

**WHADDA MEAN IT'S BEEN 3 MONTHS ALREADY?**

Wow, it's been a while since the last newsletter. I'd like to say I was on vacation, but... Anyway, here's the combined July-Aug-Sept 2002 issue of our "monthly" newsletter concerning your DOT hazmat and RCRA hazardous waste needs. For those new to the newsletter, it's free...always!

DOCKET ACTION is hot and because this is a 3-month span, it will consume this newsletter. Next issue we'll be back to normal and include other articles.

• **Jul 9th**: EPA published both a proposed rule and a direct final rule for correction of typographical errors and removal of obsolete language in the regulations for reportable quantities (40 CFR 302). Please note that the entire §304 Table was reprinted. The direct final rule was effective on 9/9/02.

• **Jul 9th**: RSPA published a safety advisory notice concerning the retesting of cylinders and tube trailers using non-calibrated test equipment by BKC Industries, Inc. of Creedmoor, NC. Then on July 25th, RSPA published a modification to the July 9th notice. Please review both dockets for the specific cylinder retest markings to determine those cylinders affected and what to do if you are using one of these cylinders.

• **Jul 12th**: RSPA published the final rule to docket HM-207B, Retention of Shipping Papers. RSPA is amending the hazmat regs to require shippers and carriers to retain a copy of each hazmat shipping paper (or electronic image) for 375 days after the date the carrier accepts the shipment from the shipper. Some allowances have been provided to the rail industry. This rule went into effect on 8/12/02.

• **Jul 16th**: The FMCSA published a NPRM (HM-232B) to remove the requirement that carriers must stop periodically to check their tires. Comments were due by 8/15/02 but RSPA will consider late comments at they prepare the final rule.

• **Jul 16th**: The RSPA and FMCSA published the joint ANPRM, Security Requirements for Motor Carriers Transporting Hazardous Materials (HM-232A). These two agencies are seeking comments on the feasibility of specific security enhancements and the potential costs and benefits of deploying such enhancements. Comments are due 10/15/02.

• **Jul 31st**: The FMCSA published a final rule revising the CDL program. The effective date for these changes is 9/30/02. The changes affect 49 CFR 350.217, Part 383 and 384.

• **Aug 8th**: RSPA published a final rule (HM-220D) amending the requirements of the HMRs applicable to the maintenance, requalification, repair, and use of DOT specification cylinders. In addition, RSPA is revising the requirements for approval of cylinder requalifiers, independent inspection agencies, and non-domestic chemical analysis and tests. Lastly, RSPA is disallowing the manufacturing of DOT spec cylinders made

with aluminum alloy 6351-T6. Effective date of this final rule is 10/1/2002.

• **Aug 9th**: The FMSCA published a final rule amending the FMCSRs to establish pass/fail criteria for use with performance based brake tests (which measure the breaking performance of CMVs). A minor correction was published on 8/14/02. This final rule was effective way back on 2/5/02.

• **Aug 13th**: EPA published a NPRM concerning its National Environmental Performance Track Program (NEPT). The notice proposes a provision that would: (1) *allow hazardous waste generators who are members of the NEPT up to 180 days to accumulate their hazardous waste without a RCRA permit or interim status*; (2) simplify reporting requirements for facilities governed by Maximum Available Control Technology provision so the CAA; and (3) specify reporting modifications for POTWs regulated by the CWA. For information on the NEPT, get on the web and go to: www.epa.gov/performance-track or call EPA at 1-888-339-7875. Oh, comments are due by 11/12/02.

• **Aug 14th**: RSPA published the final rule, HM-226, which revises the standards for infectious substances (Division 6.2 materials). RSPA is (1) adopting defining criteria and packaging requirements consistent with international standards; (2) revising the current broad exceptions for diagnostic specimens and biological products; and (3) authorizing bulk packaging options for regulated medical waste consistent with requirements in international standards and DOT exemptions. Corrections were published on 8/27/02 and 9/11/02. The effective date is 10/1/2002.

• **Aug 28th**: The FMCSA published an interim final rule amending its regulations to require that a motor carrier subject to the registration requirements in 49 U.S.C. 13902 may not operate a CMV in interstate commerce unless it has registered with the FMCSA, and are prohibited from operating beyond the scope of their registration. The rule is effective 9/27/02 with comments due by 10/28/02.

• **Sep 16th**: RSPA published the final rule to the miscellaneous revisions to registration requirements, HM-208E. This docket: (1) adopts the new NAICS small business classification, (2) permits registration over the Internet, and (3) authorizes additional credit cards acceptable for payment. The fee structure and not-for-profit organizations will be addressed in a separate rulemaking. The effective date if 1/6/2003.

• **Sep 20th**: RSPA published a preemption determination (PDA-22(R)) concerning many New Mexico state laws pertaining to the transport of LPG.