

Environmental Compliance & Transportation Information Bulletin



Edition 72.

Sept 2010

Editor's Corner



Welcome to Edition 72 and the last warm breezes of summer. I cannot believe that the kids are back in school already. My daughter turned 13 this month and is in 8th grade. My son turned 9 and is in 4th 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. The end of February we will be in Phoenix this year for the initial and refresher DOT/manifesting courses.

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 FY11, the survey session is in Phoenix, February 28th 2011 thru March 4th 2011. The recertification training will be March 2nd and 3rd 2011.



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.



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!

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.Vancleaf@usace.army.mil.

Free TSA Hazmat Training

The Transportation Security Administration's Highway and Motor Carrier Division is conducting a series of workshops for local hazardous material carriers and shippers, local first responders, as well as, any operation involved in the transport of hazardous material by highway. These workshops will present and discuss recommended security action items (SAIs) that are intended to enhance transportation security of hazardous materials by highway. These workshops focus on topics such as security planning and training, and more specifically, personnel security, unauthorized access, and en-route security.

TSA is conducting these workshops at locations with a high volume of hazardous material transported by highway throughout the United States, as determined by U.S. Department of Transportation registration data and geographical considerations. Their goal is to hold these one-day workshops in all specified areas for two consecutive days during 2010 and 2011.

Locations:

Anchorage, AK	Sept 28 and 29, 2010
Chicago, IL	Oct 19 and 20, 2010
Long Beach, CA	Nov 16 and 17, 2010
HOU-Galveston, TX	Dec 7 and 8, 2010
Charleston, SC	Jan 11 and 12, 2011
St. Louis, MO	Feb 15 and 16, 2011
Denver, CO	Mar 15 and 16, 2011
Minneapolis, MN	Apr 5 and 6, 2011



To pre-register, contact: 505-254-3700

Fax: 505-938-7941

Email: register@tsa-sait.org

Web: www.tsa-sait.org

Manifesting Requirements for Forwarded and Rejected Shipments of Hazardous Waste

Cites: 75 FR 12989 (March 18, 2010)

Purpose: The EM CX has published, at <http://www.environmental.usace.army.mil/complyfs.htm>, Fact Sheet 10-2 which supersedes the HTRW CX Fact Sheet 06-05 regarding manifesting of hazardous waste. On March 18, 2010 (75 FR 12989), EPA issued clarifications/corrections to the original rule.

This fact sheet summarizes requirements for use of the hazardous waste manifest (1) when waste is forwarded from a designated facility to an alternate facility and (2) when waste is rejected from a designated facility back to the generator. This fact sheet also explains situations in which waste can continue on to the next destination using the original manifest, as opposed to situations for which a new manifest must be used.

Beverly VanCleaf is the POC for this fact sheet. She can be reached at 402-697-2559 or Beverly.D.Vancleaf@usace.army.mil

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



The entire register can be accessed at <http://www.gpoaccess.gov/fr/index.html>

08/26/2010 p 52535 – p 52536 Availability of Draft Toxicological Profile for RDX

Action: Notice of availability

Summary: RDX is used by DOD. Under CERCLA, the Department of Defense is required to notify the Department of Health and Human Services (DHHS) of commonly found unregulated hazardous substances at defense facilities. The DHHS then prepares toxicological profiles for those substances, and the information is used to ascertain health effects and/ or whether further research is needed. This announces, for review and comment, the availability of a new draft toxicological profile on RDX. All toxicological profiles issued as “Drafts for Public Comment” represent ATSDR’s best efforts to provide important toxicological information on priority hazardous substances. ATSDR seeks public comments and additional information or reports on studies about the health effects of RDX, chemical name hexahydro-1,3,5-trinitro-1,3,5-triazine, also known as cyclonite, for review and potential inclusion in the profile.

Applicability: RDX is a component of explosives used by DOD.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-21298.pdf>

08/24/2010 p 52069-52138 Hazardous Materials: Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air

Action: Notice of proposed rulemaking (NPRM)

Summary: PHMSA proposes to amend the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the Hazardous Materials Regulations with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods--Model Regulations.

Applicability: When finalized, this rule will set new requirements for hazmat shipped via air domestically.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-19952.pdf>

08/20/2010 p 51434 - p 51436 Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities

Action: Proposed rule corrections and extension of comment period

Summary: This includes corrections to proposed rule and extends the comment period 60 days.

Applicability: Development of this rule is being closely tracked and reviewed by the RCRA Services Steering Committee for potential impacts to DOD. This is also of special interest to USACE Civil Works because coal combustion residue has been used in construction of levees and as a component of cement and therefore any changes in regulatory status has the potential to affect material availability. As currently proposed, beneficial reuse of coal combustion residuals continue to be allowed.

08/03/2010 p 45572 – 45579 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule – Proposed Amendments:

Action: Proposed Rule; compliance date amendment

Summary: EPA is proposing to amend the compliance date by 1 year for certain facilities regulated by 40 CFR 112. The new compliance date is proposed to be moved from 11/10/2010 to 11/10/2011. To be

eligible for the compliance extension, owners or operators of facilities in operation before August 16, 2002 must continue to maintain their existing SPCC Plans.

Applicability: This proposal is directly applicable to existing Civil Works facilities and active installations.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-19075.pdf>

07/30/2010 p 44930 – 44932 Stakeholder Input; Revisions to Water Quality Standards Regulation

Action: Listening sessions

Summary: The Environmental Protection Agency (EPA) is announcing its plans to initiate national rulemaking to make a limited set of targeted changes to EPA's water quality standards regulation. EPA expects to publish such proposed rule changes in the **Federal Register** in Summer 2011. Listening sessions are scheduled for 8/24 and 8/26/2010. The rulemaking process will focus on Anti-degradation Implementation Methods, Administrator's "Determination," Designated Uses, Variances, and Triennial Reviews.

Applicability: Staff involved in water quality issues will find this rulemaking of interest. In particular, Civil Works facilities with a water quality mission should track this rulemaking closely.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-18557.pdf>

07/27/2010 p 43898 – p 43906 Hazardous Materials Transportation: Revisions of Special Permits Procedures

Action: Notice of proposed rulemaking (NPRM)

Summary: PHMSA is proposing to revise its procedures for applying for a special permit to require an applicant to provide sufficient information about its operations to enable the agency to evaluate the applicant's fitness and the safety impact of operations that would be authorized in the special permit. In addition, PHMSA is providing an on-line application option. Comments on the NPRM must be submitted by August 26, 2010.

Applicability: This proposed rulemaking would be of interest to shippers that might need to obtain a special permit. USACE must coordinate a special permit request through the Surface Deployment and Distribution Command.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-18142.pdf>



07/27/2010 p 43906 – p 43914 Hazardous Materials: Requirements for the Storage of Explosives During Transportation

Action: Notice of proposed rulemaking (NPRM)

Summary: DOT is proposing to enhance existing attendance requirements for explosives stored during transportation by designating the National Fire Protection Association (NFPA) standard 498 as the Federally approved standard for the construction and maintenance of safe havens used for unattended storage of Division 1.1, 1.2, and 1.3 explosives. The proposed rule would require these explosives that are stored during transportation in commerce, to be attended and afforded surveillance in accordance with NFPA.

Applicability: This NPRM would be of interest to shippers and highway carriers of Division 1.1, 1.2, and 1.3 explosives.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-18368.pdf>

07/23/2010 p 43232 – p 43233 Revision of the Emergency Response Guidebook

Action: Notice; request for comments

Summary: DOT is seeking comments on the development of the 2012 Emergency Response Guidebook (ERG2012), particularly from those who have experience using the 2008 Emergency Response Guidebook. The ERG is for use by emergency services personnel to provide guidance for initial response to hazardous materials incidents. Comments are due by 09/21/2010.

Applicability: This request for comments would be of interest to USACE personnel that make hazardous material shipments.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-18134.pdf>

07/23/2010 p 43208 Withdrawal of Regulatory Guide 5.17

Action: Withdrawal of Regulatory Guide 5.17, "Truck Identification Markings"

Summary: The NRC is withdrawing Regulatory Guide 5.17 “Truck Identification Markings” because it is obsolete. Until November 28, 1979 (44 FR 68184), the NRC had a requirement in 10 CFR 73.31(e) that if you transported Special Nuclear Material (plutonium, enriched U-235, U-233) by highway you needed to mark the top of the conveyance with letters or numbers which allowed identification of the vehicle under daylight conditions from the air in clear weather at 1000 feet above ground level. The NRC has previously deferred the marking, labeling and placarding to DOT (parts 172 through 180).

Applicability: This would be of interest for USACE personnel that might ship Class 7 radioactive material that meet the definition of special nuclear material.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-18077.pdf>

07/21/2010 p 42440 – p 42441 Total Coliform Rule Revisions – Notice of Public Information Meetings

Action: Notice

Summary: EPA is hosting public information meetings on the proposed Revised Total Coliform Rule (RTCR) that was proposed in the Federal Register on 07/14/2010. EPA will discuss the major provisions of the current TCR, the history of the development of the proposed RTCR, the core elements of the proposed RTCR, the comparison between the current TCR and the proposed RTCR, and specific areas where EPA is requesting comment. Additional topics that will be discussed include the cost and benefit information of the proposed rule and the planned guidance manuals that will be developed to support the implementation of the final rule.

Applicability: This applied to all types of public water systems including consecutive systems that purchase all of their water from another regulated source.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-17795.pdf>



07/14/2010 p 40926 – p 41016 National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule

Action: Proposed rule

Summary: EPA is proposing revisions to the 1989 Total Coliform Rule. The proposed revisions require systems to assess the problem and take corrective action that may reduce cases of illnesses and deaths due to potential fecal contamination and waterborne pathogen exposures.

Applicability: This is relevant to Army public water systems of all types. It applies not only to “wholesale systems”, but also to “consecutive systems” that purchase water from another regulated source. It applies to systems classified as community water systems (such as residential systems serving base housing), non-transient non-community water systems (such as non-residential systems regularly serving workers), and transient non-community water systems (such as recreation areas).

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-15205.pdf>

06/21/2010 p 35128 - p 35264 Hazardous and Solid Waste Management Systems; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities

Action: Proposed rule

Summary: EPA is proposing to regulate for the first time, coal combustion residuals (CCRs) under RCRA to address the risks from the disposal of CCRs generated from the combustion of coal at electric utilities and independent power producers. The Agency is proposing two alternative regulations. Under the first proposal, EPA would reverse its August 1993 and May 2000 Bevill Regulatory Determinations regarding coal combustion residuals (CCRs) and list these residuals as special wastes subject to regulation under subtitle C of RCRA, when they are destined for disposal in landfills or surface impoundments. Under the second proposal, EPA would leave the Bevill determination in place and regulate disposal of such materials under subtitle D of RCRA by issuing national minimum criteria. Under both alternatives EPA is proposing to establish dam safety requirements to address the structural integrity of surface impoundments to prevent catastrophic releases. EPA is not proposing to change the May 2000 Regulatory Determination for beneficially used CCRs, which are currently exempt from the hazardous waste regulations under Section 3001(b)(3)(A) of RCRA. However, EPA is clarifying this determination and seeking comment on potential refinements for certain beneficial uses. EPA is also not proposing to address the placement of CCRs in mines, or non-minefill uses of CCRs at coal mine sites in this action.

Applicability: The RCRA Services Steering Committee is soliciting comments on this rulemaking. Though the title refers to coal combustion residue from electric utilities, it has the potential for impacts beyond the utility industry.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-12286.pdf>

06/18/2010 p 34682 Bulk Solid Hazardous Materials: Harmonization With the International Maritime Solid Bulk Cargoes (IMSBC) Code; Correction

Action: Notice of proposed rulemaking; correction

Summary: This document corrects the preamble to a proposed rule published in the Federal Register on June 17, 2010, entitled “Bulk Solid Hazardous Materials: Harmonization With the International Maritime Solid Bulk Cargoes (IMSBC) Code.” This correction provides correct information with regard to the preliminary environmental analysis checklist.

Applicability: This proposed rulemaking and correction would be of interest to individuals that make shipments of solid hazardous materials in bulk by vessel.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-14737.pdf>



06/17/2010 p 34574 - p 34609 Bulk Solid Hazardous Materials: Harmonization With the International Maritime Solid Bulk Cargoes (IMSBC) Code

Action: Proposed rule

Summary: The Coast Guard proposed to harmonize its regulations with the International Maritime Organization (IMO) amendments to Chapters VI and VII to the International Convention for the Safety of Life at Sea, 1974, as amended, (SOLAS) that make the International Maritime Solid Bulk Cargoes (IMSBC) Code mandatory. The amendments require that all vessels subject to SOLAS and carrying bulk solid cargoes other than grain must comply with the IMSBC Code. The Coast Guard proposes to amend its regulations governing the carriage of solid hazardous materials in bulk to allow use of the IMSBC Code as an equivalent form of compliance for all domestic and foreign vessels operating in U.S. navigable waters. Proposed changes to the Coast Guard regulations will also expand the list of solid hazardous materials authorized for bulk transportation by vessel and include special handling procedures based on the IMSBC Code and existing special permits. These proposed changes would reduce the need for the current special permits for the carriage of certain solid hazardous materials in bulk.

Applicability: This proposed rulemaking would be of interest to individuals that make shipments of solid hazardous materials in bulk by vessel. This rule would add a definition of “bulk solid cargo” and would clarify a number of transportation requirements. For example, the proposed rule would limit radioactive shipments in bulk to Low Specific Activity Material, LSA-1, or Surface Contaminated Object, SCO-1.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-14464.pdf>

06/16/2010 – p 34076-34077 Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations; Extension of Comment Period and Additional Public Meetings

Action: Advance notice of proposed rulemaking; extension of comment period and additional public meetings.

Summary: EPA issued an advance notice of proposed rulemaking (ANPRM) in the Federal Register of April 7, 2010, concerning the reassessment of the use authorizations for PCBs. This document extends the comment period for 45 days, from July 6, 2010, to August 20, 2010. This extension is necessary to provide the public with an opportunity to provide additional and more thorough comments. Also, EPA is holding two additional public meetings to enable additional public comment on the ANPRM during the comment period extension. Comments, identified by docket identification (ID) number EPA-HQ-OPPT-2009-0757, must be received on or before August 20, 2010. Meetings will be held on July 22, 2010, from 9 a.m. until the last speaker has spoken or until 1 p.m., in San Francisco, CA and on July 29, 2010, from 6 p.m. to 9 p.m., in New York, NY. Requests to participate in a meeting must be received 10 days prior to the date of the meeting.

Applicability: This 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/2010-14522.pdf>

06/15/2010 p 33712 - p 33724 Withdrawal of the Emission-Comparable Fuel Exclusion Under RCRA

Action: Final rule

Summary: This final action withdraws the conditional exclusion from regulations promulgated on 12/19/2008 under subtitle C of the Resource Conservation and Recovery Act (RCRA) for so-called Emission Comparable Fuel (ECF). These are fuels produced from hazardous secondary materials which, when burned in industrial boilers under specified conditions, generate emissions that are comparable to emissions from burning fuel oil in those boilers. EPA is withdrawing this conditional exclusion because the Agency has concluded that ECF is more appropriately classified as a discarded material and regulated as a hazardous waste. The exclusions for comparable fuel and synthesis gas fuel are not addressed or otherwise affected by this final rule.

Applicability: Because states did not adopt the exclusion, loss of the exclusion is expected to have very little impact. Minor adjustment to training materials may be needed.

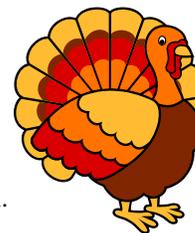
Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-14097.pdf>

06/04/2010 p 31716 - p 31717 Hazardous Waste Technical Corrections and Clarification Rule

Action: Partial Withdrawal of Direct Final Rule

Summary: This action withdraws portions of the direct final rule entitled "*Hazardous Waste Technical Corrections and Clarifications Rule*" which was published in the Federal Register on 03/18/2010 (75 FR 12989). This Direct Final rule included a number of specific technical changes to correct or clarify several parts of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Because EPA received adverse comments, specific amendments are being withdrawn. The withdrawn amendments are:

- 40 CFR 262.34(a) pertaining to hazardous waste accumulation times for large quantity generators.
- 40 CFR 262.34(a)(2) relating to the date upon which the accumulation period begins and must be marked on the containers and tanks.
- 40 CFR 262.34(a)(5) pertaining to closure requirements of tanks, containers, drip pads, and containment buildings (and related section 40 CFR 262.34(a)(1)(iv)(B)).
- 40 CFR 266.20(b) relating to recyclable materials used in a manner constituting disposal.
- 40 CFR 261.32(a).pertaining to K107.



Applicability: This is not expected to have a significant impact on DOD, but persons involved in hazardous waste management should be aware of this change.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-13376.pdf>

06/04/2010 p 31844 - p 31893 Identification of Non-Hazardous Secondary Materials That Are Solid Waste

Action: Proposed Rule

Summary: EPA is proposing a definition of non-hazardous solid waste that would be used to identify whether non-hazardous secondary materials burned as fuels or used as ingredients in combustion units are solid waste. EPA is also proposing that non-hazardous secondary materials that have been discarded, and are therefore solid wastes, may be rendered products after they have been processed (altered chemically or physically) into a fuel or ingredient product. This proposed rule is necessary to identify units for the purpose of developing certain standards under sections 112 and 129 of the CAA.

Applicability: The RCRA Services Steering Committee has been actively engaged in the rule development process and plans to comment on the proposal.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-10837.pdf>

06/01/2010 p 30401 - p 30401 National Primary Drinking Water Regulations; Announcement of the Results of EPA's Review of Existing Drinking Water Standards and Request for Public Comment and/or Information on Related Issues; Extension of the Comment Period

Action: Extension of Public Comment Period

Summary: This extends by 30 days the public comment period for the National Primary Drinking Water Regulations; Announcement of the Results of EPA's Review of Existing

Drinking Water Standards and Request for Public Comment and/or Information on Related Issues, which was published on March 29, 2010. It pertains to a finding by the Agency that NPDWRs for acrylamide, epichlorohydrin, tetrachloroethylene and trichloroethylene) are candidates for revision.

Applicability: TCE and PCE are common contaminants at remedial action sites involving DOD. Any change to the MCLs have the potential to modify cleanup requirements.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-12915.pdf>

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



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