



VEOLIA NORTH AMERICA - INDUSTRIAL BUSINESS REGULATORY UPDATE - October 2017

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A. EPA Electronic Manifest System; Update

On October 25, 2017, the Environmental Protection Agency (EPA) conducted a public electronic manifest (e-Manifest) webinar providing updates including regulatory and system development progress. A link to the slides from the webinar is included in the “Link” section below.

E-Manifest Implementation

The e-Manifest Implementation work group is working on how to communicate with state-only hazardous waste receiving facilities regarding the new obligations for these facilities under the federal e-Manifest program. These obligations include submitting manifests to EPA and incurring user fees for submission. In addition, EPA expects that these facilities will register with the e-Manifest system to submit manifests electronically to EPA

E-Manifest System Development

EPA states that they are on track to complete e-Manifest Release 2.0 in January 2018. Key features in Release 2.0 include:

1. Save and search function for manifests
2. Evaluation of electronic signature options
3. Integration with Pay.gov for billing/invoicing services
4. Work with state users to develop and enhance web application functionality
5. Incorporate additional changes and enhancements based on user feedback and needs

E-Manifest User Fee Rule

The draft final e-Manifest User Fee Rule is at the Office of Management and Budget for interagency review and remains on track to be issued in December 2017.

E-Manifest Stakeholder Meetings and Workshops

EPA will hold two e-Manifest Application Program Interface (API) workshops for hazardous waste receiving facilities on November 13 and 30, 2017. These workshops allow companies in the hazardous waste industry to learn how to successfully interface their hazardous waste electronic systems with EPA’s e-Manifest system.

Link

The link below will allow you to view/print the slides from the October 25, 2017 webinar.

https://www.epa.gov/sites/production/files/2017-10/documents/e-manifest_october_2017_webinar.pdf

B. EPA Mercury Reporting Requirements for TSCA Mercury Inventory; Proposed Rule

On October 26, 2017, EPA published a proposed rule (82 FR 49564-49585) that would establish mercury reporting requirements under the Toxic Substances Control Act (TSCA) section 8(b)(10)(D).

Summary

This proposed rule would require reporting from any person/company who manufactures (including importing) mercury or mercury added products, or intentionally uses mercury in a manufacturing product, and persons/companies recovering mercury from a waste with the intent to use or store the recovered mercury. EPA will utilize the information in the reports to prepare an “inventory of mercury

supply, use, and trade, in the United States.” Mercury is defined as elemental mercury and mercury compounds.

Following is a table of proposed reporting requirements:

Persons/Companies Who Must Report	Proposed Reporting Requirements
Persons who manufacture (including import) mercury in amounts greater than or equal to 2,500 pounds for elemental mercury or greater than or equal to 25,000 pounds for mercury compounds for a specific reporting year (i.e., current CFR reporters.)	<ol style="list-style-type: none"> 1. Country(ies) of origin for imported mercury 2. Country(ies) of destination for exported mercury 3. Amount of mercury stored (lbs.) 4. Amount of mercury distributed in commerce (lbs.) 5. NAICS code(s) for mercury distributed in commerce 6. Specific mercury compound(s) from a pre-selected list
All other persons who manufacture (including import) mercury	<ol style="list-style-type: none"> 1. Amount of mercury manufactured (lbs.) 2. Amount of mercury imported (lbs.) 3. Country(ies) of origin for imported mercury 4. Amount of mercury exported (lbs.) 5. Country(ies) of destination for exported mercury 6. Amount of mercury stored (lbs.) 7. Amount of mercury distributed in commerce (lbs.) 8. NAICS code(s) for mercury distributed in commerce 9. Specific mercury compound(s) from a pre-selected list

Comments Due

Comments on this proposed rule must be submitted to EPA on or before December 26, 2017.

Link

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

<https://www.gpo.gov/fdsys/pkg/FR-2017-10-26/pdf/2017-23225.pdf>

C. EPA Draft FY 2018-2022 Environmental Protection Agency Strategic Plan; Notice of Availability

On October 5, 2017, EPA announced the availability of the *Draft FY 2018-2022 EPA Strategic Plan* for public review and comment (82 FR 46490).

Agency Priority Goals

Following are the priority goals outlined by EPA.

1. Reduce the number of non-attainment areas.
2. Increase the percentage of water infrastructure projects funded through EPA grants, loans, or public-private partnerships that achieve or maintain compliance.
3. Make additional brownfield sites ready for anticipated use (RAU) and additional Superfund sites RAU site-wide.
4. Complete (a) EPA-Initiated Toxic Substances Control Act (TSCA) risk evaluations for existing chemicals, (b) TSCA risk management actions for existing chemicals, and (c) TSCA pre-manufacture notice final determinations in accordance with the timelines set forth in the statute.

5. Increase the amount of non-EPA resources leveraged by projects receiving EPA infrastructure investments.
6. Accelerate permitting-related decisions.

Comments Due

Comments must be submitted to EPA on or before October 31, 2017.

Links

The link below will allow you to view/print the DRAFT Strategic Plan.

<https://www.regulations.gov/document?D=EPA-HQ-OA-2017-0533-0002>

The link below will allow you to view/print the Federal Register Notice.

<https://www.gpo.gov/fdsys/pkg/FR-2017-10-05/pdf/2017-21245.pdf>

D. DOT Availability of Draft DOT Strategic Plan for FY 2018-2022 and Request for Comment; Notice of Availability

On October 25, 2017, the Department of Transportation announced the availability of the *Draft DOT Strategic Plan for FY 2018-2022* inviting public comment (82 FR 49480).

Strategic Goals

The draft DOT Strategic Plan identifies four strategic goals:

1. *Safety*: Reduce Transportation-Related Fatalities and Serious Injuries Across the Transportation System.
2. *Infrastructure*: Invest in Infrastructure to Ensure Mobility and Accessibility and to Stimulate Economic Growth, Productivity and Competitiveness for American Workers and Businesses.
3. *Innovation*: Lead in the Development and Deployment of Innovative Practices and Technologies that Improve the Safety and Performance of the Nation's Transportation System.
4. *Accountability*: Serve the Nation with Reduced Regulatory Burden and Greater Efficiency, Effectiveness and Accountability.

Comments Due

Comments must be received by DOT on or before November 13, 2017.

Links

The link below will allow you to view/print the DRAFT Strategic Plan.

<https://www.transportation.gov/sites/dot.gov/files/docs/mission/administrations/office-policy/287816/draft-dot-strategic-plan-fy-2018-2022-public-comment.pdf>

The link below will allow you to view/print the Federal Register Notice.

<https://www.gpo.gov/fdsys/pkg/FR-2017-10-25/pdf/2017-23155.pdf>

E. OSHA Scott Mungo, Vice President of Safety, Sustainability, and Vehicle Maintenance for Fed-Ex Ground Nominated for Assistance Secretary of Labor for OSHA

On October 27, 2017, the White House published a press release announcing the nomination of Scott Mungo, FedEx Ground Vice President of Safety, Sustainability, and Vehicle Safety as the Secretary of Labor for the Occupational Safety and Health Administration (OSHA). Mr. Mungo has received the FedEx Five Star Award, FedEx's highest honor, for his safety leadership. Prior to his work at FedEx, Mr. Mungo was a Division Counsel for Westinghouse Electric Corporation's Waste Isolation Division and Deputy Staff Judge Advocate for the Eastern Region U.S. Army Military Traffic Management Command. He is a graduate of Washburn University School of Law in Topeka, KS.

Link

The link below will allow you to view/print the White House press release.

<https://www.whitehouse.gov/the-press-office/2017/10/27/president-donald-j-trump-announces-intent-nominate-personnel-key>

F. DOJ/DEA Schedules of Controlled Substances: Placement of AB-CHMINACA, AB-PINACA and THJ-2201 into Schedule I; Final Rule

On October 16, 2017, the Department of Justice, Drug Enforcement Administration (DEA) published final rule (82 FR 47971-47974) placing *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexymethyl)-1*H*-indazole-3-carboxamide (AB-CHMINACA), *N*-(1-amino-3-methyl-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide (AB-PINACA), and [1-(5-fluoropentyl)-1*H*-indazol-3-yl](naphthalene-1-yl)methanone (THJ-2201), including their salts, isomers, and salts of isomers into schedule I of the Controlled Substances Act (CSA).

Summary

Synthetic cannabinoids are chemicals synthesized in laboratories that mimic the biological effects of delta-9-tetrahydrocannabinol (THC). Synthetic cannabinoids have pharmacological effects similar to the schedule I hallucinogen THC and other temporarily and permanently controlled schedule I substances. These three synthetic cannabinoids have no known medical use in the United States and evidence indicates that these substances are currently being abused. After consideration of the scientific and medical evaluations and accompanying recommendation of the HHS and after reviewing DEA's eight-factor evaluation, the DEA is permanently placing these three chemicals into Schedule I of the CSA.

Effective Date

This final rule became effective on the date of publication, October 16, 2017.

Link

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

<https://www.gpo.gov/fdsys/pkg/FR-2017-10-16/pdf/2017-22325.pdf>

G. DOJ/DEA Schedules of Controlled Substances: Temporary Placement of ortho-Fluorofentanyl, Tetrahydrofuranyl Fentanyl, and Methoxyacetyl Fentanyl into Schedule I; Temporary Scheduling Order

On October 26, 2017, the Department of Justice, Drug Enforcement Administration (DEA) published a temporary scheduling order (82 FR 49504-49508) placing the synthetic opioids, *N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl or 2-fluorofentanyl), *N*-(1-phenethylpiperidin-4-yl)-*N*-phenyltetrahydrofuran-2-carboxamide (tetrahydrofuranyl fentanyl), and 2-methoxy-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide (methoxyacetyl fentanyl) into schedule I of the Controlled Substances Act (CSA).

Summary

The recreational abuse of fentanyl-like substances continues to be a significant concern. The documented adverse health effects of ortho-fluorofentanyl, tetrahydrofuranyl fentanyl, and methoxyacetyl fentanyl are consistent with those of other opioids. DEA has determined that it is necessary to temporarily place these chemicals into Schedule I of the CSA to avoid an imminent hazard to public safety.

Effective Date

This temporary scheduling order became effective on October 26, 2017.

Link

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

<https://www.gpo.gov/fdsys/pkg/FR-2017-10-26/pdf/2017-23206.pdf>