



## VEOLIA NORTH AMERICA - INDUSTRIAL BUSINESS REGULATORY UPDATE - June 2017

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**A. EPA Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act; Further Delay of Effective Date**

On June 14, 2017, the Environmental Protection Agency (EPA) published a final rule (82 FR 27133-27144) delaying the effective date of the Risk Management Program Amendments for an additional 20 months to February 19, 2019.

**Background**

On January 13, 2017, EPA published a final rule (82 FR 4594) amending the chemical accident prevention provisions of the Clean Air Act (CAA) in 40 CFR Part 68. The amendments were related to various aspects of the risk management programs including prevention programs at stationary sources, emergency response preparedness requirements, and information availability. On January 26, 2017, EPA published a final rule extending the effective date of the rule from March 14, 2017 to March 21, 2017.

A group known as the “RMP Coalition” submitted a petition for reconsideration of the final rule to EPA on February 28, 2017. The EPA Administrator announced a reconsideration proceeding of the Risk Management Program Amendments and that EPA will prepare a notice of proposed rulemaking that will provide the RMP Coalition with an opportunity to comment on issues raised in the petition.

On March 16, 2017, EPA published a notice (82 FR 13968) staying and delaying the effective date of the Accidental Release Prevention Requirements until June 19, 2017.

**Summary**

This final rule, delays the effective date an additional 20 months, and allows EPA time to consider petitions for reconsideration of the Risk Management Program Amendments and to take further regulatory action, which could include proposing and finalizing a rule to revise or rescind these amendments.

**Effective Date**

The effective date of the final rule is delayed 20 months to February 19, 2019.

**Link**

The link below will allow you to view/print the final rule delaying the effective date to February 19, 2019.

<https://www.gpo.gov/fdsys/pkg/FR-2017-06-14/pdf/2017-12340.pdf>

**B. EPA Effluent Limitations Guidelines and Standards for the Dental Category; Final Rule**

On June 14, 2017, EPA published a final rule (82 FR 27154-27178) promulgating technology-based pretreatment standards under the Clean Water Act (CWA) to reduce discharges of mercury from dental offices into publicly owned treatment works (POTWs).

**Summary**

This final rule requires dental offices to use amalgam separators and two best management practices recommended by the American Dental Association (ADA). The dental offices must operate and maintain one or more ISO 11143 compliant amalgam separators and a prohibition on the discharge of waste (for “scrap”) amalgam to POTWs and a prohibition on the use of line cleaners that are oxidizing or acidic and that have a pH higher than 8 or lower than 6 (best management practices).

Dental offices may continue to operate existing amalgam separators for the lifetime of the separators or ten years (whichever comes first).

A One-Time Compliance Report that includes information on the dental facility and its operations and a certification statement that the dental discharger meets the requirements of this final rule must be submitted by July 14, 2020.

### **Effective and Compliance Dates**

This final rule will become effective on July 14, 2017 and the compliance date is July 14, 2020.

### **Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2017-06-14/pdf/2017-12338.pdf>

## **C. DOT/FMCSA Commercial Learner’s Permit Validity; Notice of Proposed Rulemaking**

On June 12, 2017, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) published a notice of proposed rulemaking (82 FR 26888-26894) that would amend the Federal Motor Carrier Safety Regulations (FMCSRs) to allow States to issue a commercial learner’s permit (CLP) with an expiration date of up to one year from the date of issuance.

### **Summary**

Commercial learner’s permits (CLPs) issued for shorter periods may be renewed but the total period of time between the date of initial issuance and the expiration of the renewed CLP could not exceed one year. If the applicant does not obtain a CDL within one year from the date that the CLP was first issued, he/she must reapply for a CLP. This proposed amendment would replace the current regulations, which require the States to issue CLPs initially for no more than 180 days, with the possibility of an additional 180 day renewal at the State’s discretion. The proposed change provides an improved process for CLP issuance that FMCSA believes will save time and money for both States and CLP applicants without affecting safety.

FMCSA proposes to amend 49 CFR Part 383 as follows:

#### **1. 49 CFR 383.25 Commercial Learner’s Permit (CLP)**

In 49 CFR 383.25(c) FMCSA makes minor changes to the text and replaces “180 days” with “one year” to reflect the proposed extended period of time that a CLP can be valid before a CLP holder would have to re-test. FMCSA also provides for renewal of CLPs that have been issued for a period of less than a year.

#### **2. 49 CFR 383.73 State Procedures**

In 49 CFR 383.73(a)(2)(iii) FMCSA makes minor changes to the text and replaces “180 days” with “one year” to clarify in the instructions to States the proposed extended period of time that a CLP can be valid before a CLP holder would have to re-test. FMCSA also provides for the renewal of CLPs that have been issued for a period of less than a year.

### **Comments Due**

Comments on this notice of proposed rulemaking must be received by FMCSA on or before August 11, 2017.

**Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2017-06-12/pdf/2017-12080.pdf>

**D. DOT/FMCSA Military Licensing and State Commercial Driver's License Reciprocity; Notice of Proposed Rulemaking**

On June 12, 2017, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) published a notice of proposed rulemaking (82 FR 26894-26902) that would allow State Driver Licensing Agencies (SDLAs) to waive the requirements for commercial driver's license (CDL) knowledge tests for certain individuals who are, or were, regularly employed with the last year in a military position that requires/required, the operation of a commercial motor vehicle (CMV).

**Summary**

Currently, any individual applying for a commercial driver's license (CDL) or commercial learner's permit (CLP) is required to pass a knowledge test and a skills test. 49 CFR 383.77 currently allows States to substitute a CDL applicants' eligible military CMV experience for the skills test.

Under this proposed rule, FMCSA is proposing to amend 49 CFR 383.79(b) to allow SDLAs to also waive the requirements for the CDL knowledge test for certain individuals who are, or were, regularly employed within the last year in a military position that requires/required, the operation of a commercial motor vehicle. States would be allowed, but not required, to exercise the waiver option. In addition, FMCSA would add a new paragraph 49 CFR 384.301(l) to specify a 3-year compliance date for States to allow enough time to pass legislation needed to comply with the new provisions.

**Comments Due**

Comments on this notice of proposed rulemaking must be submitted to FMCSA by August 11, 2017.

**Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2017-06-12/pdf/2017-12079.pdf>

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

On June 5, 2017, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) published a withdrawal of an advance notice of proposed rulemaking (82 FR 25753-25754) regarding the financial responsibility for motor carriers, freight forwarders, and brokers.

**Summary**

On November 28, 2014, FMCSA published an advance notice of proposed rulemaking (ANPRM) regarding Financial Responsibility for Motor Carriers, Brokers, and Freight Forwarders (79 FR 70839). The ANPRM included a proposal to increase the minimum levels of motor carrier financial responsibility for bodily injury or property damage. FMCSA received 2,181 public comments in response to the ANPRM. After consideration, FMCSA has decided to withdraw the November 28, 2014 ANPRM because they do not have sufficient data or information to support further rulemaking.

**Link**

The link below will allow you to view/print the withdrawal of the advance notice of proposed rulemaking.

<https://www.gpo.gov/fdsys/pkg/FR-2017-06-05/pdf/2017-11544.pdf>

**F. OSHA Improve Tracking of Workplace Injuries and Illnesses: Proposed Delay of Compliance Date**

On June 28, 2017, the Occupational Safety and Health Administration (OSHA) published a notice (82 FR 29261-29263) that would delay the electronic reporting compliance date of the “Improve Tracking of Workplace Injuries and Illnesses”, Final Rule from July 1, 2017 to December 1, 2017.

**Summary**

On May 12, 2016, OSHA published a final rule titled, “Improve Tracking Workplace Injuries and Illnesses.” This final rule set an initial deadline of July 1, 2017 as the day when certain employers are required to electronically submit information from their 2016 Form 300A to OSHA.

OSHA is proposing the delay because their data collection system is not yet released. OSHA believes the data collection system will be on-line by August 1, 2017 which would allow employers four months to electronically submit the 2016 Form 300A information.

**Compliance Date**

The compliance date for electronically submitting OSHA Form 300A information is now December 1, 2017.

**Comments Due**

Written comments must be submitted to OSHA by July 13, 2017.

**Link**

The link below will allow you to view/print the notice proposing the delay of the compliance date for this final rule.

<https://www.gpo.gov/fdsys/pkg/FR-2017-06-28/pdf/2017-13550.pdf>

**G. OSHA Public Meeting to Solicit Suggestions for Strengthening the Voluntary Protection Programs**

On June 23, 2017, the Occupational Safety and Health Administration (OSHA) announced that they will hold a stakeholder meeting on July 17, 2017, in Washington, D.C., to discuss the future direction of the Voluntary Protection Program (VPP).

**Summary**

OSHA is seeking to reshape the VPP so that it continues to represent safety and health excellence, leverages partner resources, further recognizes the successes of long-term participants, and supports smart program growth. Some of the topics OSHA is seeking input on include:

1. What can OSHA do to enhance and encourage the efforts of employers, workers and unions to identify and address workplace hazards through VPP?

2. How can OSHA support increased participation in VPP while operating with available resources and maintaining the integrity of the program?
3. How can OSHA modify VPP to enhance the efforts and engagement of long-term VPP participants?
4. How can OSHA modify Corporate VPP for greater leverage and effectiveness?
5. How can OSHA further leverage participant resources such as Special Government Employees?

#### **Public Meeting Date and Location**

The public meeting will be held on July 17, 2017 from 9:00 AM until 5:00 PM at the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210.

OSHA also intends to host a second public meeting during the VPPPA National Conference the week of August 28, 2017 in New Orleans, LA

#### **Link**

The link below will allow you to view/print OSHA's announcement of the public meeting.

<https://www.osha.gov/news/newsreleases/trade/06232017>

#### **H. DOJ/DEA Schedules of Controlled Substances: Placement of Acetyl Fentanyl into Schedule I; Final Order**

On June 7, 2017, the Department of Justice, Drug Enforcement Administration (DEA) published a final order (82 FR 26349-26351) maintaining the placement of acetyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide), including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers, in schedule I of the Controlled Substances Act (CSA).

#### **Summary**

On July 17, 2015, acetyl fentanyl was temporarily placed into schedule I of the CSA in order to avoid an imminent hazard to public safety (80 FR 42381). Acetyl fentanyl exhibits a typical morphine-like profile in animals. Data shows that the analgesic potency of acetyl fentanyl is up to 15.7 times greater than morphine. DEA is currently aware of at least 57 confirmed fatalities associated with acetyl fentanyl.

In order to meet the obligations of the Single Convention on Narcotic Drugs and because acetyl fentanyl has no currently accepted medical use in the United States, DEA has determined that this substance should remain in schedule I of the CSA.

#### **Effective Date**

This final order became effective on the date of publication, June 7, 2017.

#### **Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2017-06-07/pdf/2017-11795.pdf>