



## VEOLIA NORTH AMERICA - INDUSTRIAL BUSINESS REGULATORY UPDATE - February 2016

### **ENVIRONMENTAL UPDATES**

- A. [EPA Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds – Requirements for t-Butyl Acetate; Final Rule](#)
- B. [EPA Protection of Stratospheric Ozone: Revisions to Reporting and Recordkeeping for Imports and Exports; Direct Final and Proposed Rules](#)
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### **TRANSPORTATION UPDATES**

- D. [DOT/NHTSA Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment; Final Rule](#)

### **HEALTH & SAFETY UPDATES**

No Health and Safety Updates for February 2016

### **MISCELLANEOUS UPDATES**

- E. [DOJ/DEA Schedules of Controlled Substances: Temporary Placement of the Synthetic Cannabinoid MAB-CHMINACA into Schedule I; Final Order](#)

**A. EPA Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds – Requirements for t-Butyl Acetate; Final Rule**

On February 25, 2016, the Environmental Protection Agency (EPA) published a final rule (81 FR 9339-9343) amending the definition of volatile organic compounds (VOC) under the Clean Air Act (CAA).

**Background**

In 2004, EPA published a final rule (69 FR 69298) that excluded t-Butyl Acetate (TBAC) from the definition of VOC for the purposes of VOC emissions limitations or VOC content requirements, but continued to define TBAC as a VOC for the purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements. This created a new, unique recordkeeping and reporting burden by requiring that TBAC be “uniquely identified” in emission reports.

In December 2009, LyondellBasell submitted a petition to EPA requesting the removal of all recordkeeping and reporting requirements for TBAC. The basis for LyondellBasell’s exemption petition was that the emissions reporting requirements for TBAC are redundant and present an unnecessary burden. As a result of the petition request, on February 5, 2015, EPA published a proposed rule (80 FR 6481) to remove the recordkeeping and reporting requirements for TBAC.

**Summary**

This final rule revises the definition of VOC to remove all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to the use of TBAC.

**Effective Date**

This final rule will become effective on April 25, 2016.

**Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-02-25/pdf/2016-04072.pdf>

**B. EPA Protection of Stratospheric Ozone: Revisions to Reporting and Recordkeeping for Imports and Exports; Direct Final and Proposed Rules**

On February 9, 2016, EPA published a direct final rule (81 FR 6765-6768) and a proposed rule (81 FR 6824-6826) amending the stratospheric protection regulations to implement the International Trade Data System to allow businesses to transmit required import and export data for cargo through a single electronic “window.”

**Background**

In 2006, the U.S. Customs and Border Protection (CBP) began implementing automated processes for the importation and exportation of goods to improve the control of exports and imports and to improve efficiency. The International Trade Data System (ITDS) has been implemented as a multi-agency program that assists 48 Federal agencies with import/export cargo processing through CBP’s Automated Commercial Environment (ACE) for imports and the Automated Export System (AES) for exports. Under the ITDS, agencies with existing paper-based import and export clearance procedures at the port of exit and/or entry are working with CBP to enable the electronic filing and processing of the import or export shipments based on the submittal of one set of data that can be checked against all relevant U.S. agency requirements.

## Summary

The importation of used ozone-depleting substances (ODS) is regulated by EPA and persons seeking to import used ODSs are required to submit an importation petition to EPA. After reviewing the importation petition, EPA issues either a “non-objection notice” allowing the importation or an “objection notice” prohibiting the importation. The current regulations require that the importation petition and non-objection notice accompany the shipment through U.S. Customs.

The ITDS includes a Document Image System (DIS) which allows an importer to file the image of a document without paper needing to physically accompany a shipment. The ITDS allows the non-objection notice to be made available using the DIS and meets the requirement that the non-objection notice accompany the shipment.

In this direct final rule EPA is removing the requirement that the importation petition accompany the shipment. Therefore, removing all requirements for “paper” documents to accompany the importation of used ODS's.

## Effective Date

This direct final rule will become effective on May 9, 2016, unless EPA receives adverse written comment by March 10, 2016. If EPA receives adverse comments they will publish a withdrawal of the direct final rule in the **Federal Register** informing the public that direct final rule will not take effect on that date.

## Links

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-02-09/pdf/2016-02321.pdf>

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-02-09/pdf/2016-02320.pdf>

## C. EPA 2017-2019 Enforcement Initiatives Announced

On February 28, 2016, EPA published its seven National Enforcement Initiatives for fiscal years 2017-2019.

### Summary

In this notice EPA retains four of its current National Enforcement Initiatives, adds two new ones, and expands one to include a new area of focus. The seven enforcement initiatives are:

1. Keeping Industrial Pollutants out of the Nation's Waters (New)
2. Reducing Risks of Accidental Releases at Industrial and Chemical Facilities (New)
3. Cutting Hazardous Air Pollutants (Expanded)
4. Reducing Air Pollution from the Largest Sources
5. Ensuring Energy Extraction Activities Comply with Environmental Laws
6. Keeping Raw Sewage and Contaminated Stormwater out of the Nation's Waters
7. Preventing Animal Waste from Contaminating Surface and Groundwater

In addition, EPA is expanding the initiative on reducing toxic air pollution by adding large storage tanks and hazardous waste facilities.

EPA selects National Enforcement Initiatives every three years to focus resources on national environmental problems where there is significant non-compliance with laws, and where federal enforcement efforts can make a difference. The initiatives will cover three fiscal years, and focus on employing Next Generation Compliance strategies to enhance enforcement cases and build compliance. Next Generation Compliance is EPA's strategy to address today's pollution challenges through a modern approach to increase compliance, utilizing new tools while strengthening vigorous enforcement of environmental laws.

**Effective Date**

These enforcement initiatives will become effective on October 1, 2016.

**Link**

The link below will allow you to view/print EPA's news release on their 2017-2019 Enforcement Initiatives.

<http://yosemite.epa.gov/opa/admpress.nsf/0/25662047EBAB45A085257F5D0071B4A0>

**D. DOT/NHTSA Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment; Final Rule**

On February 8, 2016, the Department of Transportation, National Highway Traffic Safety Administration (NHTSA) published a final rule (81 FR 6454-6458) amending the side marker requirements on lamps, reflective devices and associated equipment for vehicles 80 inches or more in width and less than 30 feet long.

**Summary**

This final rule restores the photometric requirements in Federal Motor Vehicle Safety Standard (FMVSS) No. 108 for side marker lamps on vehicles less than 30 feet in length so that the requirements may be met for all inboard test points at a distance of 15 feet from the vehicle on a vertical plane that is perpendicular to the longitudinal axis of the vehicle and located midway between the front and rear side marker lamps, regardless of the width of the vehicle.

**Effective Date**

This final rule will become effective on August 6, 2016, with optional early compliance.

**Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-02-08/pdf/2016-02268.pdf>

**E. DOJ/DEA Schedules of Controlled Substances: Temporary Placement of the Synthetic Cannabinoid MAB-CHMINACA into Schedule I; Final Order**

On February 5, 2016, the Department of Justice, Drug Enforcement Administration (DEA) published a final order (81 FR 6171-6175) temporarily placing the synthetic cannabinoid *N*-(2-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-9cyclohexymethyl)-1*H*-indazole-3-carboxamide (common names, MAB-NHMINACA and ADB-CHMINACA), and its optical, positional, and geometric isomers, salts, and salts of isomers into Schedule I of the Controlled Substances Act.

## **Summary**

Synthetic cannabinoids (SCs) are substances synthesized in laboratories that mimic the biological effects of delta-9-tetrahydrocannabinol (THC), the main psychoactive ingredient in marijuana. MAB-CHMINACA is an SC that has pharmacological effects similar to the schedule I hallucinogen THC and other temporarily and permanently controlled schedule I substances. MAB-CHMINACA has been shown to cause severe toxicity and adverse health effects following ingestion, including seizures, excited delirium, cardiotoxicity and death.

DEA believes that, based on the available data, the continued uncontrolled manufacture, distribution, importation, exportation, and abuse of MAB-CHMINACA poses an imminent hazard to public safety. DEA is unaware of any currently accepted medical uses for this chemical in the U.S. Therefore, DEA is publishing this final order subjecting MAB-CHMINACA, and its optical, positional, and geometric isomers, salts, and salts of isomers to all the regulatory controls as a Schedule I Controlled Substance.

## **Effective Date**

This final order became effective on the date of publication, February 5, 2016.

## **Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-02-05/pdf/2016-02302.pdf>