



## VEOLIA NORTH AMERICA - INDUSTRIAL BUSINESS REGULATORY UPDATE - November 2014

### **ENVIRONMENTAL UPDATES**

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### **MISCELLANEOUS UPDATES**

No Miscellaneous Updates for November 2014

**A. EPA National Oil and Hazardous Substances Pollution Contingency Plan; Technical Amendment to Update Data Management System Nomenclature; Direct Final and Proposed Rules**

On November 5, 2014, the Environmental Protection Agency (EPA) published a direct final rule (79 FR 65589-65592) and a proposed rule (79 FR 65612-65613) adopting conforming terminology changes to National Oil and Hazardous Substances Contingency Plan (NCP) regulations regarding the adoption of the Superfund Enterprise Management System (SEMS) to replace the Comprehensive Environmental Response Compensation and Liability Act Information System (CERCLIS), which has been decommissioned.

**Background**

In 1980, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was adopted in response to releases or substantial threats of releases of hazardous substances, pollutants, or contaminants into the environment which may present an imminent and substantial danger to public health. In 1982, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) was revised in order to implement the CERCLA requirements. The Superfund program maintains a data management system that inventories and tracks releases of hazardous substances.

**Summary**

SEMS, the new Superfund data management system, integrates multiple legacy Superfund data collection, reporting and tracking systems, including CERCLIS into a single system to create one primary source of Superfund site activity data, records, and documentation. The SEMS system also consolidates the Superfund program's technical assets into the management system with a single architecture on an agency platform.

This final rule revises the Operational Abbreviations section and the Definitions section of the NCP to reflect the changes to the SEMS data management system.

**Effective Date**

This rule will become effective on January 5, 2015, unless EPA receives adverse comment by December 5, 2014.

The SEMS data management system is currently utilized by EPA and the CERCLIS system has been decommissioned.

**Links**

The link below will allow you to view the Superfund Enterprise Management System (SEMS) website.

<http://cumulis.epa.gov/supercpad/cursites/srchrslt.cfm?start=1&CFID=13506003&CFTOKEN=72967408&jsessionid=e0302738a761b714f6b4367d77d27531f187>

The link below will allow you to view/print the direct final rule.

<http://www.gpo.gov/fdsys/pkg/FR-2014-11-05/pdf/2014-26160.pdf>

The link below will allow you to view/print the proposed rule.

<http://www.gpo.gov/fdsys/pkg/FR-2014-11-05/pdf/2014-26159.pdf>

**B. D.C. Circuit Court Delays Effective Date of Vacation of Waste Comparable Fuels Ruling Until April 2015**

On November 3, 2014, the D.C. Circuit Court issued a ruling delaying the effective date of the vacation of the hazardous waste comparable fuels exemption until April 2015.

**Summary**

On June 27, 2014, the United States Court of Appeals for the District of Columbia Circuit (Court) ruled that EPA’s Comparable Fuels and Gasification exclusions violated the Resource Conservation and Recovery Act (RCRA) vacating the exclusions.

The “Comparable Fuels Exclusion” exempted certain oil-bearing hazardous waste secondary materials from the hazardous waste regulations if they were burned as a fuel and had contaminant levels comparable to fossil fuels.

The chemical industry had petitioned the Court for an 18-month stay of the vacature of the comparable fuels exclusion to allow time to transition their operations. At the same time environmental organizations asked the court to make the ruling effective immediately.

The Court granted a delay in enforcement of the vacature of the comparable fuels exclusion, but only for five months.

**Effective Date of the Vacature of the Comparable Fuels Exclusion**

The vacature of the comparable fuels exclusion will become effective in April 2015.

**Link**

The link below will allow you to view/print the Court order delaying the effective date of the vacation of the waste comparable fuels exemption.

[http://www.epa.gov/epawaste/hazard/tsd/td/combust/compfuels/comp\\_fuel\\_ordr\\_stay.pdf](http://www.epa.gov/epawaste/hazard/tsd/td/combust/compfuels/comp_fuel_ordr_stay.pdf)

**C. EPA Fall 2014 Semi-Annual Regulatory Agenda; Notice**

On November 21, 2014, EPA published the Fall 2014 Semi-Annual Regulatory Agenda as part of the 2014 Fall Unified Agenda and Regulatory Plan.

**Summary**

EPA publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review including the following waste-related topics:

<b>Solid Waste and Emergency Response – Final Rule Stage</b>
1. Rulemaking on the Definition of Solid Waste
2. Revising Underground Storage Tank Regulations – Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training
3. Additions to List Section 241.4 Categorical Non-Waste Fuels
4. Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers
<b>Solid Waste and Emergency Response – Proposed Rule Stage</b>
1. Management Standards for Hazardous Waste Pharmaceuticals

2. Hazardous Waste Generator Improvements Rule
3. Hazardous Waste Export-Import Revisions Rule
4. User Fee Schedule for Electronic Hazardous Waste Manifest Rule
5. Modernization of the Accidental Release Prevention Regulations Under Clean Air Act
6. Revisions to RCRA Subtitle D Research, Demonstration & Development Permit Rule

**Link**

The link below will allow you to view/print the Fall 2014 Semi-Annual Regulatory Agenda.

<http://www.reginfo.gov/public/do/eAgendaMain>

**D. DOT/FMCSA Financial Responsibility for Motor Carriers, Freight Forwarders, and Brokers; Advance Notice of Proposed Rulemaking**

On November 28, 2014, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) published an advance notice of proposed rulemaking (79 FR 70839-70843) that would increase the minimum levels of financial responsibility for motor carriers, including liability coverage for bodily injury or property damage; implement financial responsibility requirements for brokers and freight forwarders, and revise existing rules concerning self-insurance and trip insurance.

**Summary**

In May 2014, FMCSA tasked the Motor Carrier Safety Advisory Committee (MCSAC) with examining the financial responsibility requirements. FMCSA is considering a rulemaking to increase the minimum levels of financial responsibility for motor carriers, including liability coverage for injury or property damage for general freight, hazardous materials, and passenger motor carriers. In addition, FMCSA is considering a rulemaking regarding broker and freight forwarder financial security, trip insurance, bus brokers and self-insurance.

FMCSA is requesting comment on the following topics:

1. Premium Rates
  - a. What are the current insurance premium rates for each category of carriers (property, hazardous materials, and passenger)?
  - b. For each 10% increase in insurance requirements, how much would the premium rates increase?
  - c. What percentage of fleets already have liability coverage that exceeds the minimum financial responsibility requirements?
  - d. How are insurance premium rates determined?
2. Current Minimum Levels of Financial Responsibility
  - a. How often is the minimum level of financial responsibility insufficient to meet the costs associated with a crash?
  - b. How often is the minimum level of financial responsibility exceeded by damages caused by the unintentional release of hazardous materials?
3. Impacts of Increasing the Minimum Level of Financial Responsibility
  - a. How would increasing the minimum financial responsibility requirements affect the ability of a carrier to obtain insurance?
  - b. How would increasing the minimum levels of financial responsibility affect safety?
  - c. Do current State insurance requirements vary from the Federal requirements?
4. Timelines
  - a. If the financial responsibility requirement is increased, what is a reasonable phase-in period?
  - b. Should there be a standard process for updating the minimum levels of financial responsibility?

**Comments Due**

Comments on this advance notice of proposed rulemaking must be submitted to FMCSA on or before February 26, 2015.

**Link**

The link below will allow you to view/print this notice of proposed rulemaking.

<http://www.gpo.gov/fdsys/pkg/FR-2014-11-28/pdf/2014-28076.pdf>

**E. DOT/PHMSA Fall 2014 Semi-Annual Regulatory Agenda; Notice**

On November 21, 2014, the Department of Transportation, Pipeline and Hazardous Materials Administration (PHMSA) published the Fall 2014 Semi-Annual Regulatory Agenda as part of the 2014 Fall Unified Agenda and Regulatory Plan.

**Summary**

PHMSA publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review including the following hazardous materials transportation related topics:

<b>Pipeline and Hazardous Materials Safety Administration – Final Rule Stage</b>
1. Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids (Wetlines) (MAP-21)
2. Hazardous Materials: Adoption of American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code Section XII and the National Board Boiler and Pressure Vessel Inspectors Code
3. Hazardous Materials: Requirements for the Safe Transportation of Bulk Explosives (RRR)
4. Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains
5. Hazardous Materials: Special Permit and Approvals Standard Operating Procedures and Evaluation Process (MAP-21)
6. Hazardous Materials: Harmonization with International Standards (RRR)
<b>Pipeline and Hazardous Materials Safety Administration – Proposed Rule Stage</b>
1. Hazardous Materials: Miscellaneous Pressure Vessel Requirements (DOT Spec Containers) (RRR)
2. Hazardous Materials: Reverse Logistics (RRR)
3. Hazardous Materials: Incorporation of Special Permits into the Hazardous Materials Regulations (MAP-21)
4. Hazardous Materials: Miscellaneous Amendments (RRR)
5. Hazardous Materials: Review and Update of Rail Carrier Regulations in Part 174
6. Hazardous Materials: Oil Spill Response Plans for High-Hazard Flammable Trains

**Link**

The link below will allow you to view/print the Fall 2014 Semi-Annual Regulatory Agenda.

<http://www.reginfo.gov/public/do/eAgendaMain>

**F. OSHA Fall 2014 Semi-Annual Regulatory Agenda; Notice**

On November 21, 2014, the Occupational Safety and Health Administration (OSHA) published the Fall 2014 Semi-Annual Regulatory Agenda as part of the 2014 Fall Unified Agenda and Regulatory Plan.

**Summary**

OSHA publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. The Fall 2014 Semi-Annual Regulatory Agenda includes the following OSHA topics:

<b>Occupational Safety and Health Administration – Final Rule Stage</b>
1. Walking and Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Protection)
2. Improve Tracking of Workplace Injuries and Illnesses
3. Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records
<b>Occupational Safety and Health Administration – Proposed Rule Stage</b>
1. Occupational Exposure to Crystalline Silica
2. Occupational Exposure to Beryllium
3. Standards Improvement Project IV
4. Clarification of Employer’s Continuing Obligation to Make and Maintain Accurate Records of Each Recordable Injury and Illness
5. Updating OSHA Standards Based on National Consensus Standards: Eye and Face Protection
6. Quantitative Fit Testing Protocol: Amendment to the Final Rule on Respiratory Protection
<b>Occupational Safety and Health Administration – Long Term Actions</b>
1. Bloodborne Pathogens
2. Infectious Diseases
3. Chemical Management and Permissible Exposure Limits (PELs)
4. Process Safety Management and Prevention of Major Chemical Accidents
5. Emergency Response and Preparedness

**Link**

The link below will allow you to view/print the Fall 2014 Semi-Annual Regulatory Agenda.

<http://www.reginfo.gov/public/do/eAgendaMain>

**Impact on Veolia**

The semi-annual regulatory agenda has minimal impact on Veolia operations. Even though items are listed on the agenda there is no guarantee that OSHA will finalize the projects within the timeframe identified.