

Environmental Compliance & Transportation Information Bulletin



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Editor's Corner

Floods, tornados, rain, what a spring! Hopefully the weather this summer will be calmer. Well, the school year too is done. My daughter finished 8th grade, onto high school in the fall. My son finished 4th grade. What a year!

The FY12 survey is out, so if you know someone who needs initial training, or if you need refresher training, please sign up when the survey comes out.

All else is fine in Omaha and 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 was held in Phoenix, February 28th 2011 thru March 4th 2011. The recertification training was March 2nd and 3rd 2011 in Phoenix.

We have a few District onsite sessions scheduled for the remainder of this year: Rick Waples will be at the New York District to teach 429/430 on June 21-23, 2011 in Edison NJ at the EPA training facility. Then, we will be at the New England District teaching 429 on June 8-9, 2011. If you are interested in attending any of these sessions, please contact Beverly VanCleeef or Rick Waples.



Remember, if you want to **schedule an onsite course**, please call Beverly VanCleaf or Rick Waples. 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.



Also, please let your districts and customers know about the upcoming training survey for FY12. Remember, our PROSPECT courses are open to all federal agencies and all interested in attending should sign up during the survey. In addition, onsite training is always available as well.

PROSPECT Survey for 2012 is out!

The PROSPECT survey for FY 12 is out. We will be traveling to Tampa next year for Spring Break...the week of March 19th, 2012 for the initial and recertification classes.

Please sign up when the survey comes out if you need initial or recertification next year. Signing up at the survey time ensures the course will be held.

Also, please let your districts and customers know about the upcoming training survey. Remember, our PROSPECT courses are open to **ALL** federal agencies and all interested in attending should sign up during the survey. In addition, onsite training is always available as well.

PHMSA: Top Consequences Hazardous Materials by Commodities & Failure Mode

The Pipeline and Hazardous Materials Safety Administration (PHMSA) evaluates safety risk and historical consequences in hazardous materials transportation when setting priorities, making policy, budgeting and allocating resources, drafting rules, targeting inspections, measuring performance, and communicating with stakeholders. The referenced report outlines the hazmat in transport that have been responsible for the most serious consequences in terms of death and major injuries during the years 2005-2009. It also identifies failure modes and the corresponding transportation phases that have resulted in the most high-impact casualties during the same period.

<http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Hazmat/PHMSA%20Top%20Consequence%20Hazardous%20Materials%20March%202011.pdf>

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>

05/11/2011 p 27300 Hazardous Materials: Cargo Tank Motor Vehicle Loading and Unloading Operations

Action: Notice of proposed rulemaking; extension of comment period.

Summary: On March 11, 2011, PHMSA published a notice of proposed rulemaking (NPRM) seeking public comment on a proposal to amend the HMR requirements for cargo tank loading or unloading operations. PHMSA is extending the comment period to June 9, 2011.

Applicability: This would be of interest to shippers or consignees of hazardous materials by cargo tank motor vehicle.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-05-11/pdf/2011-11494.pdf>



05/02/2011 p 24479 – p 24480 EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act

Action: Notice of availability and request for comments

Summary: EPA and USACE are publishing for public comment proposed guidance that describes how the agencies will identify waters protected by the Federal Water Pollution Control Act and implement the Supreme Court's decisions on this topic. Comments must be received on or before July 1, 2011.

Applicability: This proposed guidance will further clarify the definition of Waters of the U.S. and is applicable to Military Construction, Civil Works and Installation Restoration Program activities.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-10565.pdf>

04/27/2011 p 23600 – p 23601 Agency for Toxic Substances and Disease Registry

Action: Notice of availability

Summary: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (DHHS) has announced the availability of the Toxicological Profile for Uranium (Update) for review and comment to include additional information or reports on studies about the health effects of uranium. Specifically, this Federal Register notice solicits any relevant, additional studies, particularly unpublished data regarding health effects of uranium. Public comment periods ends July 29, 2011.

Applicability: Uranium is used by the DoD in weapons manufacturing.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-10146.pdf>

04/25/2011 p 22891 – p 22895 Modifications to 2008 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities

Action: Notice

Summary: EPA Regions 1 -3 and 5 -10 are proposing to extend the federal stormwater construction general permit from June 30, 2011 until January 31, 2012. EPA considers the extension necessary in order to accommodate the incorporation of the technology-based Effluent Limitation Guidelines and New Source Performance Standards which EPA issued for the



construction and development industry on December 1, 2009 (40 CFR 450 - CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY). Comments on EPA's proposal must be postmarked by May 25, 2011.

Applicability: This notice is applicable to all Military Construction, Civil Works, and Installation Restoration Program (IRP) activities subject to federal stormwater permitting authorities.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-9926.pdf>

04/25/2011 p 22882 – p 22891 Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Construction Activities

Action: Notice

Summary: EPA Regions 1 – 3 and 5 – 10 are proposing for comment the draft National Pollutant Discharge Elimination System general permit for stormwater discharges from large and small construction activities. The draft permit includes new requirements that implement the technology-based Effluent Limitation Guidelines and New Source Performance Standards which EPA issued for the construction and development industry on December 1, 2009 (40 CFR 450 - CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY). Comments on the draft general permit must be received on or before June 24, 2011. Comments on the preparation and issuance of the draft/preliminary Environmental Assessment must be received by May 25, 2011.

Applicability: This notice is applicable to all Military Construction, Civil Works, and Installation Restoration Program (IRP) activities subject to federal stormwater permitting authorities.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-9929.pdf>



04/20/2011 p 22174 – p 22288 40 CFR Parts 122 and 125; National Pollutant Discharge Elimination System – Cooling Water Intake Structures at Existing Facilities and Phase I Facilities; Proposed Rule

Action: Proposed rule

Summary: The proposed rule will establish requirements under section 316(b) of the Clean Water Act for all existing power generating facilities and existing manufacturing and industrial facilities that withdraw more than 2 million gallons per day of water from waters of the U.S. and use at least 25 percent of the water they withdraw exclusively for cooling purposes. The proposed national requirements would be implemented through the National Pollutant Discharge Elimination System (NPDES) permitting process. Comments must be received on or before July 19, 2011.

Applicability: This proposed rule may have impacts to existing Civil Works facilities and facility design associated with Military Construction projects.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-8033.pdf>

04/12/2011 p 20347 – p 20349 Release of Draft Integrated Review Plan for the National Ambient Air Quality Standards for Lead

Action: Notice of availability

Summary: EPA is making available for public review the draft Integrated Review Plan for the National Ambient Air Quality Standards for Lead (draft IRP). The Pb NAAQS provide for the protection of public health and the environment from Pb in ambient air.

Applicability: Provided for general information.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-8706.pdf>

03/22/2011 p 15974 – p 15975 Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Designation of Four New Equivalent Methods

Action: Notice of the designation of four new equivalent methods for monitoring ambient air quality

Summary: EPA has designated four new equivalent methods.

Applicability: These apply to the measurement of PM_{2.5} and lead and PM₁₀ in ambient air.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-6681.pdf>

03/21/2011 p 15456 – p 15551 Identification of Non-Hazardous Secondary Materials That are Solid Waste

Action: Final rule

Summary: EPA is publishing a final rule that identifies which non-hazardous secondary materials, when used as fuels or ingredients in combustion units, are “solid waste” under RCRA such that the unit is required to meet emission standards applicable to solid waste incineration units under section 129 of the CAA or emission standards for commercial, industrial, and institutional boilers issued under section 112 of the CAA. EPA is also finalizing the definition of “traditional fuels”.

Applicability: The RCRA Services Steering Committee has been tracking and reviewing all changes to the definition of solid waste to determine impacts to DoD.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-4492.pdf>



03/17/2011 p 14643 – p 14644 Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids

Action: Notice of proposed rulemaking; extension of comment period

Summary: PHMSA is notifying the public of their intent to extend the comment period by 30 days for a notice of proposed rulemaking published on January 27, 2011. Comments are due by 27 April 2011 on this notice of proposed rulemaking.

Applicability: Provided for general information.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-6175.pdf>

03/14/2011 p 13617 Office of Federal High-Performance Green Buildings (OFHPGB); Notice of GSA Bulletin OFHPGS 2011-GP-1

Action: Notice of bulletin

Summary: This bulletin informs all agencies incurring expenses for energy efficient building investments made in government-owned buildings of useful information available to them from GSA’s Policy on Energy Efficient Commercial Buildings Tax Deduction. GSA Bulletin OFHPGB 2011-OGP-1 may be found at <http://www.gsa.gov/portal/content/221677>.

Applicability: Provided for general information relative to sustainability initiatives.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-5812.pdf>

03/11/2011 p 13313 – p 13327 Hazardous Materials: Cargo Tank Motor Vehicle Loading and Unloading Operations

Action: Notice of proposed rulemaking

Summary: PHMSA is proposing to amend the Hazardous Materials Regulations to require each person (i.e., carrier or facility) who engages in cargo tank loading or unloading operations to perform a risk assessment of the loading and unloading operation and develop and implement safe operating procedures based upon the results of the risk assessment. The proposed operational procedures include requirements to address several aspects of loading and unloading, including provisions for facilities to develop maintenance testing programs for transfer equipment (i.e., hose maintenance programs) used to load or unload cargo tank motor vehicles (CTMVs). In addition, PHMSA is proposing to require each employee who engages in cargo tank loading or unloading operations to receive training and be evaluated on the employee’s



qualifications to perform loading or unloading functions. PHMSA is proposing these amendments to reduce the risk associated with the loading and unloading of cargo tank motor vehicles that contain hazardous materials.

Applicability: This would be of interest to shippers or consignees of hazardous materials by cargo tank motor vehicle.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-5335.pdf>

03/09/2011 p 12945 Instructions for Implementing Climate Change Adaptation Planning in Accordance With Executive Order 13514

Action: Notice of availability of climate change adaptation planning implementing instructions

Summary: The Chair of the Council on the Environmental Quality is issuing instructions to Federal agencies for integrating climate change adaptation into agency policies and practices, as required by Executive Order 13514, "Federal Leadership in Environmental Energy, and Economic Performance".

The implementing instructions are available at:

<http://www.whitehouse.gov/administration/eop/ceq/initiatives/adaptation>.

Applicability: All Federal agencies are subject to Executive Order 13514.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-5405.pdf>



03/03/2011 p 11713 – p 11737 Revisions to the Unregulated Contaminant Monitoring Regulation (UCMR 3) for Public Water Systems

Action: Proposed rule

Summary: EPA is proposing the design of the third UCMR cycle. EPA is proposing six EPA-developed analytical methods, and four equivalent consensus organization-developed methods to monitor for 28 new UCMR chemical contaminants. In addition, EPA proposes monitoring for two viruses, for a total of 30 UCMR 3 contaminants. The proposed contaminant list includes: 17-b-estradiol; 17-a-ethynylestradiol (ethinyl estradiol); estriol; equilin; estrone; testosterone; 4-androstene-3,17-dione; 1,2,3-trichloropropane; 1,3-butadiene; chloromethane (methyl chloride); 1,1-dichloroethane; n-propylbenzene; bromomethane (methyl bromide); sec-butylbenzene; chlorodifluoromethane (HCFC-22); bromochloromethane (Halon 1011); 1,4-dioxane; Vanadium; molybdenum; cobalt; strontium; chlorate; perfluorooctane sulfonic acid (PFOS); perfluorooctanoic acid (PFOA); perfluorononanoic acid (PFNA); perfluorohexane sulfonic acid (PFHxS); perfluoroheptanoic acid (PFHpA); and perfluorobutanesulfonic acid (PFBS). Additionally, enteroviruses and noroviruses are proposed for pre-screen testing.

Applicability: UCMR 3 would impose monitoring on all large community and non-transient non-community water systems serving more than 10,000 people.

Reference: <http://edocket.access.gpo.gov/2011/pdf/2011-4641.pdf>

03/02/2011 p 11570 – p 11595 Hazardous Materials: Enhanced Enforcement Authority Procedures

Action: Final rule

Summary: PHMSA is implementing enhanced inspection, investigation, and enforcement authority conferred on the Secretary of Transportation by the Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005. This final rule establishes procedures for issuance of emergency orders (restrictions, prohibitions, recalls, and out-of-service orders) to address unsafe conditions or practices posing an imminent hazard; opening packages to identify undeclared or noncompliant shipments, when the person in possession of the package refuses a request to open it; and the temporary detention and inspection of potentially non-compliant packages. These inspection and enforcement procedures will not change the

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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