulc.usace.army.mil/downloads/purplebook2011.pdf> But, in FY11, **the dates and schedules are NOT in the Purple Book, so you need to go to** <http://ulc.usace.army.mil/CrsScheduleNewFY.aspx> for the FY11 dates and schedules.

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. Feb 28 – March 4, 2011. <http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=223>
- HW Recertification Course (16-hours), Course 429. This is the 2-day recertification course for hazardous waste. March 2 and 3, 2011. <http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=429>
- RW/DOT Certification, Course 441. This is the Initial Radioactive Waste Transportation course (24 hours). Call Rick Waples at 402-697-2560.
- Rad Waste Transport/DOT Recert, Course 430. This is the Hazardous & Radioactive Waste Recertification Course (20 hours). March 2-4, 2011. <http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=430>

To Register, go to: <http://ulc.usace.army.mil/HowToRegister.aspx>

As always, to schedule an onsite for initial training or refresher training, or to obtain additional information, contact: Joe Pickett, (256) 895-7445, Rich Waples, (402) 697-2560, e-mail: [Richard.J.Waples@usace.army.mil](mailto:Richard.J.Waples@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).

## Reminder: Shipper's responsibility Effective October 1, 2010

On February 2, 2010 PHMSA promulgated a final rule that makes the shipper responsible for maintaining a copy of the manufacturer's notification, including closure instructions (see Sec.178.2(c)) unless permanently embossed or printed on the packaging. For examples of closure instructions, check out <http://www.thecompliancecenter.com/packaging/documents.htm> When applicable, a person must

maintain a copy of any supporting documentation for an equivalent level of performance under the selective testing variation in Sec. 178.601(g)(1) of the subchapter. A copy of the notification, unless permanently embossed or printed on the packaging, and supporting documentation, when applicable, **must be made available for inspection** by a representative of the Department upon request for **365 days after offering the package for transportation**.

Please check the entire federal register regulation at: <http://edocket.access.gpo.gov/2010/pdf/2010-1615.pdf> and make note of this requirement that will go into effective **October 1, 2010**.

## 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>

### **05/14/2010 p 27273 – p 27284 Hazardous Materials; Packages Intended for Transport by Aircraft**

**Action:** Notice of proposed rulemaking (NRPM)

**Summary:** PHMSA proposes to amend requirements in the Hazardous Materials Regulations to enhance the integrity of inner packagings or receptacles of combination packagings containing liquid hazardous material by ensuring they remain intact when subjected to the reduced pressure and other forces encountered in air transportation. In order to substantially decrease the likelihood of a hazardous materials release, the proposed amendments: prescribe specific test protocols and standards for determining whether an inner packaging or receptacle is capable of meeting the pressure differential requirements specified in the regulations and, consistent with the 2011–2012 edition of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Aircraft (ICAO Technical Instructions), require the closures on all inner packagings containing liquids within a combination packaging to be secured by a secondary means or, under certain circumstances, permit the use of a liner. Comments are due by 13 July 2010 on the NRPM.

**Applicability:** This would be of general interest to persons shipping liquid hazardous materials by aircraft.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-11384.pdf>.

### **05/14/2010 p 27205 – p 27215 Hazardous Materials: Incorporation of Special Permits Into Regulations**

**Action:** Final rule

**Summary:** PHMSA is amending the Hazardous Materials Regulations (HMR) to incorporate provisions contained in certain widely used or longstanding special permits that have an established safety record. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations so long as an equivalent level of safety is maintained. The revisions in this final rule are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety.

**Applicability:** This is of general interest to persons involved with the transportation of hazardous materials.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-11570.pdf>.



### **04/26/2010 p 21872 - p 21884 EPA Semiannual Regulatory Agenda**

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

**Summary:** On a semiannual basis, EPA publishes information to update the public about regulations and major policies under development, reviews of existing regulations, and rules or policies cancelled since the last agenda.

**Applicability:** This is of interest to environmental professionals tracking regulatory developments. The scheduled contained in the agenda facilitate involvement in the regulatory process.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-8940.pdf>

#### **04/26/2010 p 21840 - p 21865 DOT Regulatory Agenda; Semiannual Summary**

**Action:** Semiannual regulatory agenda

**Summary:** On a semiannual basis, DOT publishes information to update the public about regulations under development. This enables the public to be more aware of and to participate in the Department's regulatory activities.

**Applicability:** This is of general interest to persons involved with the transportation of hazardous materials.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-8987.pdf>

#### **04/22/2010 p 20942 - p 20951 Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Saccharin and Its Salts From the Lists of Hazardous Constituents, Hazardous Wastes, and Hazardous Substances**

**Action:** Proposed rule

**Summary:** EPA proposes to remove saccharin and saccharin salts from the RCRA hazardous constituent list as well as the CERCLA hazardous substance list.

**Applicability:** This should have no impact on DoD, but may be of general interest (especially to those dieters, like me! Remember the days of TaB – dating myself now aren't I?).

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-9167.pdf>



#### **04/12/2010 p 18455 - p 18468 Mandatory Reporting of Green House Gases**

**Action:** Proposed Rule Amendment

**Summary:** EPA is proposing that some additional information be supplied by reporters subject to the Mandatory GHG Reporting rule published on 30 October 2009. The additional information that reporters must submit includes name, address, ownership status of their U.S. parent company, their primary and all other applicable NAICS codes and an indication of whether or not any of their reported emissions are from a cogeneration unit.

**Applicability:** This will be of interest to those entities required to report GHG emission per the Mandatory GHG Reporting Rule, 30 October 2009.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-6765.pdf>

#### **04/07/2010 p 17645 - p 17667 Polychlorinated Biphenyls (PCBs); Reassessment of Used Authorizations**

**Action:** Advanced Notification of Proposed Rule Making

**Summary:** EPA is issuing an ANPRM for the use and distribution in commerce of certain classes of PCBs and PCB items and certain other areas of the PCB regulations under the Toxic Substance Control Act. EPA is reassessing the use and distribution in commerce, marking, and storage for reuse of liquid PCBs in electric and non-electric equipment; the use of 50 parts per million (ppm) level for excluded PCB products; the use of non-liquid PCBs; and the use and distribution in commerce of PCBs in porous surfaces; and the marking of PCB articles in use. EPA is also reassessing the definitions of "excluded manufacturing process," "quantifiable level/level of detection," and "recycled PCBs." EPA is soliciting comments on these and other areas of the PCB use regulations. Comments must be received on or before July 6, 2010.

**Applicability:** This Advanced Notification of Proposed Rulemaking would be of interest to USACE personnel at civil works projects, power stations; any USACE owned property. EPA is soliciting comments and data. Of particular interest to USACE is the phase out of PCB transformers and disposal facilities and acceptable levels of PCBs and use authorizations for non-liquid PCBs (PCBs as an ingredient in caulk and paint).

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-7751.pdf>



**03/30/2010 p 15613 - p 15620 Hazardous Materials Transportation; Registration and Fee Assessment Program**

**Action:** Final Rule

**Summary:** PHMSA is amending the statutorily mandated registration and fee assessment program for persons who transport, or offer for transportation, certain categories and quantities of hazardous materials. For those registrants not qualifying as a small business or not-for-profit organization, PHMSA is increasing the annual fee from \$975 (plus a \$25 administrative fee) to \$2,575 (plus a \$25 administrative fee) for registration year 2010-2011 and following years.

**Applicability:** Federal agencies are excepted from registration requirements per 49 CFR 107.606. However, these fees would apply to contractors transporting certain categories of hazardous materials including explosives, radioactive material, material poisonous by inhalation, etc.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-7035.pdf>

**03/18/2010 p 12989 - p 13009 Hazardous Waste Technical Corrections and Clarifications Rule**

**Action:** Direct Final Rule

**Summary:** The Environmental Protection is taking Direct Final action on a number of technical changes that correct or clarify several parts of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations that relate to hazardous waste identification, manifesting, the hazardous waste generator requirements, standards for owners and operators of hazardous waste treatment, storage and disposal facilities, standards for the management of specific types of hazardous waste and specific types of hazardous waste management facilities, the land disposal restrictions program, and the hazardous waste permit program. These changes correct existing errors in the hazardous waste regulations that have occurred over time in numerous final rules published in the Federal Register, such as typographical errors, incorrect or outdated citations, and omissions. Some of the corrections are necessary to make conforming changes to all appropriate parts of the RCRA hazardous waste regulations for new rules that have since been promulgated. In addition, these changes clarify existing parts of the hazardous waste regulatory program and update references to Department of Transportation (DOT) regulations that have changed since the publication of various RCRA hazardous waste final rules. This Direct Final Rule is effective on June 16, 2010 without further notice unless EPA receives adverse comments by May 3, 2010.

**Applicability:** This applies to generators and TSDFs. Modifications include manifesting procedures relative to rejected and forwarded shipments of hazardous waste.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-5700.pdf>



**03/18/2010 p 13066 - p 13068 Hazardous Waste Technical Corrections and Clarifications Rule**

**Action:** Proposed Rule

**Summary:** This proposes a number of technical changes that would correct or clarify several parts of the hazardous waste regulations that relate to hazardous waste identification, manifesting, the hazardous waste generator requirements, the standards for owners and operators of hazardous waste treatment, storage and disposal facilities, the standards for the management of specific types of hazardous waste and specific types of hazardous waste management facilities, the land disposal restrictions program and the hazardous waste permit program.

**Applicability:** These changes impact hazardous waste generators, and TSDFs.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-5697.pdf>

**03/09/2010 p 10974 - p 10989 Hazardous Materials: Risk-Based Adjustment of Transportation Security Plan Requirements**

**Action:** Final rule

**Summary:** PHMSA, in consultation with the Transportation Security Administration (TSA) of the Department of Homeland Security (DHS), is modifying current security plan requirements applicable to the commercial transportation of hazardous materials by air, rail, vessel, and highway. Based on an evaluation of the security threats associated with specific types and quantities of hazardous materials, the final rule

narrows the list of materials subject to security plan requirements and reduces associated regulatory costs and paperwork burden. The final rule also clarifies certain requirements related to security planning, training, and documentation. The final rule is effective October 1, 2010 but voluntary compliance with all the amendments is authorized as of April 8, 2010.

**Applicability:** This final rulemaking would be of interest to USACE personnel involved with shipping hazardous materials, including hazardous waste and radioactive waste. Previous shipments that might have required a security plan because it met 1 or more of the 7 conditions will want to review this rule to determine if their shipments continue to need a security plan.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-4778.pdf>.

### **03/01/2010 p 9147 - p 9148 Hazardous Materials: Transportation of Lithium Batteries**

**Action:** Notice of public meeting

**Summary:** On January 11, 2010, PHMSA in coordination with the FAA, published a notice of proposed rulemaking to comprehensively address the safety risks associated with the air transport of lithium cells and batteries. PHMSA and FAA will hold a public meeting on March 5, 2010 in Washington, DC, to provide interested persons with an opportunity to submit oral comments on the proposals in the NPRM. Written comments need to be submitted by 12 March 2010.

**Applicability:** This proposed rulemaking would be of interest to USACE personnel involved with shipping lithium batteries or equipment that contains lithium batteries.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-4232.pdf>.

**Question of the Quarter:** Can you name the lighthouse?

**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)



#### **EC&T Information Bulletin**

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