



THE HAZMAT NEWS NETWORK



Regulatory Resources, Inc. 240 Joshua Road Kennewick, WA 99338

Voice: 509-628-1020 — Fax: 509-628-0972 — email: newsletter@regulatoryresources.net — www.regulatoryresources.net — Nov 06



HEY JB, WE'RE BACK! Wow, it's been a loooong time! Well, as you can tell, we're still around. Actually, during the 'almost two year hiatus' of this newsletter we've been rather busy consulting and teaching. And like the old days, this newsletter is still a **free** service – no strings attached. For those you of receiving this for the first time...welcome! The purpose of the *THE HAZMAT NEWS NETWORK* is to update you on the latest DOT hazmat and RCRA hazardous waste rulemaking actions, and discuss topics about both that may help you in your compliance efforts. All we ask is that you spread the word about this free newsletter to all you think will benefit. If you find you don't want this free service, simple send a fax or email letting us know you'd like to be removed. Cheers!

MANY RULEMAKINGS have occurred since our last newsletter...too many to place on this one-page. A good, free web link to check for rulemaking published daily in the Federal Register (FR) is http://www.access.gpo.gov/su_docs/fedreg/frcont06.html. You can access FRs from this location back to 1998 by changing the year in the link. For example, changing ".../frcont06.html" to "...front05.html" will provide the 2005 FRs. An even better site for DOT is: <http://hazmat.dot.gov/regs/notices/rulemake.htm>. In keeping with the old way of the newsletter, I've provided below the DOT hazmat docket actions recently published from the Pipeline and Hazardous Materials Safety Administration (PHMSA). Please note that we do not address Special Permit (formerly Exemptions) actions. **Aug 8th:** HM-240; a Final Rule to revise terminology, definitions, and requirements in the Hazardous Materials Regulations (HMR) to be consistent with the Hazardous Materials Safety and Security Reauthorization Act of 2005 (49 U.S.C. 5101 et seq). The effective date of this rulemaking was 8/8/06.

Aug 15th: HM-208F; a Notice of Proposed Rulemaking (NPRM) addressing the registration and fee assessment program. The main purpose is to increase the yearly hazmat registration fee for other than small businesses and not-for-profit organizations to \$2,000 for registration year 2007-2008 (starts on July 1st) and yet again in 2008-2009 up to \$3,000. Comments were due 10/16.

Aug 29th: HM-220F; a Final Rule revises the HMR to address a known safety problem with cylinders manufactured of aluminum allow 6451-T6. The effective date of this rule is 1/1/07.

Aug 31st: HM-215I; an NPRM that proposes to amend the HMR to maintain alignment with the international standards and harmonize the HMR with recent changes to the dangerous goods regulations of the IMDG, ICAO and UN Recommendation. Comments were due 10/16.

Sep 1st: HM-231; an NPRM that proposes miscellaneous amendments to the packaging requirements. This proposal includes the rewrite

and clarification of the terms "bulk packaging" and "non-bulk packaging" as well as other packaging topics. Comments are due no later than 11/30 (there's still time).

Sep 14th: HM-189Z; this Final Rule corrects editorial errors and makes minor regulatory changes to the HMR. A correction was published on 10/20/06. This rule became effective on 10/1/06.

Sep 21st: HM-232F; an Advanced Notice of Proposed Rulemaking (ANPRM) seeking response to questions concerning the list of hazmats that trigger the development and implementation of a security plan. Comments are due by 11/30.

Sep 25th: HM-218D; a NPRM that is proposing a wide variety of amendments in many topical areas. This is a must read! Comments are due to PHMSA no later than 11/24.

Sep 29th: HM-224E; the Final Rule corrected an error published in the interim 12/15/04 final rule. The effective date was 10/1/06.

NOW A BIT ABOUT US. Regulatory Resources, Inc. (RRI) is a service organization established in 1995 to provide training and consulting on domestic and international hazardous materials packaging and transport (P&T) regulations, and EPA RCRA hazardous waste management regulations. Our training and consulting specialties include:

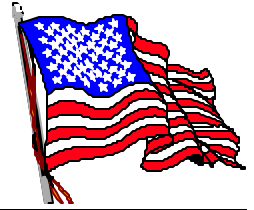
- US and international radioactive materials P&T regulations;
- Hazardous and mixed waste P&T regulations;
- Hazmat and waste operations staff augmentation;
- Hazmat and waste operations and P&T assessments;
- Quality assurance development for P&T operations;
- Hazmat and waste rulemaking comments;
- Hazmat and waste correspondence with regulators;
- ...and more.

Most all of our training is performed on-site at the client's locale. But, stay tuned. RRI will be offering some of our courses in CY 2007. We'll publish a list of the courses, dates and locations in an upcoming newsletter. Visit our website for course descriptions.

THE NEW EPA WASTE MANIFEST became mandatory on 9/5/06. For the most part, the change has been relatively smooth. One glitch did surface, however, due to the language found in the preamble text of the FR and the actual UHWM instructions in 40 CFR 262 Appendix. The issue was EPA's explicit "you cannot alter this federal form" mandate coupled with the directions provided for continuation of a DOT hazmat description when the description exceeds the space provided in a given line item (e.g., row 9b.1). In short, the final rule and regulatory text said if more space was needed for the hazmat description than could be placed in the designated line item, continue it on a continuation sheet. In other words, don't continue into the next numbered space (e.g., into 9b.2 from 9b.1). Argggg. This has been clarified and is attached. Keep this always as it is a copy of the written correspondence to/from EPA that allows you to modify the block numbers on the UHWM.



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----- Forwarded by XXXXXXXXXX/WSRC/Srs on 10/06/2006 11:02 AM -----

groce.bryan@epamail.epa.gov To XXXXXXXXXX@srs.gov
cc lashier.rich@epamail.epa.gov
10/06/2006 10:36 AM Subject Re: UHWM Item 9b Questions

Hi XXXXXXX,

Per your request, I am sending you this email to confirm that the description for a waste entered in line item 1 of the manifest can carry over to the next line item on the form (e.g., line item 2), if there is insufficient space in line item 1 to accurately describe the waste stream. The numbers for rows 2 and 3 need to be crossed out, and row number 3 needs to be assigned with the number 2.

With respect to your example:

If five line items are being shipped and the description provided for each line item would occupy two rows is it acceptable to "X" out row numbers 2, 3, and 4, then renumber the third row as 2, and finish the UHWM with a continuation page with items 3, 4, and 5?

It is acceptable to cross out the row numbers on the manifest and continue the sequence of numbers on the continuation sheet (i.e., assign rows 1,2, and 3 with the numbers 3,4, and 5, respectively).

10/04/2006 05:28 PM To Bryan Groce/DC/USEPA/US@EPA, Rich LaShier/DC/USEPA/US@EPA
Subject UHWM Item 9b Questions

Bryan / Richard,

I have two questions concerning the first page of UHWM specifically relating to Item 9b.

First, provided there are no interruptions of the sequence prescribed by 49 CFR for shipping papers may a description continue into rows 2, 3, and/or 4?

Second, if a description may continue into rows 2, 3, and/or 4, is it permissible to "X" out the row number, which contains additional information and renumber a row when beginning a new line item?

As an example, if five line items are being shipped and the description provided for each line item would occupy two rows is it acceptable to "X" out row numbers 2, 3, and 4, then renumber the third row as 2, and finish the UHWM with a continuation page with items 3, 4, and 5?

XXXXXXXXXXXXX
Hazardous Materials Shipping Advisor
Washington Savannah River Company
XXXXXXXXXXXXX@srs.gov
1-803-XXX-XXXX