

# Environmental Compliance & Transportation Information Bulletin



Edition 78.

March 2012

## Editor's Corner

*Happy Spring! Greetings from Omaha. This spring is quite the mile marker for me. On May 26th, I will have 30 years with the federal government. Yes, my career is as old as RCRA and CERCLA almost and older than SARA! But, heck, I started working for the government when I was 5 years old.*

*I hope all of you are doing well. As always, if you need anything, please do not hesitate to call.*

*Sandi Zebrowski*

## Upcoming training sessions

For FY12, we will be traveling to Orlando 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 Orlando. (Wow, it only took me so, so many years to get a spring break in Florida!)

In addition, in the April 2012 time frame, we will be teaching the combine RCRC/DOT Class 7 course in Baltimore. Contact Rick Waples or Hans Honerlah if you are interested in attending this course.

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



**April 22 is Earth Day!**

### **Are all the PROSPECT courses in the future going to be in Huntsville?**

No. As you may or may not know, HQUSACE has passed down requirements that you must have approval to hold meetings, conferences or training courses. This has hit everyone drastically, including the PROSPECT program. Luckily, the rule for PROSPECT is a bit different and we can conduct PROSPECT courses without approval if they are conducted at government facilities. So that means, no more training at hotels, but we can move to government facilities. So, we are looking into using other agency facilities as well as universities to conduct our classes across the nation. So, please bear with us and the PROSPECT program as we work out these issues.

### **EM CX Technical Specialist List**

Posted on EKO is a list of Technical Specialists at the EM CX. These are technology, engineering, chemistry, risk, safety, munitions, regulatory, etc. experts at the CX. Please do not hesitate to contact anyone on that list for support. You can register at EKO and log in with your CAC card now. Got to: <https://eko.usace.army.mil/usacecop/environmental/subcops/htrw/> and then see the reference box for "Specialists List".

### **Transportation Environmental Resource Center**

<http://www.tercenter.org/>

Off the web site: TERC is intended to help you find information on the environmental regulations that affect the transportation sector. The site includes overviews of the regulations, tips on how to comply, best practice solutions that can help the environment while saving you money, and links to other resources.



You can search for topics relating to specific transportation modes (road, rail, air, and water), or by other categories. Select the categories of interest to you from the menu bar at the left, or select "All Topics" for a list of all of the topics (both current and future) covered on the site.

Currently the majority of topics impacting road transportation are complete. This portion was developed in cooperation with the American Trucking Associations (ATA) and the U.S. Environmental Protection Agency (EPA). While many common topics are covered for the other transportation modes (rail, air, and water), additional unique topics for these industries are still being developed (see Future Topics list). They are expected to be available in early 2012.

This website was developed and is maintained by the [National Center for Manufacturing Sciences](http://www.ncms.org). Funding for this project has been provided by [EPA](http://www.epa.gov) under the [National Compliance Assistance Centers](http://www.ncms.org) program. For more information, or to pass along suggestions, please contact: Bill Chenevert, Administrative Director, [wchenevert@ncms.org](mailto:wchenevert@ncms.org).



## Regulatory Update for December through February

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 list of Federal Registers that impact all Corps environmental work:  
<http://www.environmental.usace.army.mil/regulatory.htm>



### 02/13/2012 p 8078 – p 8080 Nuclear Regulatory Commission; Unified Agenda of Federal Regulatory and Deregulatory Actions

**Action:** Semiannual regulatory agenda

**Summary:** The Nuclear Regulatory Commission is publishing its semiannual regulatory agenda in accordance with Public Law 96-354. This issuance updates any action occurring on rules since publication of the last semiannual agenda on July 7, 2011.

**Applicability:** This notice would be of interest to individuals dealing with radioactive materials.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2012-02-13/pdf/2012-1668.pdf>

### 02/13/2012 p 8004 – p 8012 Environmental Protection Agency Fall 2011 [2012] Regulatory Agenda

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

**Summary:** This announces that EPA publishes the semiannual regulatory agenda online at <http://www.reginfo.gov> and at [www.regulations.gov](http://www.regulations.gov) to update the public about regulations and major policies currently under development.

**Applicability:** This is relevant to all of EPA's regulatory programs (RCRA, CAA, CWA, OPA, TSCA, etc.).

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2012-02-13/pdf/2012-1656.pdf>

### 02/13/2012 p 7980 – p 7995 Department of Transportation; Department Regulatory Agenda: Semiannual Summary

**Action:** Semiannual Regulatory Agenda

**Summary:** The Agenda provides the public with information about the Department of Transportation's regulatory activity. The Agenda is published to enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity.

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

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2012-02-13/pdf/2012-1653.pdf>

### 12/30/2011 p 82163 – p 82179 Hazardous Materials: Harmonization With the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air

**Action:** Final rule

**Summary:** PHMSA is responding to administrative appeals and is providing clarifications and corrections to a final rule that was published on January 19, 2011. The previous rulemaking amended the Hazardous Materials Regulations (HMR) by revising, removing or adding proper shipping names, the hazard class of a material, packing group assignments, special provisions, packaging authorizations, and limited quantity marking. Of special interest to the shipper is the difference between the limited quantity marking for an air shipment versus all other modes.

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

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-12-30/pdf/2011-33358.pdf>



### 12/28/2011 p 81396 – p 81400 Hazardous Materials: Miscellaneous Amendments; Response to Appeals; Corrections

**Action:** Correcting amendments

**Summary:** On July 20, 2011, PHMSA published a final rule under Docket Number PHMSA-2009-0151 (HM-218F) making miscellaneous amendments to the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). The amendments made by PHMSA in the July 20, 2011 final rule promote safer transportation practices; eliminate unnecessary regulatory requirements; finalize outstanding petitions for rulemaking; facilitate international commerce; and simplify the regulations. This final rule corrects errors in the pictorial display of labels, eliminates references to transitional provisions that were previously removed from the HMR, clarifies shipping paper

amendments, corrects an editorial error, and extends the effective date of certain shipping paper amendments adopted in the July 20, 2011 final rule.

**Applicability:** This correction would be of interest to shippers of hazardous materials including Class 9 shipments.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-12-28/pdf/2011-33193.pdf>

### **12/08/2011 p 76716 – p 76725 Draft National Pollutant Discharge Elimination System (NPDES) General Permits for Discharges Incidental to the Normal Operation of a Vessel**

**Action:** Notice of draft permit issuances and notice of public hearing

**Summary:** EPA Regions 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 are publishing for comment a draft NPDES Vessel General Permit (VGP) that would authorize discharges incidental to the normal operation of non-military and non-recreational vessels greater than or equal to 79 feet in length. If finalized, this draft VGP would replace the current VGP, which was issued in December 2008 and expires on December 19, 2013. EPA is also proposing a draft NPDES Small Vessel General Permit (sVGP) to authorize discharges incidental to the normal operation of non-military and non-recreational vessels less than 79 feet in length. EPA is proposing the sVGP to authorize discharges from vessels less than 79 feet in length, because the P.L. 110–299 moratorium (subsequently extended by P.L. 111–215) expires on December 18, 2013. These laws generally provide that no NPDES permits shall be required for incidental discharges (except discharges of ballast water) from vessels less than 79 feet and commercial fishing vessels. EPA is soliciting comment on today’s draft VGP and draft sVGP. Comments must be submitted on or before February 21, 2012.



**Applicability:** This notice and request for comments would be of interest to USACE Civil Works Compliance and Navigation.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-12-08/pdf/2011-31576.pdf>

### **12/05/2011 p 75950 – p 75951 Hazardous Materials: Emergency Restriction/Prohibition Order**

**Action:** Emergency Restriction/Prohibition Order

**Summary:** PHMSA issued Emergency Order (2011-001) that prohibits the filling, offering, and transportation of cylinders containing the experimental “TyLar” gas. This order was issued in response to a pattern of explosions in California that constitute an imminent hazard under 49 CFR 109.1. The effective date of this order was November 17, 2011. The DOT Docket Number for this order is PHMSA-2011-0303.

**Applicability:** This provided for general information.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2011-12-05/pdf/2011-31054.pdf>

### **12/02/2011 p 75470 – p 75488 Drivers of CMVs: Restricting the Use of Cellular Phones**

**Action:** Final rule

**Summary:** FMCSA and PHMSA are amending the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMR) to restrict the use of hand-held mobile telephones by drivers of commercial motor vehicles (CMVs). This rulemaking will improve safety on the Nation’s highways by reducing the prevalence of distracted driving-related crashes, fatalities, and injuries involving drivers of CMVs. The Agencies also amend their regulations to implement new driver disqualification sanctions for drivers of CMVs who fail to comply with this Federal restriction and new driver disqualification sanctions for commercial driver’s license (CDL) holders who have multiple convictions for violating a State or local law or ordinance on motor vehicle traffic control that restricts the use of handheld mobile telephones. Additionally, motor carriers are prohibited from requiring or allowing drivers of CMVs to use hand-held mobile telephones. This rule is effective January 3, 2012.

**Do you have a “burning” regulatory question?**

Call us at 402-697-2559/2560/2555/2556!





**EC&T Information Bulletin**

**P r e p a r e r**

*Sandi Zebrowski*

**The Information Bulletin is distributed quarterly by the  
Environmental and Munitions Center of Expertise**

**Telephone 402-697-2555/2559**

**[sandi.m.zebrowski@usace.army.mil](mailto:sandi.m.zebrowski@usace.army.mil)**