



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

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**A. New York Consumer Electronic Waste Disposal Ban Effective January 1, 2015**

Starting on January 1, 2015, the disposal of all electronic equipment in any solid waste management facility in the State of New York will be banned. The Electronic Equipment Recycling and Reuse Act (Environmental Conservation Law Article 27 Title 26 - §27-2611) reads:

“Beginning January first, two thousand fifteen, no individual or household shall place or dispose of any electronic waste in any solid waste management facility, or place any electronic waste for collection which is intended for disposal at a solid waste management facility or hazardous waste management facility in this state.”

Electronic wastes include: computers, computer peripherals, televisions, cathode ray tubes, VCRs, DVRs, portable digital music players, DVD players, digital converter boxes, cable and satellite receivers, and electronic and video game consoles.

New York residents have several options for the collection and recycling of electronic wastes. Electronic wastes may be dropped off at Electronic Waste Collection Sites, Manufacturer Take-Back Sites, and Electronic Waste Drop-Off Locations.

The fine for improperly disposing of electronic wastes is \$100 per item.

**Effective Date**

The Electronic Waste Disposal Ban became effective on January 1, 2015.

**Links**

The link below will allow you to view/print the New York Department of Environmental Conservation Electronic Waste Recycling Website.

<http://www.dec.ny.gov/chemical/66872.html#Covered>

The link below will allow you to view/print the Electronic Equipment Recycling and Reuse Act.

[http://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/ewastelaw2.pdf](http://www.dec.ny.gov/docs/materials_minerals_pdf/ewastelaw2.pdf)

**B. DOT/FMCSA Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (DVIR); Final Rule**

On December 18, 2014, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) published a final rule (79 FR 75437-75449) rescinding the requirement that commercial motor vehicle (CMV) drivers complete and submit, and motor carriers retain, driver-vehicle inspection reports (DVIRs) when the driver has neither found nor been made aware of any vehicle defects or deficiencies.

**Summary**

Drivers are still required to perform pre-trip evaluations of equipment condition, and complete DVIRs if any defects or deficiencies are discovered or reported during the day's operations. Motor carriers are also still required to have systematic inspections, repair and maintenance programs (including preventive maintenance) and maintain records to prove measures are being taken to reduce the risk of mechanical problems while the vehicle is in operation. Motor carriers must continue to review driver vehicle inspections that list defects or deficiencies and take appropriate action before the vehicle is dispatched again.

FMCSA believes that removing the requirement for drivers of property-carrying CMVs to complete a no-defect DVIR will not diminish CMV safety and will significantly reduce the paperwork burden on drivers and motor carriers. Motor carriers may continue to require their drivers to prepare no-defect DVIRs as a condition of employment if they so choose.

### **U.S. Motor Carriers Operating in Canada**

U.S. motor carriers operating in Canada must continue to comply with Canadian National, Provincial, and Territorial requirements that require drivers to prepare DVIR reports and to carry a copy of their previous day's post-trip DVIR regardless of whether there are defects to report.

### **Harmonization of the Pre-Trip Inspection List**

In 49 CFR 392.7(a), FMCSA is adding "wheels and rims" and "emergency equipment" to the pre-trip list in order to harmonize it with the post-trip list in 49 CFR 396.11(a)(1).

### **Effective Date**

This final rule became effective on the date of publication, December 18, 2014.

### **Link**

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

<http://www.gpo.gov/fdsys/pkg/FR-2014-12-18/pdf/2014-29331.pdf>

## **C. DOT/FMCSA Hours of Service of Drivers; Notice of Suspension of Enforcement**

On December 22, 2014, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) published a notice (79 FR 76241-76242) suspending certain sections of the Hours of Service rules as required by the Consolidated and Further Continuing Appropriations Act, 2015, enacted on December 16, 2014.

### **Summary**

In this notice FMCSA is suspending the requirements regarding the restart of a driver's 60 or 70-hour limit that drivers were required to comply with beginning on July 1, 2013. Specifically, drivers are allowed to continue utilizing the 34-Hour restart provision but will no longer be required to include two periods between 1:00 AM and 5:00 AM and are not limited to using the restart provision only one time per week. The suspension will remain in place until September 15, 2015, or upon submission of the final report on the naturalistic study by FMCSA to the House and Senate Committees on Appropriations. Because this is a temporary suspension, the current requirements are not rescinded and will continue to appear as codified in the Federal Motor Carrier Safety Regulations, but will not be enforced. FMCSA will provide public notice of the date when the temporary suspension ends.

### **Suspended Provisions of the 34-Hour Restart**

The following provisions are suspended and will not be enforced by FMCSA during the suspension.

49 CFR 395.3(c) – Allows drivers to restart the calculation of their 60 or 70-hour limit by taking an off-duty period of at least 34 consecutive hours, including two periods from 1:00 AM to 5:00 AM.

49 CFR 395.3(d) – Authorizes only one restart per week (168 hours).

**Effective Date**

The suspension of enforcement of 49 CFR 395.3(c) and (d) became effective on December 16, 2014.

**Link**

The link below will allow you to view/print the notice of suspension of enforcement.

<http://www.gpo.gov/fdsys/pkg/FR-2014-12-22/pdf/2014-30028.pdf>

**D. DHS Chemical Facility Anti-Terrorism Standards Program Authorized for Another Four Years; H.R. 4007 Signed by President Obama**

On December 18, 2014, President Obama signed H.R. 4007, the “Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014” authorizing the Department of Homeland Security (DHS) to administer the Chemical Facility Anti-Terrorism Standards (CFATS) program for another four years.

**Summary**

In addition to approving the CFATS program for another four years H.R. 4007 also includes several provisions intended to improve the implementation of the CFATS program. These provisions include:

1. Requires DHS to establish an expedited Site Security Plan approval process for lower-risk facilities;
2. Requires DHS to establish strict deadlines that must be met when reviewing Site Security Plans;
3. Requires DHS to create guidance outlining security measures that meet risk-based performance standards;
4. Urges DHS to create Site Security Plan templates;
5. Requires DHS to prescribe standards for training and re-training for DHS and non-governmental auditors and inspectors;
6. Requires DHS to provide feedback to the facility owner on any deficiency identified during the security vulnerability assessment or Site Security Plan review that has been determined to not be in compliance with the Act; and
7. Grants DHS the authority to order an emergency shutdown of facilities if the risk of a terrorist incident creates and imminent threat.

**Link**

The link below will allow you to view/print H.R. 4007.

<http://docs.house.gov/billsthisweek/20141208/HR%204007.pdf>