

FY 2009 -- FEDERAL REGISTER SUMMARY

09/30/2009 p 50182 – 50183 Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health; Technical Support Document, Volume 3: Development of Site-Specific Bioaccumulation Factors

Action: Notice of availability of final document

Applicability: USACE risk assessment staff may find the document of interest. The comment period ends 10/30/2009.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-23631.pdf>

09/23/2009 p 41896 Drinking Water: Perchlorate Supplemental Request for Comments

Action: Reopening of Public Comment Period

Summary: This extends the comment deadline previously announced in a 08/19/2009 Federal Register regarding approaches to analyzing data related to the EPA's preliminary regulatory determination for perchlorate. The additional comments are sought in an effort to ensure consideration of all the potential options for evaluating whether there is a meaningful opportunity for human health risk reduction of perchlorate through a national primary drinking water rule. In response to requests from several stakeholders, this action reopens the public comment period for an additional 15 days.

Applicability: Perchlorate is of special interest to Army because it is a constituent in certain military munitions.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-22927.pdf>.

09/10/2009 p 46644 - p 46654 Maine Department of Environmental Protection Requirements on Transportation of Cathode Ray Tubes

Action: Notice of Administrative Determination of Preemption

Summary: The question addressed in this proceeding is the extent to which Federal hazardous material transportation law precludes a State from imposing transportation-related requirements on materials that are regulated as "hazardous waste" by a state, but not regulated as "hazardous material", under the Hazardous Material Regulation (HMR), 49 CFR. This notice specifies that Federal hazardous material transportation law does not preempt Maine Department of Environmental Protection's regulations on classification of used cathode ray tubes ("CRTs") as "universal waste" and broken CRTs and glass removed from CRTs ("CRT glass") as a State "hazardous waste" and the marking, labeling, shipping documentation, and transporter requirements, because these requirements do not apply or pertain to materials regulated under Federal hazardous materials transportation law and the HMR or otherwise constitute an obstacle to accomplishing and carrying out Federal hazardous materials transportation law and the regulations issued under that law.

Applicability: DoD generates CRTs from computer monitors, televisions, and equipment. Though this determination pertains to the State of Maine regulations, the logic on which the determination is based would apply nationally with respect to the Federal HMR and other state regulations.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-21768.pdf>.

09/10/2009 p 46587 – 46588 National Recommended Final Water Quality Criteria for Acrolein

Action: Notice of availability of final criteria

Summary: Under Section 304(a) of the Clean Water Act (CWA) EPA is announcing the availability of the final national recommended water quality criteria for the protection of aquatic life for acrolein. EPA and States will use these criteria to help establish permit discharge limits and the development of total maximum daily loads (TMDLs).

Applicability: USACE staff managing NPDES permits or operating projects on water impaired for volatile organics may find the background information in the criteria document useful.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-21820.pdf>

08/28/2009 p 44676 – p 44718 Effluent Limitation Guidelines and New Performance Standards for the Airport Deicing Category;

Action: Proposed Rule

Summary: EPA is proposing technology-based effluent limitation guidelines (ELGs) and new source performance standards (NSPS) for discharges from airport deicing operations. The requirements generally apply to wastewater associated with the deicing of aircraft and airfield pavement at primary commercial airports. These ELGs would be incorporated into NPDES permits issued by EPA and States.

Applicability: While the proposed rule is limited to commercial airports, DoD agencies that are tenants of commercial airports may be affected.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-20291.pdf>

08/25/2009 p 42952 – p 42955 Notice of Approval: Lithium Battery Shipping Descriptions

Action: Notice of approval

Summary: The Pipeline and Hazardous Materials Safety Administration (PHMSA) is authorizing persons who offer lithium metal and lithium ion cells and batteries for transportation in commerce, and persons who transport lithium metal and lithium ion cells and batteries in commerce, to describe those articles in the same manner as recently adopted in international regulations. PHMSA will consider adopting these alternative shipping descriptions into the hazardous materials regulations at a future date. There are three (3) shipping descriptions authorized under this notice of approval.

Applicability: The authorization to use internationally recognized shipping descriptions for lithium metal and lithium ion batteries allows consistency with domestic and international regulation. Those shipping lithium batteries or lithium batteries (and lithium ion batteries) need to be aware of the requirements of determining which lithium batteries are regulated as hazardous materials for transportation.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-20343.pdf>

08/19/2009 p 41896 Proposed Acute Exposure Guideline Levels for Hazardous Substances

Action: Notice of Availability

Summary: The National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) is developing AEGLs on an ongoing

basis to provide Federal, State, and local agencies with information on short-term exposures to hazardous substances. This notice provides a list of 19 proposed AEGLs that are available for public review and comment. Comments are welcome on both the proposed AEGLs and their Technical Support Documents placed in the docket.

Applicability: This is provided for general information and may be of interest to persons involved in risk assessment and/or remediation projects.

Reference: <http://edocket.access.gpo.gov/2009/pdf/09-19860.pdf>

08/19/2009 p 41883 - p 41893 Drinking Water: Perchlorate Supplemental Request for Comments

Action: Notice.

Summary: EPA is seeking comments on additional approaches to analyzing data related to EPA's perchlorate regulatory determination. These additional comments are sought in an effort to ensure consideration of all the potential options for evaluating whether there is a meaningful opportunity for human health risk reduction of perchlorate through a national primary drinking water rule. EPA will make a final regulatory determination for perchlorate after considering comments and information provided in the 30-day comment period following this notice.

Applicability: Perchlorate is of special interest to DoD because it is associated with certain munitions.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-19507.pdf>

08/03/2009 p 38348 - p 38358 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: This announces EPA's approval of alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations.

Applicability: This is relevant to monitoring of drinking water.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-18361.pdf>

07/15/2009 p 34311 Proposed Suspension and Modification of Nationwide Permit 21

Action: Notice

Summary: The U.S. Army Corps of Engineers is proposing to take two actions concerning Nationwide Permit (NWP) 21. The permit currently authorizes discharges of dredged or fill material into waters of the United States (WUS) for surface coal mining activities. The Corps proposes to modify NWP 21 to prohibit its use to authorize discharges of dredged or fill material into WUS for surface coal mining activities in the states of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia until the permit expires on March 18, 2012. Secondly, the Corps is proposing to suspend NWP 21 to provide an interim means of requiring individual permit reviews while taking a long term measure to prohibit the use of NWP 21 for discharges of dredge and fill material into WUS associated with surface coal mining in the Appalachian region of the listed six States.

Applicability: USACE regulatory offices in the Appalachian states listed could be directly impacted by this proposal.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-16803.pdf>

07/06/2009 p 31905 Definition of Solid Waste Public Meeting; Extension of Comment Period

Action: Notice of Public Meeting and Request for Comments; Extension of comment period.

Summary: EPA is considering a petition requesting reconsideration and repeal of the recently promulgated revisions to the definition of solid waste. The May 27, 2009 Federal Register announced a public meeting and request for comments regarding this issue. The deadline for commenting is being extended an additional 30 days. The new comment deadline is August 13, 2009.

Applicability: DoD supported the modification to the definition of solid waste. This issue remains of interest because the definition of solid waste impacts whether reclaimed hazardous secondary materials are regulated as hazardous waste.

06/29/2009 p 30950 - 30959 National Primary Drinking Water Regulations: Minor Correction to the Stage 2 Disinfectants and Disinfection Byproducts Rule and Changes in References to Analytical Methods

Action: Final rule

Summary: This makes corrections to the Jan 4, 2006 Stage 2 Disinfectant and Disinfection Byproducts Rule and makes minor editorial changes in references to analytical methods in the regulations.

Applicability: This applies to public water systems that provide water for human consumption and which treat water with disinfectants.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-14598.pdf>

06/25/2009 p 30228 Reorganization and Name Change for the Office of Solid Waste (OSW) Within the Office of Solid Waste and Emergency Response

Action: Final rule

Summary: On January 8, 2009, OSW changed its name to the Office of Resource Conservation and Recovery (ORCR).

Applicability: This may be of general interest to those dealing with solid or hazardous waste.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-14859.pdf>

06/24/2009 p 30075 -30076 EPA Launches NetDMR

Action: Notice

Summary: As of June 22, 2009, select EPA Regions, States, Tribes and Territories will be able to file NPDES discharge monitoring reports (DMRs) using NetDMR. NetDMR provides an internet-based reporting tool to allow electronic signature and submission of DMRs. More information can be found at <http://www.epa.gov/netdmr>

Applicability: Facilities subject to DMR reporting may be able to take advantage of electronic DMR filing

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-14868.pdf>

06/19/09 p 29136 - 29142 Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities

Action: Final Rule

Summary: EPA is amending the dates by which facilities must prepare or amend their Spill Prevention, Control, and Countermeasure (SPCC) plans and implement those plans from July 1, 2009 to November 10, 2010. This is a separate rulemaking from the “Tier 1 and associated amendments” rule that has a delayed effective date of January 14, 2010.

Applicability: The final rule allows an additional 16 months for facilities subject to 40 CFR 112 requirements to amend and implement their plans.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-14247.pdf>

06/16/09 p 28468 - 28471 Intent to Evaluate Whether the Waste Isolation Pilot Plant Continues to Comply with the Disposal Regulations and Compliance Criteria

Action: Notice of availability; request for comments

Summary: EPA intends to evaluate and recertify whether or not the Waste Isolation Pilot Plant (WIPP) continues to comply with EPA’s environmental and radiation protection standards for the disposal of radioactive waste. DOE must submit documentation to EPA every five years that the facility is in compliance with EPA’s standards. The end of the comment period will be announced in a subsequent Federal Register notice.

Applicability: USACE does not typically dispose of transuranic radioactive waste. This notice is provided for information purposes.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-14023.pdf>

06/12/2009 p 28047-28948 Release of Exposure Draft Technical Bulletin 2009-1: Deferral of the Effective Date of the Technical Bulletin 2006-01, Recognition and Measurement of Asbestos-Released Cleanup Costs

Action: Notice

Summary: This makes available the draft Technical Bulletin (TB) 2009-1, Recognition and Measurement of Asbestos-Related Cleanup Costs. This TB, if finalized, would defer the asbestos liability reporting date specified previously in TB 2006-1 as September 2009 until 2011.

Applicability: This pertains to federal entities that own buildings, facilities, ships, or other tangible property, plant, and equipment (PP&E) that contain any form of asbestos and present general purpose financial reports.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-13803.pdf>.

06/10/2009 p 27535 - 27536 Notice of Availability of National Recommended Water Quality Criteria for Acrolein and Phenol

Action: Notice of availability of updated water quality criteria for acrolein and phenol

Summary: EPA is announcing the availability of updated national recommended water quality criteria for the protection of human health for acrolein and phenol

Applicability: This notice may be of interest to facilities and projects subject to NPDES permitting.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-13600.pdf>

06/02/09 p 26460 Hazardous Materials: Request for Comments on Issues or Problems Concerning International Atomic Energy Regulations for Safe Transport of Radioactive Material

Action: Notice; request for comments

Summary: PHMSA and the NRC are jointly seeking comments on issues or problems concerning requirements in the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive (referred to as TS-R-1). The IAEA is considering revisions to the TS-R-1 regulations as part of its periodic two-year review cycle for a 2013 Edition. Comments are to be submitted by June 15, 2009.

Applicability: USACE would take advantage of this opportunity to make comments if there are any issues or problems with TS-R-1 regulations because typically these regulations are relied on when PHMSA and the NRC proposed harmonization rulemaking to standardize with the international regulations.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-12778.pdf>

05/29/09 p 25735 Biennial Determination of the Waste Isolation Pilot Plant's Compliance With Applicable Federal Environmental Laws for the Period 2006 to 2008

Action: Notice

Summary: EPA has determined that between 2006 and 2008, DOE has operated the Waste Isolation Pilot Plant (WIPP) in compliance with all Federal statutes, regulations and permit requirements. This determination was based on documentation supplied by DOE to EPA.

Applicability: Although USACE would not typically have a need to ship transuranics or low level radioactive waste to WIPP, this is provided for general information. A shipment of radioactive waste (LLRW) would generally be performed by the Joint Munitions Command who is the DoD executive agent for LLRW.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-12555.pdf>

05/27/2009 p 25200 - 25205 Definition of Solid Waste Public Meeting

Action: Notice of public meeting and request for comments

Summary: The Sierra Club has submitted a petition to EPA that requests repeal of the October 2008 revisions to the definition of solid waste and stay of the implementation of the rule. EPA is seeking input from stakeholders before responding to the petition. Issues for discussion include the definition of "contained" as it permits to hazardous secondary material; notification requirements for operating under an exclusion from the definition of solid waste; the definition of "legitimacy" and legitimacy factors, and the "transfer-based exclusion" for hazardous secondary materials shipped for reclamation by a third party, commercial facility, or another manufacturer.

Applicability: This issue is of interest to Army because modifications to the definition of solid waste affect hazardous waste classification.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-12283.pdf>.

05/20/2009 p 23712 - 23713 Notice of Availability of RCRA Closure and Post-Closure Care Cost Estimating Software

Action: Notice of Availability

Summary: EPA announces availability of a software package, referred to as CostPro, to estimate the costs of RCRA Closure and Post-Closure care.

Applicability: This may be of interest to persons involved in estimating costs for closing RCRA hazardous waste management units.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-11741.pdf>

05/15/2009 p 23099 - 23104 Executive Order 13508 - Chesapeake Bay Protection and Restoration

Action: Executive Order

Summary: This provides strategy for protecting and restoring the Chesapeake Bay.

Applicability: The Executive Order requires that federal agencies with land, facilities, or installation management responsibilities affecting ten or more acres within the watershed of the Chesapeake Bay shall, as expeditiously as practicable and to the extent permitted by law, implement land management practices to protect the Chesapeake Bay and its tributary waters.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-11547.pdf>

05/14/2009 p 22693 - 22696 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation

Action: Final rule

Summary: In this final rule, EPA is delaying the effective date for the PSD and NSR aggregation rule finalized on 15 Jan 2009 for another 12 months. The new effective date is 18 May 2010.

Applicability: The delay in effective date will be of interest to those subject to the PSD and NSR aggregation requirements set forth in the 15 Jan 2009 ruling.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-11271.pdf>

05/11/2009 p 21992 - 22000 Spring 2009 Regulatory Agenda (EPA)

Action: Semiannual Regulatory Flexibility Agenda and Semiannual Regulatory Agenda

Summary: The EPA publishes the semiannual regulatory agenda online (the e-agenda) at www.reginfo.gov to update the public about regulations and major policies under development, review of existing regulations and major policies, and rules and major policy makings.

Applicability: The agendas are used to identify and track regulatory developments so as to provide timely input into the rulemaking process.

Reference: <http://edocket.access.gpo.gov/ua090511/pdf/ua090512.pdf>

05/07/2009 p 21363 - 21364 Small Drinking Water System Variances and Other Approaches for the Equitable Consideration of Small System Customers Stakeholder Meeting

Action: Notice

Summary: EPA is giving notice of a public meeting to discuss policies to assure equitable treatment of small drinking water system customers. These policies include small drinking water system variance methodologies and alternative strategies.

Applicability: Provided for general information only.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-10644.pdf>

05/01/2009 p 20235 - 20246 Physical Protection of Byproduct Material

Action: Availability of preliminary draft rule language for public comment.

Summary: The Nuclear Regulatory Commission (NRC) is making available preliminary draft propose rule language to amend its regulations to add a new part 37 to Title 10 of the regulations. The proposed rule (Part 37) would contain the security (physical protection) requirements that are designed to provide reasonable assurance of preventing the theft, sabotage, or diversion of category 1 and category 2 quantities of radioactive material. The NRC is requesting comments by 15 June 2009 on this proposed rule.

Applicability: USACE does not have any Category 1 or 2 radioactive material sources according to the USACE Radiation Safety Officer, and will not be impacted by this proposed rule.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-10041.pdf>

04/01/2009 p 14736 - 14738 Oil Pollution Prevention; Non-Transportation Related Onshore Facilities; Spill Prevention, Control, and Countermeasure Rule – Final Amendments

Action: Final rule; delay of effective date.

Summary: EPA is delaying the effective date of the December 5, 2008 final rule that amends the Spill Prevention Control, and Countermeasure (SPCC) regulations (Tier I facilities and other amendments). The amendments will become effective on January 14, 2010.

Applicability: The delay in the final rule has a direct impact on all facility owners and operators considering taking advantage of regulatory relief provided by these amendments. By delaying the effective date, the amendments are delayed and can not be taken advantage of until the 1/14/2010 date.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-7301.pdf>

02/03/2009 p 5900 - 5903 Oil Pollution Prevention; Non-Transportation Related Onshore Facilities; Spill Prevention, Control, and Countermeasures Rule-Final Amendments

Action: Final Rule: Delay of effective date and request for comment.

Summary: The Environmental Protection Agency (EPA) is delaying by sixty days the effective date of the final rule that amends the Spill Prevention, Control, and Countermeasure (SPCC) regulations published in the Federal Register on December 5, 2008. Thus, the amendments will become effective on April 4, 2009. EPA additionally is requesting public comment on the extension of the effective date and its duration, and on the regulatory amendments contained in the final rule.

Applicability: The extension is applicable to all facilities required to develop and maintain a SPCC Plan.

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-2335.pdf>

01/30/2009 p 5633 Amendment to the Universal Waste Rule: Addition of Pharmaceuticals

Action: Proposed rule; extension of comment period

Summary: This extends the comment period from February 2, 2009 to March 4, 2009.

Applicability: This rule, if finalized, may benefit DoD hospitals and pharmacies by allowing certain pharmaceuticals to be managed as universal waste rather than as hazardous waste under RCRA

Reference: <http://edocket.access.gpo.gov/2009/pdf/E9-2035.pdf>

01/02/2009 p 41 - p 61 Identification of Non-Hazardous Materials That are Solid Waste

Action: Advance notice of proposed rulemaking

Summary: EPA seeks comments on which non-hazardous materials are or are not solid waste under RCRA in order to assist them in developing Clean Air Act standards under Section 112 and 129. EPA is also seeking comments on a number of specific questions concerning the meaning of "solid waste" under RCRA as it applies to non-hazardous waste programs.

If the definition of a solid waste is changed such that certain secondary materials used for fuel or as ingredients in a manufacturing process are no longer considered solid waste, some units subject to regulation under the CAA may be allowed to use these secondary materials as fuel. As such, EPA may have to develop new emission standards for those regulated units as they would be burning different materials in lieu of, or in addition to, traditional fuels (e.g., fossil fuels).

12/30/2008 p 79641 - p 79645 Revisions of the Clean Water Act Regulatory Definition of "Discharges of Dredged Material"

Action: Final action

Summary: This amends the term "discharges of dredged material" in response to a court decision which concluded that incidental fallback which occurs during the process of removing dredged material and ends up essentially in the same area from which it was removed is not subject to the CWA as an "addition" of pollutants.

Applicability: This pertains to discharges of pollutants into waters of the United States

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-30984.pdf>

12/29/2008 p 79473 - p 79481 Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel

Action: Notice of availability

Summary: This announces availability of an NPDES Vessel General Permit (VGP) for discharges incidental to the normal operation of vessels. A court vacated a long-standing exclusion for discharges incidental to normal operations, thus causing such discharges to require an NPDES permit under the Clean Water Act. The VGP provides a means for complying with newly applicable NPDES permit requirements.

Applicability: This applies to all vessels operating as a means of transportation, except recreational vessels and vessels of the Armed Forces, that have discharges incidental to normal operation to waters of the United States. In particular, this applies to USACE Civil Works vessels.

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-30816.pdf>

12/23/2008 p 78651 - p 78655 Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA

Action: Direct final rule

Summary: This amends the "All Appropriate Inquires Rule" to reference ASTM International's E2247-08 "Standard Practices for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property" and allows its use for satisfying the statutory requirements for conducting all appropriate inquiries under CERCLA. Completing all appropriate inquiries prior to purchasing property can provide relief from otherwise applicable CERCLA liability.

Applicability: This pertains to forestlands and rural property.

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-30536.pdf>

12/19/2008 p 77954 - p 78017 Expansion of RCRA Comparable Fuel Exclusion

Action: Final rule

Summary: This adds a new RCRA exclusion for emission comparable fuels. These fuels are energy-rich hazardous secondary materials which would otherwise be hazardous wastes, but which have the same hazardous constituent concentrations as fossil fuels that would be burned in their place.

Applicability: This pertains to RCRA hazardous waste regulations.

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-29956.pdf>

12/19/2008 p 77492 - p 77493 Ban on Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint

Action: Final rule

Summary: Congress enacted Public Law 110-314 which mandates reduction of the lead in paint from the existing limit of 0.06 percent to 0.009 percent effective August 14, 2009. The Consumer Product Safety Commission is amending its regulations accordingly to redefine "lead-containing paint".

Applicability: This may be of general interest to those in the environmental compliance or remediation arena since lead-containing paint is often a source of environmental contamination.

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-30238.pdf>

12/11/2008 p 75340 - p 75346 Civil Monetary Penalty Inflation Adjustment Rule

Action: Final rule

Summary: This adjusts for inflation civil monetary penalties that can be assessed under EPA administered statutes and regulations.

Applicability: This applies to penalties assessed under RCRA, SDWA, CWA, TSCA, FIFRA, CAA, CERCLA, EPCRA, and the Mercury-Containing and Rechargeable Battery Management Act.

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-29380.pdf>

12/08/2008 p 74488 - p 74493 U.S. Government's Process for Obtaining Stakeholder Information for Chemicals Proposed for Addition to the Stockholm Convention on Persistent Organic Pollutants

Action: Notice

Summary: This provides notice relative to chemicals proposed under the Stockholm Convention on Persistent Organic Pollutants (POPS). Parties to the convention are supposed to reduce or eliminate the production and use of POPS and take measures to reduce releases of unintentionally produced POPS.

Applicability: The US signed, but has not ratified the Convention and thus is not party to it. However, this represents an opportunity to provide submissions for review. This may be of general interest to those tracking "emerging contaminants."

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-28982.pdf>

12/05/2008 p 74236 – p 74323 Oil Pollution Prevention; Spill Prevention Control, and Countermeasure Rule Requirements- Amendments

Action: Final Rule

Summary: EPA is providing clarifications, exemptions, and greater flexibility to the regulated community. In particular, EPA is finalizing a set of streamlined requirements for a specific subset of qualified facilities. Those facilities that meet the Tier 1 qualified facility provisions are now authorized to use a "template" SPCC plan. EPA has provided a template in Appendix G to 40 CFR 112.

Applicability: This final rule provides clarification and relief to the regulated community, specifically active installation O&M staff and Civil Works staff.

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-27848.pdf>

12/02/2008 p 73520 - p 73544 Amendment to the Universal Waste Rule: Addition of Pharmaceuticals

Action: Proposed rule

Summary: EPA proposes to add pharmaceutical wastes to the Universal Waste Rule.

Applicability: This proposal applies to discarded pharmaceuticals which are hazardous waste either because they are listed waste or because they exhibit a hazardous waste characteristic.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a081202c.html

12/01/2008 p 72912 - p 72960 Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated with Colleges and Universities

Action: Final rule

Summary: This provides an alternative set of hazardous waste management regulations that can be used to manage wastes generated by college and university academic laboratories.

Applicability: The rule does not apply to government labs, but may be of general interest to those tracking RCRA regulations.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a081201c.html

11/28/2008 p 72562 – p 72614 40 CFR 450 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category

Action: Proposed Rule

Summary: The Environmental Protection Agency is proposing a regulation that would strengthen the existing regulatory program for discharges from construction sites by establishing technology-based Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development (C&D) point source category. Specifically, EPA is proposing technology based standards (as best management practices [BMPs]) for construction sites ≥ 10 acres and a numerical effluent standard of 13 nephelometric turbidity units (NTUs) for certain projects ≥ 30 acres.

Applicability: This proposed rulemaking could have substantial impacts of all USACE programs, specifically MILCON, Civil Works, and remediation programs. The ELG will be incorporated in the construction general permits and state issued permits over the next 5 year cycle.

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-27848.pdf>

11/26/2008 p 72016 – p 72022 Oil Pollution Prevention; Non-Transportation Related Onshore Facilities

Action: Proposed Rule

Summary: EPA is proposing to amend the dates by which facilities must prepare or amend Spill Prevention, Control and Countermeasures Plans and implement those plans. The agency is also proposing to establish dates for farms to prepare or amend their SPCC plans. The current plan amendment and implementation date is July 1, 2009. EPA is proposing a revised date of November 20, 2009 for facilities to amend and implement their plans based on the original July 17, 2002 and associated amendments.

Applicability: This proposed rule will potentially extend the compliance date for plan development, amendment and implementation by over four (4) months from the July 1, 2009 date. Active installations and Civil Works facilities could potentially gain additional relief regarding compliance dates for final SPCC development and implementation.

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-28120.pdf>

11/26/2008 p 71941 – p 71944 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasures Rule; Revisions to the Regulatory Definition of “Navigable Waters”

Action: Final rule: Response to court order vacating regulatory definition of navigable waters.

Summary: In compliance with a court order, EPA is revising the definition of navigable waters originally promulgated in the July 17, 2002 SPCC rule. The court decision also restored the regulatory definition of “navigable waters promulgated by EPA in 1973; consequently, EPA is amending the 40 CFR 112 definition of “navigable waters” to reflect the courts decision.

Applicability: The definition of “navigable waters” is not limited to application to 40 CFR 112 only, but rather all CWA programs. Therefore, the revision will impact CWA 402 and 404 programs as well as the SPCC rule applicability under Section 311 of the CWA.

Reference: <http://edocket.access.gpo.gov/2008/pdf/E8-28123.pdf>

11/25/2008 p 71644 - p 71653 Federal Agency Hazardous Waste Compliance

Action: Notice of twenty-third update of the Federal Agency Hazardous Waste Compliance Docket

Summary: This updates the Federal Agency Hazardous Waste Compliance Docket. Under CERCLA, EPA is required to ensure a preliminary assessment is conducted for sites listed on the Docket to determine whether cleanup is warranted under Superfund.

Applicability: Three USACE Civil Works sites are added to the Docket and two are removed.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a081125c.html

11/24/2008 p 71423 - p 71433 Semiannual Regulatory Agenda

Action: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

Summary: This announces availability of EPA's Semiannual Regulatory Agenda, Annual Regulatory Plan, Semiannual Regulatory Flexibility Agenda, and Monthly Action Initiation List. Together these inform the public of EPA's regulatory priorities, status of environmental policies and regulations under development, regulations with significant impact to small entities, and recently completed actions.

Applicability: This applies to all major environmental programs including Safe Drinking Water Act, Clean Air Act, Clean Water Act, RCRA, TSCA, EPCRA, CERCLA, and FIFRA.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a081124c.html

11/12/2008 p 66895 Drinking Water: Preliminary Regulatory Determination on Perchlorate

Action: Reopening of comment period

Summary: EPA reopened the comment period regarding their preliminary determination not to pursue establishing National Primary Drinking Water Regulations under the Safe Drinking Water Act for perchlorate. Comments are being received until 28 November 2008.

Applicability: This determination is of interest to DoD because military munitions are a potential source of perchlorate in drinking water. Ground water clean up could be affected by EPA's determination.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a081112c.html

10/30/2008 p 64668 – p 64788 Revisions to the Definition of Solid Waste

Action: Final rule

Summary: This revises the definition of solid waste with respect to secondary materials that are legitimately recycled; codifies factors for determining legitimacy of recycling; and establishes procedures for pursuing a "non-waste" determination regulators regarding recycled secondary material.

Applicability: This revised definition applies to certain recyclable materials that were previously regulated as hazardous waste. It applies to four categories of hazardous secondary materials (HSM) - HSM legitimately reclaimed under the control of the generator in non-land-based units, HSM legitimately reclaimed under the control of the generator in land-based units, HSM transferred to another person for legitimate recycling; and HSM exported for legitimate recycling.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a081030c.html

10/10/2008 p 60262 – p 60282 Drinking Water: Preliminary Regulatory Determination on Perchlorate

Action: Notice

Summary: This presents EPA's preliminary regulatory determination for perchlorate in accordance with the Safe Drinking Water Act (SDWA). EPA has determined that a national primary drinking water regulation (NPDWR) for perchlorate would not present "a meaningful opportunity for health risk reduction for persons served by public water systems."

Applicability: This will be of interest at sites involving remediation of perchlorate.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a081010c.html

10/06/2008 p 58388 - p 58416 Revisions to: The Requirements for Transboundary Shipments of Wastes Between OECD Countries, the Requirements for Export Shipments of Spent Lead-Acid Batteries, the Requirements on Submitting Exception Reports for Export Shipments of Hazardous Wastes, and the Requirements for Imports of Hazardous Wastes

Action: Proposed rule

Summary: EPA proposes to modify: The requirements to implement the Organization for Economic Cooperation (OECD) framework concerning the transboundary movement of hazardous waste among countries belonging to the OECD

Applicability: This applies to movement of RCRA regulated waste among OECD countries.

Reference: http://www.access.gpo.gov/su_docs/fedreg/a081006c.html