

# Environmental Compliance & Transportation Information Bulletin



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## Editor's Corner

*Tornados, earthquakes, and hurricanes...oh my! Who would have every thought that Washington DC metro area would see a tornado, earthquake and hurricane in all the same year! Perhaps 'someone' is trying to tell those politicians 'something'!*

*Well, the school year is underway. My daughter started high school and my son started 5<sup>th</sup> grade. Don't you wish time would fly that fast when you were reading the regulations?*

*The FY12 class schedule is set, 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

We will be traveling to Tampa next year for Spring Break...the week of March 19<sup>th</sup>, 2012 for the initial class and the recertification class will be 21 and 22 March in Tampa.

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.

For the FY12 PROSPECT Course manual and schedule, go to: <http://ulc.usace.army.mil/>



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 VanCleeef at (402) 697-2559, e-mail: [Beverly.D.Vancleef@usace.army.mil](mailto:Beverly.D.Vancleef@usace.army.mil).



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

## Fun and Games!

Has ACE-IT caught you playing solitaire again at your computer? Well, here is the best game you can play on your computer. Give them a try....you may just learn something!

2009 Placard Matching Game

<http://www.hazmatsolutions.net/FreeTrainingGames/HazMatchGame.htm>

2008 ERG Video & Movie

<http://www.hazmatsolutions.net/FreeTrainingGames/2008ERGVideoandQuiz.htm>

When the video starts playing, you can skip it by clicking on the button.

HazMat Challenge Refresher Quiz

<http://www.hazmatsolutions.net/FreeTrainingGames/HazMatChallenge.htm>

Now, get back to work....oh, I am working!



## FREE Training!

And who said there was no free lunch...well, there isn't, but there is free training. EPA has a free "Ask the Inspector Workshop - Your Clean Water Act Concerns at Federal Facilities" coming up **September 21<sup>st</sup>**. [http://www.epa.gov/region3/federal\\_facilities/webinar.pdf](http://www.epa.gov/region3/federal_facilities/webinar.pdf) It's not transportation related, but it's free training.

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



**08/30/2011 p 53897 EPA Seeking Input Materials Measurement; Municipal Solid Waste (MSW), Recycling, and Source Reduction Measurements in the U. S.**

**Action:** Extension of comment period

**Summary:** Relative to the August 2, 2011 notice, the comment period is extended from August 31 to September 30, 2011.

**Applicability:** This may be relevant to sustainability initiatives.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-08-30/pdf/2011-22137.pdf>

**08/26/2011 p 53376 – p 53377 Definition of Solid Waste**

**Action:** Extension of comment period

**Summary:** This pertains to a proposed rule published in the 07/22/2011 Federal Register and extends the comment period deadline until 10/22/2011.

**Applicability:** This rule has broad implications to recyclable materials and is being commented on by the RCRA Services Steering Committee.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-08-26/pdf/2011-21931.pdf>



**08/18/2011 p 51324 – p 51342 Hazardous Materials: Incorporating Rail Special Permits Into the Hazardous Materials Regulations**

**Action:** Notice of proposed rulemaking

**Summary:** PHMSA is proposing to amend the Hazardous Materials Regulations to incorporate provisions contained in certain widely used or longstanding special permits that have general applicability and established safety records. This rulemaking also proposes to respond to two petitions for rulemaking, P-1497 concerning the use of electronic shipping papers, and P-1567 concerning the removal of the Association of American Railroad's (AAR's) AAR-600 portable tank program for previously adopted standards that meet or exceed the AAR- 600 requirements. PHMSA must receive written comments on or before October 17, 2011.

**Applicability:** This proposed rulemaking would be of interest to rail shippers utilizing long standing special permits but it also includes provisions on electronic shipping papers.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-08-18/pdf/2011-20863.pdf>



**08/12/2011 p 50332 – p 50358 Hazardous Materials Regulations; Compatibility With the Regulations of the International Atomic Energy Agency**

**Action:** Notice of proposed rulemaking

**Summary:** PHMSA, in coordination with the Nuclear Regulatory Commission (NRC), is proposing to amend requirements in the Hazardous Materials Regulations (HMR) governing the transportation of Class 7 (radioactive) materials based on recent changes contained in the International Atomic Energy Agency (IAEA) publication "Regulations for the Safe Transport of Radioactive Material, 2009 Edition, IAEA Safety Standards Series No. TS-R-1". The purposes of this rulemaking are to harmonize requirements of the HMR with international standards for the transportation of Class 7 (radioactive) materials and update, clarify, correct, or provide relief from certain regulatory requirements applicable to the transportation of Class 7 (radioactive) materials. PHMSA must receive the comments by 10 November 2011.

**Applicability:** This proposed rulemaking would be of interest to shippers of Class 7 (radioactive) materials.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-08-12/pdf/2011-19872.pdf>

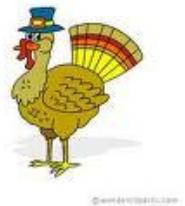
**08/05/2011 p 47918 – p 47946 Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program**

**Action:** Final rule

**Summary:** EPA is promulgating several other revisions to the RRP rule, including a provision allowing a certified renovator to collect a paint chip sample and send it to a recognized laboratory for analysis in lieu of using a lead test kit, minor changes to the training program accreditation application process, standards for e-learning in accredited training programs, minimum enforcement provisions for authorized state and tribal renovation programs, and minor revisions to the training and certification requirements for renovators. EPA is also promulgating clarifications to the requirements for vertical containment on exterior renovation projects, the prohibited or restricted work practice provisions, and the requirements for high-efficiency particulate air (HEPA) vacuums.

**Applicability:** This pertains to pre-1978 housing and child-occupied facilities.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-08-05/pdf/2011-19417.pdf>



**08/02/2011 p 46290 – 46292 EPA Seeking Input Materials Measurement; Municipal Solid Waste (MSW) , Recycling, and Source Reduction Measurement in U.S.**

**Action:** Notice

**Summary:** EPA is soliciting stakeholder input regarding the efficacy and scope of the MSW Characterization Report called “Municipal Solid Waste in the United States” as part of a broader discussion about sustainable materials management. This information will be used to develop new measurement definitions and protocols for measurement of these materials, as well as the possible addition of construction and demolition (C&D) materials and non-hazardous industrial materials to the list of materials addressed in future efforts. This effort could lead to the creation of a new measurement report that the U.S. Environmental Protection Agency (EPA or the Agency) will make publicly available.

**Applicability:** This may be relevant to sustainability initiatives.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-08-02/pdf/2011-19515.pdf>

★ ★ **07/22/2011 p 44094 – p 44154 Definition of Solid Waste**

**Action:** Proposed rule

**Summary:** This proposes to revise the definition of solid waste would rescind an exclusion in a 2008 final rule regarding hazardous secondary material transferred offsite for reclamation. This also proposes to establish four factors that must be met for recycling to be deemed “legitimate” and proposes to modify recycling regulations throughout 40 CFR 260-266 to require recyclable material to meet legitimacy criteria as a condition of exclusion/exemption.

**Applicability:** This applies to offsite transfer of hazardous secondary material, but because of conditions associated with legitimacy factors, this also has the potential for significant impacts to types of recycling activities such as contaminated scrap metal, batteries, cathode ray tube glass, etc. The DoD RCRA Services Steering Committee is commenting on this proposal.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-07-22/pdf/2011-17031.pdf>



★ **07/20/2011 p 43510 – p 43532 Hazardous Materials; Miscellaneous Amendments**

**Action:** Final rule

**Summary:** PHMSA is amending the Hazardous Materials Regulations to make miscellaneous amendments to update and clarify certain regulatory requirements. These amendments are intended to: promote safer transportation practices; eliminate unnecessary regulatory requirements; finalize outstanding petitions for rulemaking; facilitate international commerce; and simplify the regulations. PHMSA is revising the hazardous material table for a couple of entries and the Division 6.2 and Class 9 labels.

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

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-07-20/pdf/2011-17687.pdf>

**07/07/2011 p 40118 – p 40130 Environmental Protection Agency Spring 2011 Regulatory Agenda**

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

**Summary:** This provides notice of online access to regulations under development by EPA and their associated schedules. Items of particular interest to DoD described in the EPA Regulatory Agenda include: (1) Development of a National Primary Drinking Water Regulation for perchlorate. This is scheduled to be proposed in 2013. This is of interest because perchlorate is used in certain munitions. (2) Addition of a vapor intrusion component to the hazard ranking system. This is scheduled to be proposed in 2012. This may affect remediation projects and National Priorities List eligibility. (3) Status of finalization of the electronic manifesting rule. No date is provided because finalization remains contingent upon passing of legislation that would provide EPA with authority to collect and retain user charges for the payment of the development and operation costs related to the eManifest system. (4) A proposal for addressing lead-based paint in pre-1978 public buildings and commercial buildings that are not child occupied. The proposed rule is anticipated in December 2011. This may affect renovation of old buildings. (5) Development of regulations to address lead-based paint on bridges and structures is included on the agenda, but had no dates established for actions. This may have broad impacts, for example at bridges at Civil Works projects. (6) A rule to phase out certain uses of PCBs is schedule to be proposed in 2013. This may also have broad impacts to electrical equipment in service.

**Applicability:** Developing rules have potential to impact remediations as well as operation and maintenance activities.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-07-07/pdf/2011-15496.pdf>.

See also

[http://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION\\_GET\\_AGENCY\\_RULE\\_LIST&currentPub=true&agencyCd=2000&Image58.x=18&Image58.y=15](http://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCd=2000&Image58.x=18&Image58.y=15)



**07/07/2011 p 40092 – p 40112 Department of Transportation Regulatory Agenda; Semiannual Summary**

**Action:** Semiannual regulatory agenda

**Summary:** The regulatory agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity. The public is also invited to submit comments on any aspect of this agenda. PHMSA plans to issue a final rule on the transportation of lithium batteries in August of 2011.

**Applicability:** Developing rules have potential to impact the transportation of hazardous materials including hazardous waste.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-07-07/pdf/2011-15494.pdf>



**06/27/2011 p 37283 – p 37285 Hazardous Materials: Revision to the List of Hazardous Substances and Reportable Quantities**

**Action:** Final rule

**Summary:** PHMSA amended the Hazardous Materials Regulations by removing saccharin and its salts; 1,2-Benzisothiazol-3(2H)-one; and 1,1-dioxide, & salts from the list of hazardous substances and reportable quantities effective June 27, 2011. The Comprehensive Environmental Response, Compensation and Liability Act, requires PHMSA to list and regulate all hazardous substances designated by statute or by the U.S. Environmental Protection Agency (EPA). EPA recently removed saccharin and its salts from their list of hazardous substances through notice and comment rulemaking. This final rule simply harmonizes the lists to better enable shippers and carriers to identify the affected hazardous substances, comply with all applicable regulatory requirements, and make required notifications if the release of a hazardous substance occurs.

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

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-06-27/pdf/2011-15954.pdf>

**06/24/2011 p 37014 – p 37021 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:** EPA is announcing approval of alternative test methods for measuring contaminants in drinking water.

**Applicability:** This pertains to analysis of contaminants in drinking water. Contaminants for which alternative test methods are available include: glyphosate; arsenic; selenium; antimony; barium; beryllium; cadmium; chromium; copper; lead; nickel; aluminum; iron; manganese; silver; alkalinity; sodium; magnesium; calcium; uranium; 2,4-D; silvex; dalapon; dinoseb; pentachlorophenol; picloram; and uranium.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-06-24/pdf/2011-15629.pdf>



**06/22/2011 p 36363 – p 36366 Hazardous Waste Manifest Printing Specifications Correction Rule**



**Action:** Direct final rule

**Summary:** This action amends the current printing specification regulation to indicate that red ink, as well as other distinct colors, or other methods to distinguish the copy distribution notations from the rest of the printed form and data entries are permissible.

**Applicability:** This pertains to entities that are registered printers of the uniform hazardous waste manifest form and will become effective August 22, 2011 unless adverse comments are received.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-06-22/pdf/2011-15644.pdf>

**06/13/2011 p 34147 – p 34157 Land Disposal Restrictions: Revision of the Treatment Standards for Carbamate Waste**

**Action:** Direct final rule

**Summary:** Because of difficulties in measuring whether the numeric land disposal treatment standard for carbamate waste has been met, EPA is establishing alternative technology-based standards.

**Applicability:** This applies to hazardous waste codes: K156-K159, K160, P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U278-U280, U364, U367, U372, U373, U387, U389, U394, U395; U404, and U40-U411.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-06-13/pdf/2011-14594.pdf>



**06/07/2011 p 32867 – p 32873 Hazardous Materials: Requirements for Storage of Explosives During Transportation**

**Action:** Final rule

**Summary:** PHMSA, in coordination with the Federal Motor Carrier Safety Administration (FMCSA), is approving the use of the National Fire Protection Association Standard (NFPA) 498—*Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives* (2010 Edition) for the construction and maintenance of safe havens used for unattended storage of Division 1.1, 1.2, and 1.3 explosives. The effective date of this rule is July 7, 2011

**Applicability:** This would be of potential interest to shippers of Class 1 explosives.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-06-07/pdf/2011-13837.pdf>

**05/26/2011 p 30551 – p 30552 Pipeline and Hazardous Materials Safety Administration**

**Action:** Final Rule - CFR Correction

**Summary:** PHMSA reinstated a paragraph that pertains to the retention of records for specification packaging found in Part 178.601.

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

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-05-26/pdf/2011-13183.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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