

3. REGULATIONS

A. Hazardous Waste Combustors (EPA)

On September 30, 1999, (64 FR 52828), the U.S. Environmental Protection Agency (EPA) promulgated revised standards for hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns. For the purposes of this final rule (40 CFR parts 60, 63, 260, 261, 264, 265, 266, 270, and 271), EPA refers to these three categories of hazardous waste burners as hazardous waste combustors. Hazardous waste combustors burn about 80% of the hazardous waste combusted annually within the United States. These standards are being promulgated under joint authority of the Clean Air Act and the Resource Conservation and Recovery Act. The standards limit emissions of chlorinated dioxins and furans, other toxic organic compounds, toxic metals, hydrochloric acid, chlorine gas, and particulate matter. These standards reflect the performance of Maximum Achievable Control Technologies (MACT) as specified by the Clean Air Act. These MACT standards also will result in increased protection to human health and the environment over existing RCRA standards.

For further information, contact Ms. Patricia Buzzell, Permits and State Programs Division, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (phone: (703) 308-8632).

B. Fire Protection Measures for Towing Vessels (CG)

On October 19, 1999, (64 FR 56257), the Coast Guard (CG), U.S. Department of Transportation, published an interim rule (46 CFR part 27) that implements measures for the early detection and control of fires on towing vessels. This interim rule prescribes that most towing vessels must be fitted with general alarms, engine-room fire detection systems, internal communication systems, and remote fuel-shutoff valves. Furthermore, fire-fighting drills must be conducted and training requirements need to be established for crews on towing vessels. Towing vessels that engage only in assistance towing, pollution response, or fleeting duties are exempted from these measures. The rule should decrease the number and severity of injuries to vessels' crews, prevent damage to vessels and structures and other property, and reduce the likelihood of a tank barge's drifting, grounding, and ultimately spilling its cargo.

For further information, contact Mr. Randall Eberly, Office of Design and Engineering Standards (G-MSE), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (phone: (202) 267-1861).

C. Alternate Hull Inspection Program (CG)

On November 15, 1999, (64 FR 62018), the Coast Guard, U.S. Department of Transportation, published a proposed rulemaking (46 CFR parts 2, 30, 31, 52, 61, 71, 90, 91, 98, 107, 110, 114, 115, 125, 126, 132, 133, 134, 167, 169, 175, 176, 188, 189, 195, and 199) that would amend its vessel inspection regulations. These amendments would introduce a 5-year Certificate of Inspection cycle in accordance with the Coast Guard Authorization Act of 1996 to harmonize Coast Guard inspections with most internationally required certificates. This proposed rule would also establish hull examination alternatives and a drydock extension procedure for qualifying passenger vessels. Qualifying vessels must operate exclusively in fresh water, on restricted routes, and in low risk environments. In addition, the proposed rule would provide the option of alternating drydock examinations with underwater surveys for passenger, nautical school, and sailing school vessels. This rulemaking is necessary for the following reasons: (1) to align inspection schedules with international protocols; (2) to establish an examination process giving industry additional latitude in scheduling inspections; and (3) to create a parity between passenger vessels and all other Coast Guard-inspected vessels. The Coast Guard expects this proposed rule to result in a reduction in the time and paperwork associated with Coast Guard vessel inspections and examinations.

For further information, contact Mr. James W. Cratty, Office of Standards Evaluation and Development (G-MSR), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (phone: (202) 267-6742).

D. Licensing and Manning for Officers of Towing Vessels (CG)

On November 19, 1999, (64 FR 63213), the Coast Guard (CG), U.S. Department of Transportation, issued an interim rule (46 CFR parts 10 and 15) that establishes requirements for licensing mariners who operate towing vessels, whether inspected or uninspected. This interim rule creates new licenses with levels of qualification and with enhanced training and operating experience, including practical demonstrations of skill. It also ensures that all towing vessels will be manned by officers holding licenses specifically authorizing their service. It should improve navigational safety for towing vessels.

For further information, contact LCdr. Luke Harden, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (phone: (202) 267-0229).

E. Identification and Listing of Hazardous Wastes (EPA)

On November 19, 1999, (64 FR 63382), the U.S. Environmental Protection Agency (EPA) published a proposed rule (40 CFR part 261) that would retain and amend the mixture rule and the derived-from rule in the Resource Conservation and Recovery Act (RCRA). The mixture and derived-from rules ensure that hazardous wastes that are mixed with other wastes or that result from the treatment, storage, or disposal of hazardous wastes do not escape regulation and

thereby cause harm to human health and the environment. EPA is proposing two revisions to the mixture and derived-from rules. These revisions would narrow the scope of the mixture and derived-from rules, tailoring the rules to more specifically match the risks posed by particular wastes.

The proposed rule also discusses an implementation framework for an exemption from hazardous waste management for wastes that meet chemical-specific exemption levels, also known as the Hazardous Waste Identification Rule (HWIR) exemption. The HWIR exemption would identify a broad set of listed hazardous waste that could be safely managed in nonhazardous waste management units. In addition, this proposal discusses the possibility of revising the Land Disposal Restrictions (LDRs) by replacing technology-based treatment standards in the RCRA regulations with risk-based treatment standards.

For further information, contact the RCRA Hotline, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (phone: (800) 424-9346 (toll free) or (703) 412-9810).

F. Storage, Treatment, Transportation, and Disposal of Mixed Waste (EPA)

On November 19, 1999, (64 FR 63464), the U.S. Environmental Protection Agency (EPA) issued a proposed rule (40 CFR part 266) to provide increased flexibility to facilities that manage low-level mixed waste (LLMW) and naturally occurring and/or accelerator-produced radioactive material (NARM) mixed with hazardous waste. This proposal also aims to reduce dual regulation of LLMW, which is subject to the Resource Conservation and Recovery Act (RCRA) and to the Atomic Energy Act (AEA). EPA believes the changes it is proposing will lower the cost and reduce the paperwork burden, while improving or maintaining protection of human health (including worker exposure to radiation) and the environment.

EPA is proposing to allow on-site storage and treatment of these wastes at the generator's site. This proposal would require the use of tanks/containers to solidify, neutralize, or otherwise stabilize the waste and would apply only to generators of low-level mixed waste who are licensed by the Nuclear Regulatory Commission (NRC) or an Agreement State. EPA also seeks to exempt LLMW and hazardous NARM waste from RCRA manifest, transportation, and disposal requirements when certain conditions are met.

For further information, contact the RCRA Hotline, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (phone: (800) 424-9346 (toll free) or (703) 412-9810).

G. Ergonomics Program (OSHA)

On November 23, 1999, (64 FR 65768), the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, issued a proposed rule (29 CFR part 1910) that would establish an ergonomics program standard to address the significant risk of work-related

musculoskeletal disorders (MSDs) confronting employees in various jobs in general industry workplaces. General industry employers covered by the standard would be required to establish an ergonomics program containing some or all of the elements typical of successful ergonomics programs: management leadership and employee participation, job hazard analysis and control, hazard information and reporting, training, MSD management, and program evaluation, depending on the types of jobs in their workplace and whether a musculoskeletal disorder covered by the standard has occurred.

The proposed standard would affect approximately 1.9 million employers and 27.3 million employees in general industry workplaces, and employers in these workplaces would be required in the first year after promulgation of the standard to control approximately 7.7 million jobs with the potential to cause or contribute to covered MSDs. OSHA estimates that the proposed standard would prevent about 3 million work-related MSDs over the next 10 years, have annual benefits of approximately \$9.1 billion, and impose annual compliance costs of approximately \$900 per covered establishment and annual costs of \$150 per problem job fixed.

For further information, contact the Ergonomic Team, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, (phone: (202) 693-2116).

H. Humpback Whale National Marine Sanctuary (NOAA)

Pursuant to the Hawaiian Islands National Marine Sanctuary Act and the National Marine Sanctuaries Act, the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, developed the comprehensive final management plan for the Hawaiian Islands Humpback Whale National Marine Sanctuary. NOAA issued final regulations on March 28, 1997, to implement that plan and govern the conduct of activities within the Sanctuary. After the review period, the regulations would become final and take effect, except that any term or terms of the regulations or management plan the Governor of Hawaii certified to the Secretary of Commerce as unacceptable would not take effect in the area of the Sanctuary lying within the seaward boundary of the State of Hawaii.

During the review period, the Governor submitted to the Secretary of Commerce a certification that implementation of the management plan and certain regulations were unacceptable unless specific amendments were made to the regulations. In response to the Governor's certification, NOAA published a final rule (15 CFR part 922) on November 29, 1999, (64 FR 66566), that amended those regulations certified as unacceptable in order to incorporate the Governor's changes. Consequently, the regulations, as modified by this rule, and the management plan, in their entirety, will apply throughout the Sanctuary, including the state waters of the Sanctuary.

For further information, contact Mr. Allen Tom, Sanctuary Manager, Hawaiian Islands Humpback Whale National Marine Sanctuary Office, 726 South Kihei Road, Kihei, Maui, Hawaii 96753, (phone: (808) 879-2818).

I. Solid Waste Incinerator Units (EPA)

On November 30, 1999, (64 FR 67092), the U.S. Environmental Protection Agency (EPA) published proposed standards and guidelines (40 CFR part 60) for new and existing commercial and industrial solid waste incineration (CISWI) units. The standards and guidelines fulfill the requirements of sections 111 and 129 of the Clean Air Act (CAA) which require EPA to promulgate standards and guidelines for solid waste incineration units. These requirements are based on EPA's determination that these waste incinerators cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. These standards and guidelines would protect public health by reducing exposure to air pollution. These regulations address only nonhazardous wastes. Emission limits would address cadmium, carbon monoxide, dioxins/furans, hydrogen chloride, lead, mercury, opacity, oxides of nitrogen, particulate matter, and sulfur dioxide.

For further information, contact Mr. Rick Crume, Combustion Group, Emission Standards Division, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, (phone: (919) 541-5294).

J. ASTM Standards Update (CG)

On December 1, 1999, (64 FR 67170), the Coast Guard (CG), U.S. Department of Transportation, issued a direct final rule that amends Titles 33 and 46 of the Code of Federal Regulations (CFR) to render current the standards incorporated by reference from the American Society for Testing and Materials (ASTM). Some of the standards incorporated were over 30 years out of date. This rule incorporates the most recent editions of the standards to ensure the use by regulated industry of the latest technology. This rule contains two kinds of updates of standards from ASTM: (1) updates of those standards that bear the same numbers and same general technical contents but that ASTM has brought into more recent year versions, and (2) updates of those that ASTM has discontinued and replaced or combined with others.

For further information, contact Ms. Janet Walton, Office of Standards Evaluation and Development (G-MSR), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (phone: (202) 267-0257).

K. Outer Continental Shelf Activities (CG)

On December 7, 1999, (64 FR 68416), the Coast Guard (CG), U.S. Department of Transportation, published a proposed rule (33 CFR parts 140, 141, 142, 143, 144, 145, 146, and 147) to significantly revise its regulations on Outer Continental Shelf (OCS) activities. The Coast Guard is the lead federal agency for workplace safety and health, other than for matters generally related to drilling and production that are regulated by the Minerals Management Service, on facilities and vessels engaged in the exploration for, or development or production of, minerals on the OCS. This proposed revision is needed to address new developments in the offshore industry, to fully address existing legislation, to effectively implement interagency

agreements, to respond to comments received from the advanced notice of proposed rulemaking, and to address casualty investigation findings. The revised regulation would effectively implement existing legislation and interagency agreements. It also would improve the level of safety in the workplace for personnel engaged in OCS activities.

For further information, contact Mr. James M. Magill, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (phone: (202) 267-1082).

L. Storm Water Discharges (EPA)

On December 8, 1999, (64 FR 68722), the U.S. Environmental Protection Agency (EPA) issued final regulations (Phase II)(40 CFR parts 9, 122, 123, and 124) that expand the existing National Pollutant Discharge Elimination System (NPDES) storm water program (Phase I) to address storm water discharges from small municipal separate storm sewer systems (those serving less than 100,000 persons) and construction sites that disturb one to five acres. Although these sources are automatically designated by this rule, the rule allows for the exclusion of certain sources from the national program based on a demonstration of the lack of impact on water quality, as well as the inclusion of others based on a higher likelihood of localized adverse impact on water quality. These regulations also exclude from the NPDES program storm water discharges from industrial facilities that have “no exposure” of industrial activities or materials to storm water. Finally, this rule extends from August 7, 2001, until March 10, 2003, the deadline by which certain industrial facilities owned by small municipal separate storm sewer systems must obtain coverage under an NPDES permit. This rule establishes a cost-effective, flexible approach for reducing environmental harm by storm water discharges from many point sources of storm water that are currently unregulated.

EPA believes that the implementation of the six minimum measures identified for small municipal separate storm sewer systems should significantly reduce pollutants in urban storm water compared to existing levels in a cost-effective manner. Similarly, EPA believes that implementation of Best Management Practices (BMP) controls at small construction sites will also result in a significant reduction in pollutant discharges and an improvement in surface water quality. EPA believes this rule will result in monetized financial, recreational, and health benefits, as well as benefits that EPA has been unable to monetize. Expected benefits include reduced scouring and erosion of streambeds, improved aesthetic quality of waters, reduced eutrophication of aquatic systems, benefit to wildlife and endangered and threatened species, tourism benefits, biodiversity benefits, and reduced costs for siting reservoirs. In addition, the costs of industrial storm water controls will decrease due to the exclusion of storm water discharges from facilities where there is “no exposure” of storm water to industrial activities and materials.

For further information, contact Mr. George Utting, Office of Wastewater Management, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (phone: (202) 260-5816).