

Environmental Compliance & Transportation Information Bulletin



Edition 81.



December 2012

Editor's Corner

So, naughty or nice? Again, Christmas is right around the corner. My kids are now 15 and 11, and yes my daughter is in high school, into dance and LOUD hip hop music. My son plays baseball, basketball, the piano and the drums, so the fun (and noise) never ends in my house. But, if the truth be known, I wouldn't have it any other way.

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 2013!



Upcoming training sessions



We will be traveling to Phoenix this winterthe week of February 25th – 1 March, 2013 for the initial class, and the recertification class will be 27 and 28 February 2013 in Phoenix at the USGS facility...a government facility.

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.

Also, please let your districts and customers know about the upcoming training for FY13. 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.

CCN 223; Feb 25th to Mar 1, 2013. HW MANIFEST/DOT CERTIFICATION – Initial class.
<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=223>

CCN 429; Feb 27th and 28th. HW MANIFEST/DOT RECERTIFICATION. 16-hour Recertification Class.
<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=429>

CCN 430; Feb 27, 28 and ½ day on Mar 1st. RADIOACTIVE WASTE TRANSPORT/DOT RECERTIFICATION. This is the recertification for Radioactive Waste transportation.
<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=430>

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 FY13 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.Vancleaf@usace.army.mil.

IMPORTANT CHANGES TO OUR CLASSES

Three **SUPER** Important changes:

1. With all the constraints on travel, we have managed to find a government conference room in Phoenix for CCNs 223, 429 and 430. But the class size is limited based on the physical size of the classroom, so don't wait until the last minute to sign up for a class.
2. **READ YOUR REPORTING DIRECTIONS VERY CAREFULLY!** Google hotel and classroom and determine if you need a rental car. The days of PROSPECT Courses in HOTELS are done! Plan accordingly.
3. To save money, we are looking at options on how to provide course manuals. **READ YOUR REPORTING INSTRUCTIONS CAREFULLY!** We are probably not going to print the entire manual. On the reporting instructions, we will provide a SharePoint address and password. From there you will be able to print the manual, if you would like to. We are thinking about printing the slides, exercises and test only. If you want the manual text, you can print it yourself and bring to class. But, we are still thinking, so read the REPORTING INSTRUCTIONS very carefully.



Hazardous Waste Electronics Manifest Bill SIGNED INTO LAW

On 5 October 2012, Legislation **S. 710** the —Hazardous Waste Electronic Manifest Establishment Act, was signed into law by President Obama. The new law grants USEPA the statutory authority needed to collect user fees and establish an electronic system for tracking hazardous waste shipments. The law will modernize USEPA's 25-year-old paper system used to track hazardous waste disposal shipments under the Resource Conservation & Recovery Act (RCRA). Benefits of the e-Manifest system include: cost savings for both manifest users and the agencies that collect manifests and process their data, and making information on hazardous chemicals available to states and emergency responders in real time. Finally, the bill was amended to require USEPA to harmonize its electronic tracking system with the Department of Transportation.





WARNING! WARNING! WARNING!

This is a reminder: the old shipping description sequence of Proper Shipping Name, Hazard Class/Division, Identification Number, and Packing Group (SHIP) which is currently allowed for domestic shipments by the highway and rail mode will **NO LONGER** be authorized after January 1, 2013. It is time to standardize your basic shipping description with the new international format that is Identification Number, Proper Shipping Name, Hazard Class/Division, and Packing Group (I SHiP) to avoid a potential problem with highway and rail shipments prior to January 1, 2013.

Ask Santa: Important Questions from the Field

Question #1: *Dear Sandi Claus,* Do new individual shipping papers need to be prepared for a shipment of hazardous material (e.g. Class 7, Class 9-hazardous waste) that arrives at the Consignee owned rail transfer facility that is transloaded into 3 or 4 dump trucks and pup trailers from a rail gondola and hauled on a public highway to the disposal facility? Specifically, should the Consignee be preparing individual shipping papers for each truck going to the disposal facility since it seemed like the material was being repackaged?



EM CX Response: The DOT Hazardous Materials Information Center (800) 467-4922 was contacted and it was explained that USACE was shipping remediation waste in rail gondolas to a disposal facility that did not have direct rail access. The rail shipments were under shipping papers signed by the USACE construction representative certifying the rail gondola was properly described, packaged, marked, labeled and placarded and in proper condition for shipment under DOT regulations. The rail gondolas would arrive at the Consignee's rail transload facility and transloaded into 3 or 4 dump trucks and pup trailers depending on the capacity of the rail gondola. It is important to note that the transloading operation was taking material from one bulk package (rail car) and placing it into several bulk packages (trucks with pups). The shipment was still "in transportation" to the Consignee's permitted disposal facility. The Consignee was making a copy of the original shipping paper for each driver and stamping a prepared statement that was signed by the driver accepting the load which also tied the truck to the original shipping paper (e.g. Truck 2 of 4).

DOT's Information Center specialist pointed to the definition of a "transloading" facility (171.8) and explained the Consignee is authorized to take from one bulk package and place the material into another bulk package. Our concern was that the Consignee was taking from one bulk packaging and placing it into several bulk packagings. DOT explained that it was still acceptable because in the Hazardous Material Regulations (49 CFR 171.9), "Rules of Construction," you can apply singular to plural unless otherwise noted. So it did not matter that the Consignee was taking from one bulk package and placing it into several bulk packagings. To further support this, DOT cited an interpretation letter (11-0061) which they stated would allow this to be done without generating an additional shipping paper.



If there is a desire to formalize this verbal discussion with DOT, it would require USACE to prepare and submit a formal request for interpretation. POC: Rick Waples, *Elf*

Question #2: *Dear Sandi Claus,* Chapter 204 of the Defense Transportation Regulation (DTR) 4500.9-R discusses the use of DD Form 2890 (DOD Multimodal Dangerous Goods Declaration) in several locations. Do I need to have both DD Form 2890 and the EPA Uniform Hazardous Waste Manifest accompany my shipment of Hazardous Waste to my designated TSDF?

Answer: The short answer is – NO. While Chapter 204, Section C. paragraph d. (Intra-Facility) could be interpreted to indicate both DOD and EPA shipping papers are required for off-installation movement that is not the intent of the language. Informal discussions with the U.S. Army Military Surface Deployment and Distribution Command (SDDC) clarified that the DOT regulations in 49 CFR 172.205 requiring the use of the EPA uniform hazardous waste manifest (UHW) is sufficient documentation and duplication of

that information on DD Form 2890 is unnecessary. The SDDC working group responsible for language in DTR 4500.9-R will evaluate the need for clarification at their next meeting. POC: Ed Bave, *Elf*



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/regulatory.htm>

The entire register can be accessed at
<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR> (This is a new site and the way you find things is a bit more complicated.)

11/28/2012 p 70895 – p 70902 New marking Standards for Parcels Containing Hazardous Materials

Action: Final rule

Summary: The Postal Service is revising Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®) 601.10 to adopt new mandatory marking standards for parcels containing mailable hazardous material that will align with the revised requirements provided by the Department of Transportation (DOT). This revision also provides terminology and categorization changes needed to respond to the pending elimination of the “Other Regulated Material” (ORM–D) category and the partial elimination of the “consumer commodity” category by the DOT. The rule becomes effective on January 1, 2013.

Applicability: It is important to remind shippers that the Postal Service has very restrictive rules in terms of what hazardous material may be mailable and is typically not a method suitable for USACE or DOD activities shipping hazardous materials.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-11-28/pdf/2012-28673.pdf>

11/21/2012 p 69769 – p 69780 Solid Waste Rail Transfer Facilities

Action: Final rules

Summary: These final rules govern land use-exemption permits for solid waste rail transfer facilities. The Clean Railroads Act of 2008 amended the U.S. Code to restrict the jurisdiction of the Surface Transportation Board over solid waste rail transfer facilities. Under the CRA, a solid waste rail transfer facility must comply with all applicable federal and state requirements respecting the prevention and abatement of pollution, the protection and restoration of the environment, and the protection of public health and safety, in the same manner as any similar solid waste management facility not owned or operated by or on behalf of a rail carrier, except for laws affecting the siting of the facility that are covered by the land-use exemption permit.

Applicability: This rule would be of interest to shippers that may need to set up rail transfer facilities.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-11-21/pdf/2012-28196.pdf>

11/21/2012 p 69927 International Standards on the Transport of Dangerous Goods; Public Meeting

Action: Notice of public meeting

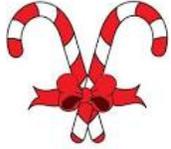
Summary: This notice is to advise interested persons that PHMSA will conduct a public meeting in preparation for the 42nd session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE TDG) to be held December 3 to 11, 2012, in Geneva, Switzerland. During this meeting, PHMSA is also soliciting comments relative to potential new work items which may be considered for inclusion in its international agenda. General topics on the agenda for the UNSCOE TDG meeting include: (1) Explosives and related matters; (2) Listing, classification and packing; (3) Electric storage systems; (4) Miscellaneous proposals of amendments to the Model Regulations; (5) Cooperation with the International Atomic Energy Agency (IAEA); (6) Global harmonization of transport of dangerous goods regulations; (7) New proposals for amendments to the Model Regulations; (8) Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The public meeting will be at DOT



headquarters, West Building Conference Rooms 8-10, 1200 New Jersey Avenue SE., Washington, DC on November 28, 2012 from 9:00 a.m.-12:00 noon.

Applicability: This meeting notice would be of interest to shippers of dangerous goods internationally.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-11-21/pdf/2012-28253.pdf>



11/21/2012 p 69926 – p 69927 Notice of Intent To Provide Compliance Date Extension for Air-Passenger Notification of Hazardous Material Restrictions

Action: Advisory notice

Summary: PHMSA and the Federal Aviation Administration's (FAA) Office of Security and Hazardous Materials Safety hereby provide notification of our intent to extend the compliance date for certain provisions adopted in a January 19, 2011 final rule (PHMSA-2009-0126; 76 FR 3308) by no less than one year beyond the current January 1, 2013 compliance date in a future rulemaking action. Section 175.25 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) prescribes the requirements for air-passenger notification of hazardous materials restrictions. One primary purpose for this regulation is to enhance public safety awareness regarding the carriage of hazardous materials onboard aircraft, either as carry-on items or in checked baggage. Improved public safety awareness facilitates passenger compliance with applicable regulatory requirements, thus enhancing overall aviation safety by reducing the likelihood of inappropriate items being transported onboard aircraft. On January 19, 2011, PHMSA amended 49 CFR 175.25 (PHMSA-2009-0126; 76 FR 3308). The amendments included requirements for passenger notification during ticket purchase and flight check-in, and are effective January 1, 2013.

Applicability: This advisory notice would be of interest to air travelers.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-11-21/pdf/2012-28252.pdf>

11/21/2012 p 69925 – p 69926 Assessment of Hazardous Materials Incident Data Collection, Analysis, Reporting, and Use

Action: Notice

Summary: This notice is a request for comments and information to be used for an assessment to improve the collection, analysis, reporting, and use of data related to accidents and incidents involving the transportation of hazardous materials. This notice is being conducted in support of the "Moving Ahead for Progress in the 21st Century" (MAP-21) Act. The incident data and information is generally used by PHMSA to: 1. Evaluate regulatory effectiveness; 2. Determine the need for regulatory changes to address changing transportation safety problems; 3. Identify major problem or risk areas that should receive priority attention; 4. Chart trends; 5. Identify problems and training inadequacies; 6. Evaluate packages and packaging; 7. Assess ways to reduce releases; 8. Aid the targeting of enforcement activities; and 9. Assist in evaluating fitness for special permits and approvals. Comments are due by December 28, 2012.

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

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-11-21/pdf/2012-28245.pdf>



11/06/2012 p 66609 – p 66616 Twenty-Fifth Update of the Federal Agency Hazardous Waste Compliance Docket

Action: Notice

Summary: This updates the Docket of Federal Facilities reported to EPA that manage hazardous waste or from which a reportable quantity of hazardous substance has been released. Facilities on the Docket are required to be evaluated to determine whether action is required. At a minimum, a facility on the Docket must complete a Preliminary Assessment under CERCLA.

Applicability: This adds one USACE facility to the Docket, the McNary Project in Oregon.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-11-06/pdf/2012-27041.pdf>

10/05/2012 p 60935 – p 60945 Hazardous Materials: Minor Editorial Corrections and Clarifications (RRR)

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. The revisions to the HMR are effective on October 5, 2012.

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

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-10-05/pdf/2012-24263.pdf>

10/03/2012 p 60334 – p 60339 New Marking Standards for Parcels Containing Hazardous Materials (Postal Service)

Action: Proposed rule

Summary: The Postal Service is proposing to revise Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®) 601.10 to adopt new mandatory marking standards for parcels containing mailable hazardous material that will align with the revised requirements provided by the Department of Transportation (DOT). This proposed rule also provides terminology and categorization changes needed to respond to the pending elimination of the “Other Regulated Material” (ORM–D) category and the partial elimination of the “Consumer Commodity” category by the DOT. Comments are to be submitted on or before October 23, 2012.

Applicability: This proposed rule would be of interest to individuals to ship hazardous materials by the US Postal Service. The Postal Service has very strict rules on shipping hazardous materials and it has very limited application to USACE because of the limited number of hazard classes and the requirement to be a Consumer Commodity.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-10-03/pdf/2012-24296.pdf>

10/02/2012 p 60056 Shippers – General Requirements for Shipments and Packagings

Action: CFR Correction

Summary: This CFR correction adds a transitional period for the assignment of packing group and hazard zones for Division 6.1 materials until January 1, 2012 and includes revisions to the definition of Division 6.2 material.

Applicability: This correction would be of interest to shippers of Division 6.1 and 6.2 materials.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-10-02/pdf/2012-24294.pdf>

09/18/2012 p 57546 – p 57554 National Priorities List, Proposed Rule No. 57

Action: Proposed rule

Summary: This proposes to amend the National Priorities List

Applicability: Provided for general information. One Federal facility in Utah is proposed to be added to the NPL.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-18/pdf/2012-22837.pdf>



09/18/2012 p 57495 – p 57504 National Priorities List, Final Rule No. 55

Action: Final rule

Summary: This adds sites to the National Priorities List

Applicability: Provided for general information only. Additions are made to the “General Superfund Section”. No Federal facilities are added by this action.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-18/pdf/2012-22851.pdf>

09/06/2012 p 54818 – p 54835 Polychlorinated Biphenyls (PCBs): Revisions to Manifesting Regulations

Action: Direct final rule

Summary: EPA is publishing a direct final rule to update manifesting regulations for PCBs under TSCA to conform to analogous regulations for manifesting hazardous waste under RCRA. The uniform hazardous waste manifest is used under both TSCA and RCRA for tracking shipments and therefore regulations are being modified to make requirements consistent between programs.

Applicability: This generally applies to transportation of PCBs at or above 50 ppm. It can also apply at lower concentrations resulting from dilution of regulated PCBs. This rule is relevant to all programs, including Civil Works, FUDs, EPA Superfund, and Army IRP.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-06/pdf/2012-21674.pdf>

09/06/2012 p 54863 – p 54864 Polychlorinated Biphenyls (PCBs): Revisions to Manifesting Regulations

Action: Proposed rule

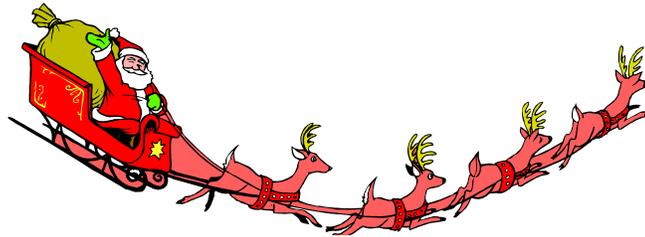


Summary: This proposes to update and clarify several sections of the Polychlorinated Biphenyl (PCB) Recovery Act (RCRA) Uniform Hazardous Waste Manifest, under the Toxic Substances Control Act (TSCA). At the same time, EPA is separately publishing a direct final rule. If adverse comments are received on this proposal, EPA will withdraw the direct final rule and proceed for further rulemaking relative to this subject.

Applicability: This typically applies to PCBs at or above 50 ppm and to PCBs at lower concentrations resulting from dilution of regulated PCBs.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-06/pdf/2012-21675.pdf>

Do you have a “burning” regulatory question? Call us or e-mail us at 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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