



VEOLIA NORTH AMERICA - INDUSTRIAL BUSINESS REGULATORY UPDATE - October 2014

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A. EPA Alternative Uses for Cathode Ray Tube (CRT) Glass; Guidance Letters

On September 10, 2014, the Environmental Protection Agency (EPA) published two letters providing guidance for alternative uses of cathode ray tube (CRT) glass.

CRT Glass Used as a Substitute for Lead Oxide in the Production of Ceramic Tiles

In this letter EPA states, “the EPA finds that CRT funnel glass legitimately used as an effective substitute in the production of ceramic tiles to be excluded from the solid and hazardous waste regulations under 40 CFR 261.2(e) (“use/reuse exclusion”). Additionally, because CRT funnel glass managed under the “use/reuse exclusion” would not be RCRA hazardous waste in the United States, the CRT glass would not be subject to notice and consent under U.S. export regulations in 40 CFR Part 262 subparts E or H.”

CRT Glass Used as Alternative Daily Cover (ADC) at non-RCRA Subtitle C Landfills

In this letter EPA responds to five (5) questions, including whether CRT Glass may be used as Alternative Daily Cover at Subtitle C Landfills. EPA’s responses to the questions are included below:

1. CRT glass that has been stabilized/treated to meet the Land Disposal Restriction (LDR) requirements and no longer exhibiting hazardous characteristics may be disposed in a Subtitle C Landfill including being used as alternative daily cover (ADC).
2. CRT glass that has not been stabilized/treated to meet the LDR requirements can NOT be disposed in or used as alternative daily cover in a Subtitle C Landfill.
3. The act of grinding and stabilizing CRT glass meets the definition of treatment of a hazardous waste.
4. Stabilized/treated CRT glass must be analyzed using the TCLP procedure defined under EPA method 1311, including reducing the size of particles to pass through a 3/8th inch sieve and tumbling in extraction fluid.
5. CRT glass becomes a solid and hazardous waste when a recycling facility or a generator makes the determination that the glass can’t be recycled.

Link

The link below will allow you to view/print the Use of CRT Glass as a Substitute for Lead Oxide letter.

http://www.epa.gov/wastes/hazard/recycling/electron/fnl_ltr_sims.pdf

The link below will allow you to view/print the CRT Used as Alternative Daily Cover letter.

http://www.epa.gov/wastes/hazard/recycling/electron/fnl_ltr_%20adc.pdf

B. EPA Checklist to Assist in Evaluating Whether Commercial Chemical Products are Solid and Hazardous Waste under the Resource Conservation and Recovery Act; Memorandum

On April 23, 2013, EPA published a memorandum and checklist designed to assist agency inspectors in evaluating the status of commercial chemical products (CCP) that may be determined to be solid wastes.

Summary

Abandoned CCPs can and have caused environmental damage through leaks, spills, fires, and explosions. Abandoned CCPs may be solid and hazardous waste, and if they are, they must be managed under the RCRA hazardous waste regulations. Hazardous waste inspectors are commonly confronted with situations where a facility claims that a materials is a product, but the observed

management method of the materials suggests that they have been abandoned and should be regulated as solid wastes and potentially hazardous wastes.

EPA has developed a checklist in response to requests for assistance from EPA regions and states in determining the regulatory status of CCPs. The checklist provides inspectors with a tool for gathering information to help differentiate between materials that are products and materials that have been abandoned or stored in lieu of abandonment and should be regulated as a solid waste and potentially a hazardous waste.

Link

The link below will allow you to view/print the memorandum and checklist for evaluating CCPs.

[http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/E9670455E5F3A91585257BE20049E22D/\\$file/14837.pdf](http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/E9670455E5F3A91585257BE20049E22D/$file/14837.pdf)

C. **DOT/PHMSA Safety Advisory: Packaging and Handling Ebola Virus Contaminated Infectious Waste for Transportation to Disposal Sites**

On October 30, 2014, the Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) published a Safety Advisory Notice (79 FR 64646-64647) regarding the packaging and handling of Ebola contaminated infectious waste for transportation to disposal sites. The advisory provides a summary of PHMSA's activities to date with respect to the issuance of guidance documents and special permits to address the unique safety issues posed by the transportation of these special wastes.

Summary

The advisory clarifies PHMSA's position of the following:

1. Classification of Treated Ebola Wastes

Ebola contaminated materials that have been appropriately incinerated, autoclaved, or otherwise inactivated are not considered Category A infectious substances and are not subject to the requirements of the Hazardous Materials Regulations (HMR).

2. Transportation of Ebola Wastes by Government Employees

Waste generated from the treatment of a patient contaminated or suspected of being contaminated with the Ebola virus and transported by a Federal, state, or local government employee to a disposal facility is not subject to the HMR, however, PHMSA recommends that governments comply with appropriate safety requirements provided in the HMR to ensure the safe transportation of waste contaminated or suspected of being contaminated with the Ebola virus. It is also recommended that all conditions and operational controls specified in the applicable special permit issued for the transportation of waste contaminated with the Ebola virus be followed.

3. Waste Haulers Applying for Special Permits

Based on Veolia's application, PHMSA issued a non-site specific special permit (DOT-SP 16279) applicable to waste haulers which authorizes the transportation in commerce of waste contaminated with the Ebola virus for disposal. Other waste haulers not yet authorized under Special Permit DOT-SP 16279 may apply to PHMSA for party status in accordance with 49 CFR 107.107.

Link

The below will allow you to view/print this Safety Advisory Notice.

<http://www.gpo.gov/fdsys/pkg/FR-2014-10-30/pdf/2014-25778.pdf>

D. DOT/PHMSA Class 9 Label: Clarification of Use of Class 9 Label with a Horizontal Line Dividing the Lower and Upper Half of the Label; Guidance Letter

On September 30, 2014, the Department of Transportation, Pipeline and Hazardous Materials Safety Administration issued a letter (Reference No. 14-0165) clarifying the Hazardous Materials Regulations applicable to the Class 9 miscellaneous hazard class warning label.

Summary

On July 20, 2011, PHMSA published a final rule (76 FR 43510) that revised the Class 9 label in 49 CFR 172.446(a) by removing the horizontal line dividing the upper and lower halves. The intent of this revision was to harmonize the Class 9 label with the UN Model Regulations and relevant international regulations.

In this letter PHMSA issued an opinion stating that “the use of the horizontal line does not pose a safety concern and that 49 CFR 172.446(b) provides that the solid horizontal line dividing the lower and upper half of the label is optional.

Additionally, 49 CFR 172.560(a) includes a horizontal center line for the Class 9 placard which is not present in the international standards. PHMSA provides the opinion that a Class 9 placard without a horizontal center line does not pose a safety concern and that the use of Class 9 placard with a solid horizontal line dividing the lower and upper half of the placard is optional.

Link

The link below will allow you to view/print this letter from PHMSA.

http://www.phmsa.dot.gov/pv_obj_cache/pv_obj_id_82E0BE38F4F704C9DB984C4EEFA60068CFEC0300/filename/attachments_013473_original_140165.pdf

E. OSHA Chemical Management and Permissible Exposure Limits (PELs); Request for Information

On October 10, 2014, the Occupational Safety and Health Administration (OSHA) published a request for information (78 FR 61383-61438) seeking comment on issues relating to updating permissible exposure limits (PELs) along with other strategies that could be implemented to address workplace conditions where workers are exposed to chemicals.

Summary

The current PELs were adopted by OSHA in 1971. In 1989, OSHA attempted to update all of the PELs but was rejected by the Eleventh Circuit Court of Appeals. In subsequent years OSHA has made smaller efforts to update individual PELs, but has never been successful.

OSHA is seeking comment on current practices and future methods for updating PELs as well as new strategies for protecting workers from hazardous chemical exposures. OSHA is seeking comment on the following topics:

1. Streamlined approaches for risk assessment and feasibility analyses; and

2. Alternative approaches for managing chemical exposures including control banding, task-based approaches, and informed substitution.

Comments Due

Comments on this request for information should be submitted to OSHA by April 8, 2015.

Link

The link below will allow you to view/print this request for information.

<http://www.gpo.gov/fdsys/pkg/FR-2014-10-10/pdf/2014-24009.pdf>

F. DOJ/ATF Commerce in Explosives; 2014 Annual List of Explosive Materials; Notice

On October 7, 2014, the Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) published a notice of list of explosive materials (79 FR 60496-60498).

Summary

ATF is required to revise and publish, at least annually, in the Federal Register a list of explosive materials including blasting agents and detonators. The list of explosive materials was last updated on October 28, 2013.

The only change in the 2014 list is the addition of one new term, “Pyrotechnic fuses” that appears after “Pyrotechnic compositions” on the List of Explosive Materials. The addition of the term Pyrotechnic fuses (e.g., black match, ignition fuse, quick match) clarifies that these fuses are not exempt as a component of ammunition or as black powder articles intended for sporting, recreational, or cultural purposes in antique firearms or devices, and are regulated explosive materials regardless of their size or specific energetic composition. Pyrotechnic fuses are generally classified as low explosives subject to the Federal explosives laws in 27 CFR 555, Commerce in Explosives. DOT classifies Pyrotechnic fuses as Class 1 explosives.

Effective Date

The 2014 List of Explosive Materials became effective on October 7, 2014.

Link

The link below will allow you to view/print the 2014 List of Explosive Materials.

<http://www.gpo.gov/fdsys/pkg/FR-2014-10-07/pdf/2014-23870.pdf>