



VEOLIA NORTH AMERICA - INDUSTRIAL BUSINESS REGULATORY UPDATE - February 2018

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A. EPA Electronic-Manifest System: Update

On February 21, 2018, the Environmental Protection Agency (EPA) held an electronic manifest (e-Manifest) Application Programming Interface (API) webinar and on February 28, 2018, EPA held a general e-Manifest webinar.

Release 2 of the e-Manifest has been released and is currently in testing. This release includes the following changes: the ability for generators to sign manifests electronically; allows states to access e-Manifest data; and provides the ability for all e-Manifest users to make changes to an e-Manifest.

EPA continues their e-Manifest programming efforts and announces their progress during the monthly API webinars. EPA continues to state that the e-Manifest system will become effective on June 30, 2018.

Link

The link below provides access to EPA's e-Manifest Monthly Update Webpage.

<https://www.epa.gov/e-manifest/monthly-update-hazardous-waste-electronic-manifest-system-e-manifest>

B. EPA Additions to List of Categorical Non-Waste Fuels: Other Treated Railroad Ties; Final Rule

On February 7, 2018, EPA published a final rule (83 FR 5317-5340) amending the Non-Hazardous Secondary Materials regulations to include Other Treated Railroad Ties (OTRT) in the categorical non-waste fuel list: Processed creosote-borate, copper naphthenate and copper naphthenate-borate treated railroad ties.

Summary

The regulations relating to non-hazardous secondary materials (NHSM) used as fuels or ingredients in combustion units are found in 40 CFR 241. This final rule amends 40 CFR 241 by adding three NHSMs to the list of categorical non-waste fuels. The three new NHSMs are:

1. Creosote-borate treated railroad ties and mixtures of creosote, borate and/or copper naphthenate treated railroad ties that are processed and then combusted in:
 - a. Units designed to burn both biomass and fuel oil as part of normal operations and not solely as part of start-up or shut-down operations, and
 - b. Units at major source pulp and paper mills or power producers subject to 40 CFR 63, Subpart DDDDD, designed to burn biomass and fuel oil as part of normal operations and not solely as part of start-up or shut-down operations, but are modified in order to use natural gas instead of fuel oil. The creosote-borate and mixed creosote, borate, and copper naphthenate treated railroad ties may continue to be combusted as product fuel only if certain conditions are met, which are intended to ensure the railroad ties are not being discarded.
 - c. Units meeting requirements in a or b that are designed to burn coal.
2. Copper naphthenate treated railroad ties that are processed and then combusted in units designed to burn biomass, biomass and fuel oil, or biomass and coal.
3. Copper naphthenate-borate treated railroad ties that are processed and then combusted in units designed to burn biomass, biomass and fuel oil, or biomass and coal.

Effective Date

This final rule became effective on the date of publication, February 7, 2018.

Link

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

<https://www.gpo.gov/fdsys/pkg/FR-2018-02-07/pdf/2018-02337.pdf>

C. Canada Contaminated Fuel Regulations; Final Rule

In February, 2018, Environnement Canada published a final rule SOR/1991-486, amending the contaminated fuel regulations to ban the importation and exportation of contaminated fuels for use as a fuel. Contaminated fuels may continue to be imported into Canada for destruction, disposal, or recycling in accordance with Canadian or provincial laws. Contaminated fuels may be exported if the governing authority in the export country authorizes/permits the importation of the contaminated fuels.

The following records must be maintained for all contaminated fuel imported into Canada:

1. The type of contaminated fuel imported;
2. The quantity of each type of contaminated fuel imported;
3. The date on which the contaminated fuel was imported;
4. The port of entry through which the contaminated fuel passed;
5. The commodity code for each type of contaminated fuel imported;
6. The importer number for the shipment of contaminated fuel;
7. The name of the manufacturer of the contaminated fuel, if known;
8. The name of the supplier of the contaminated fuel, if different from that of the manufacturer;
9. Locations to which the contaminated fuel is to be delivered;
10. The name and address of all purchasers of the contaminated fuel;
11. The class and name of each dangerous good that contaminates the fuel; and
12. The purpose for which the contaminated fuel was imported.

Effective Date

This final rule became effective on the date of publication.

Link

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

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-91-486/page-1.html>

D. DOT/PHMSA General Information, Regulations, and Definitions

On February 5, 2018, the Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) published a correction to the Code of Federal Regulations (83 FR 5037) reinstating the definition of “specification packaging.”

Summary

In this correction to 49 CFR 171.8, PHMSA is reinstating the definition of “specification packaging” to read as follows:

Specification packaging means a packaging conforming to one of the specifications or standards for packagings in part 178 or part 179 of this subchapter.

Effective Date

This correction became effective on February 5, 2018

Link

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

<https://www.gpo.gov/fdsys/pkg/FR-2018-02-05/pdf/2018-02303.pdf>

E. DOJ/DEA Schedules of Controlled Substances: Temporary Placement of Seven Fentanyl-Related Substances in Schedule I; Temporary Scheduling Order

On February 1, 2018, the Department of Justice, Drug Enforcement Administration (DEA) published a temporary scheduling order (83 FR 4580-4585) to schedule seven fentanyl-related substances in Schedule I of the Controlled Substances Act (CSA).

Summary

The recreational abuse of fentanyl-related substances continues to be a significant concern. Evidence suggests that the abuse of fentanyl-related substances parallels that of heroin and prescription analgesics. The adverse health effects related to the abuse of fentanyl-related substances has been documented in previous temporary scheduling orders. In accordance with the provisions of the CSA, DEA has determined that it is necessary to temporarily place these seven fentanyl-related substances into Schedule I of the CSA.

The seven fentanyl-related substances are:

1. Valeryl Fentanyl – *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide
2. *Para*-fluorobutyryl Fentanyl – *N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide
3. *Para*-methoxybutyryl Fentanyl – *N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide
4. *Para*-chloroisobutyryl Fentanyl – *N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide
5. Isobutyryl Fentanyl – *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide
6. Cyclopentyl Fentanyl – *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamide
7. Ocfentanil – *N*-(2-fluorophenyl)-2-methoxy-*N*-(1-phenethylpiperidin-4-yl)acetamide

Effective Date

This temporary scheduling order became effective on February 1, 2018.

Link

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

<https://www.gpo.gov/fdsys/pkg/FR-2018-02-01/pdf/2018-02008.pdf>

F. DOJ/DEA Schedules of Controlled Substances: Temporary Placement of Fentanyl-Related Substances in Schedule I; Temporary Scheduling Order

On February 6, 2018, the Department of Justice, Drug Enforcement Administration (DEA) published a temporary scheduling order (83 FR 5188-5192) to place fentanyl-related substances that are not currently listed in any schedule of the Controlled Substances Act (CSA) and their isomers, esters, ethers, salts and salts of isomers, esters, and ethers in Schedule I of the CSA.

Summary

The abuse of, and deaths related to, substances structurally related to fentanyl use are on the rise and well documented. Fentanyl is approximately 100 times more potent than morphine and the substances structurally related to fentanyl are similarly potent. In response, DEA has issued eight temporary scheduling orders to control seventeen substances structurally related to fentanyl since 2015. This approach has not proven to be completely effective, therefore, DEA finds it necessary to place all fentanyl-related substances into Schedule I of the CSA to avoid an imminent hazard to public safety.

Effective Date

This temporary scheduling order became effective on February 6, 2018.

Link

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

<https://www.gpo.gov/fdsys/pkg/FR-2018-02-06/pdf/2018-02319.pdf>