

# Environmental Compliance & Transportation Information Bulletin



Edition 73.



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## Editor's Corner

*So, naughty or nice? Again, Christmas is right around the corner. My kids, now 13 and 9, are eagerly awaiting the big day. While my daughter knows "the truth," my son, the magician, will forever believe the tales long into adulthood to hold on to that magic. He will always hear the Christmas bells.*

*All else 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. The EM CX folks, and I wish you all a very happy and safe holiday season and hope to hear from you all in 2011!*

*Sandi Claus*



## Upcoming training sessions



For FY11, the survey session is in 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.

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!

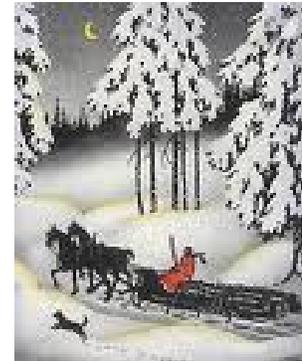
As always, to schedule an onsite for initial training or refresher training, or to obtain additional information, contact: Joe Pickett, (256) 895-7445 or Beverly VanCleaf at (402) 697-2559, e-mail: [Beverly.D.Vancleef@usace.army.mil](mailto:Beverly.D.Vancleef@usace.army.mil).

## HAZMAT Transportation Incident Statistics

PHMSA provides access to retrieve data from the Incident Reports Database. There are also a series of reports produced which provide statistical information on incidents by type, year, geographical location, and others.

Incident data and summary statistics for previous years are on the web site. The data provided is from the Hazardous Materials Incident Report Form 5800.1

What state had the most hazmat incidents in 2010 at a cost of about \$29M? For this answer and a lot more information about hazmat incidents, check out the following web site <https://hip.phmsa.dot.gov/analytics/saw.dll?Dashboard>



## Regulatory Update for September through November

*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 accessed at <http://www.gpoaccess.gov/fr/index.html>



### 11/17/2010 p 70241 – p 70246 Compatibility of Underground Storage Tank Systems (UST) with Biofuel Blends

**Action:** Notice of proposed guidance and request for comments

**Summary:** As the US moves toward increasing the use of biofuels (such as ethanol and biodiesel) and as there is a shift from use of 10% ethanol blends to higher percentages, it is important to ensure UST integrity by addressing tank compatibility. EPA requests public comment regarding proposed guidance on compatibility of UST systems when used to store ethanol blends greater than 10% and biodiesel blends. (The concentration of the biodiesel blend is not specified.)

**Applicability:** Because many existing USTs were designed to contain conventional fuels or ethanol blends of 10% or less, this guidance, if finalized, has the potential to broadly impact UST programs. The DoD RCRA Services Steering Committee is collecting comments on the draft guidance.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-28968.pdf>

### 10/ 21/2010 p 64974 – p 64976 Notice of Data Availability on Coal Combustion Residual Surface Impoundments

**Action:** Notice of data availability

**Summary:** This document announces the availability of new information and data posted in the docket for EPA's proposed rulemaking (75 FR 51434, August 20, 2010) on the Disposal of Coal Combustion Residuals from Electric Utilities.

**Applicability:** This rule has been of interest to USACE because coal combustion residue is used in construction.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-26657.pdf>

**10/18/2010 p 63823 Final Guidance, “Federal Greenhouse Gas Accounting and Reporting”**

**Action:** Notice of availability of Final Guidance

**Summary:** Among other provisions, E.O. 13514 requires Federal agencies to measure, report, and reduce their GHG emissions. It also requires the Chair of the Council on Environmental Quality (CEQ) to issue guidance establishing government-wide requirements for Federal agencies in calculating and reporting greenhouse gas (GHG) emissions associated with agency operations. This Final Guidance, “Federal Greenhouse Gas Accounting and Reporting,” is available as of October 6, 2010 at:

<http://www.whitehouse.gov/administration/eop/ceq/sustainability/fed-ghg>.

**Applicability:** This has broad applicability as it pertains to GHG reporting from all Federal agencies.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-26139.pdf>.



**10/17/2010 p 63404 – p 63419 Fossil Fuel-Generated Energy Consumption Reduction for New Federal Buildings and Major Renovations of Federal Buildings**

**Action:** Notice of proposed rulemaking

**Summary:** The U.S. Department of Energy is publishing this notice of proposed rulemaking to implement provisions of the Energy Conservation and Production Act, as amended by the Energy Independence and Security Act of 2007 that require DOE to establish revised performance standards for the construction of all new Federal buildings, including commercial buildings, multi-family high-rise residential buildings and low-rise residential buildings. The provisions in this notice specifically address the reduction of fossil fuel-generated energy consumption in new Federal buildings and Federal buildings undergoing major renovations. This proposed rule also addresses how agencies other than the General Services Administration (GSA) may petition DOE for a downward adjustment of the requirements if they believe meeting the full fossil fuel generated energy consumption reduction level is technically impracticable in light of the specified functional needs for that building.

**Applicability:** This applies to Federal buildings

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-25852.pdf>

**10/14/2010 p 63093 - p 63103 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule - Compliance Date Amendment**

**Action:** Final Rule

**Summary:** EPA is extending the compliance date for the preparation and implementation of Spill Prevention Control, and Countermeasure (SPCC) Plans from November 10, 2010 to November 10, 2011. The action allows additional time for those affected by the numerous previous final rulemakings and associated amendments. EPA is not extending the compliance date for drilling, production or workover facilities that are offshore or that have an offshore component or for onshore facilities required to have and submit Facility Response Plans (FRPs) under 40 CFR 112.20. The extension of the effective date will allow civil works and active installation spill planners an additional year to prepare their SPCCs.

**Applicability:** The rulemaking is directly applicable to civil works and active installations not subject to the FRP requirements of 40 CFR 112. An addition year will provide beneficial to the regulated community as the numerous previous rulemakings and amendments are digested. Regulated facilities are still required to comply with and update their existing SPCC plans.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-25899.pdf>



**10/ 13/2010 p 62810 – p 62815 Twenty-Fourth Update of the Federal Agency Hazardous Waste Compliance Docket**

**Action:** Notice

**Summary:** As required by CERCLA, EPA is updating the “the Docket” of Federal facilities. CERCLA 120(d) required EPA to assure that a Preliminary Assessment is completed for sites on the Docket.

**Applicability:** This update adds several DOD facilities to the Docket. It also adds two Civil Works sites (Detroit Dam in Oregon and the Mount Morris Dam Area of Concern in New York)

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-25786.pdf>.

**09/30/2010 p 60333 – p 60340 Hazardous Material; Miscellaneous Packaging Amendments**

**Action:** Final rule

**Summary:** PHMSA published a final rule on February 2, 2010 that revised several packaging related definitions. The rule also incorporated requirements for the construction, maintenance and use of Large Packaging. This rule responds to a petition for reconsideration and four appeals and corrects several errors in the original rule. PHMSA is clarifying that a Large Packaging with one or more inner packaging or articles is also a bulk packaging as established by the HMR.

**Applicability:** This would be of interest to shippers of hazardous materials in bulk packaging.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-24336.pdf>.



**09/29/2010 p 59975 – p 59983 National Priorities List, Final Rule No. 50**

**Action:** Final rule

**Summary:** This rule adds six sites to the National Priorities List.

**Applicability:** Provided for general information only. None of the six sites added are Federal Facilities.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-24311.pdf>.

**09/29/2010 p 60017 – p 60036 Hazardous Materials: Miscellaneous Amendments**

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

**Summary:** PHMSA proposes to make miscellaneous amendments to the Hazardous Materials Regulations to update and clarify certain regulatory requirements. Among other provisions, PHMSA is proposing to revise the definition of “person” to include persons who manufacture, test, repair, and recondition packaging. PHMSA is also proposing some additions to revisions to the hazardous material table.

**Applicability:** This may be of interest to shippers of hazardous materials.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-24274.pdf>.

**09/27/2010 p 59197 – p 59204 Hazardous Materials: Limiting the Use of Electronic Devices by Highway**

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

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to prohibit texting on electronic devices by drivers during the operation of a motor vehicle containing a quantity of hazardous materials requiring placarding under part 172 of the 49 CFR or any quantity of a select agent or toxin listed in 42 CFR part 73. Additionally, in accordance with requirements published today by the Federal Motor Carrier Safety Administration (FMCSA), motor carriers are prohibited from requiring or allowing drivers of covered motor vehicles to engage in texting while driving.

**Applicability:** Provided for information.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-24114.pdf>.

**09/17/2010 p 56528 – 56529 EPA’s Role in Advancing Sustainable Products**

**Action:** Notice

**Summary:** EPA is soliciting comments on the Agency’s role in the “green” or sustainable products movement. Comments are due 10/19/2010.

**Applicability:** This may be of interest with respect to DoD sustainability initiatives.

**Reference:** <http://edocket.access.gpo.gov/2010/pdf/2010-23123.pdf>



**09/07/2010 p 54419 Notice: Elimination of Expiration Dates for Classification Approvals**

**Action:** Notice

**Summary:** In 2005, PHMSA initiated a policy imposing a 5-year expiration date on firework classification approvals to ensure that background information supporting the approval is current and applicable, information is up-to-date and complete, obsolete approvals are eliminated from the PHMSA database, and approvals are amended with new requirements and/or methods as necessary. In 2009, this policy was extended to include all types of classification approvals, including explosives, oxidizing substances, organic peroxide materials and self-reactive substances. PHMSA is changing its policy and eliminating expiration dates for classification approvals because the policy has had unanticipated effects since its implementation. For instance, explosives assigned EX numbers, and self-reactive materials and organic peroxide materials, assigned CA numbers, have a shelf life far beyond the 5-year expiration date.

**Applicability:** This may be of interest to shippers of explosives, oxidizing substances, organic peroxide materials and self-reactive substances.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-22138.pdf>

**09/01/2010 p 53593 – p 53598 Hazardous Materials: Minor Editorial Corrections and Clarifications**

**Action:** Final rule

**Summary:** This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are non-substantive changes and do not impose new requirements.

**Applicability:** This notice of minor corrections to the HMR would be of interest to USACE and DoD personnel that make hazardous material shipments.

Reference: <http://edocket.access.gpo.gov/2010/pdf/2010-21759.pdf>

**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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