

# Veolia North America - Industrial Business Regulatory Update - May 2019

## **ENVIRONMENTAL UPDATES**

- A. EPA: Hazardous Waste Electronic Manifest System (“e-Manifest”) Advisory Board; Notice of Public Meeting
- B. EPA: Enforcement and Compliance: Enhancing EPA-State Planning and Communication; Notice and Request for Comment
- C. EPA: Spring 2019 Regulatory Agenda

## **TRANSPORTATION UPDATES**

- D. PHMSA: Hazardous Materials: Public Meeting Notice for the 2020 Emergency Response Guidebook (ERG2020); Notice of Public Meeting
- E. FMCSA and PHMSA: Spring 2019 Regulatory Agenda

## **HEALTH & SAFETY UPDATES**

- F. OSHA: Standards Improvement Project - Phase IV; Final Rule
- G. OSHA: Spring 2019 Regulatory Update

## **MISCELLANEOUS UPDATES**

No Miscellaneous Updates for the Month of May.

**A. Environmental Protection Agency: Hazardous Waste Electronic Manifest System (“e-Manifest”) Advisory Board; Notice of Public Meeting**

**Agency**

Environmental Protection Agency (EPA)

**Dates**

Published Date: May 10, 2019

Meeting Dates: June 18-20, 2019

**Summary**

EPA will convene the Hazardous Waste Electronic System (“e-Manifest”) Advisory Board for a three (3) day public meeting to seek the Board’s consultation and recommendations regarding the e-Manifest System. The meeting theme is “Increasing Adoption of the e-Manifest System.

The first day of the meeting will be dedicated to presentations provided by EPA’s e-Manifest Development Team focusing on; general e-Manifest update, user fee update for 2020/2021, e-Manifest signature requirements, user registrations, and challenges executing CROMERR and the CROMERR application review process.

The second day of the meeting is set aside for general public comments. Topics that EPA has requested comment on include:

1. Identifying “Pain Points Preventing” Wider Adoption of Electronic Manifests
2. Modifying User Registration to Encourage the Use of Electronic Manifesting
3. Third-Party Applications and Biometrics to Encourage Electronic Manifesting
4. Other Options for Encouraging Electronic Manifesting

At the conclusion of the public comments the Advisory Board will focus on the above listed charge questions presented by EPA.

**Reference/Link**

Docket No. EPA-HQ-OLEM-2019-0194; FR Vol. 84, No. 91, 5/10/19, 20626-20627

The link below will allow you to view/print this notice of public meeting.

<https://www.govinfo.gov/content/pkg/FR-2019-05-10/pdf/2019-09693.pdf>

**B. EPA Enforcement and Compliance: Enhancing EPA-State Planning and Communication; Notice and Request for Comment**

**Agency**

Environmental Protection Agency (EPA)

**Dates**

Published Date: May 13, 2019

Comments Due Date: June 12, 2019

**Summary**

EPA is seeking public comment on its policy titled “Enhancing Planning and Communication Between the EPA and States in Civil Enforcement and Compliance Assurance Work. In January 2018, EPA

issued an Interim Guidance document in an effort to create a more collaborative partnership between EPA and states during civil enforcement and compliance assurance activities.

EPA is seeking comment on a policy that would replace the Interim Guidance. The new guidance document sets out expectations and procedures for enhancing planning and communication during civil enforcement cases. Topics included in the guidance document include:

1. Periodic Joint Work Planning
2. Joint Planning Participants
3. Strategic Planning
4. Joint Inspection Planning
5. Joint Enforcement Planning
6. Roles of the EPA and States in Implementing Authorized Programs
  - a. Joint work planning or specific situations where the state requests that EPA take the lead
  - b. Violations that are part of a National Compliance Initiative
  - c. Emergency situations or situations where there is substantial risk to human health or the environment
  - d. Situations where a state lacks adequate equipment, resources, or expertise
  - e. Situations involving multi-state or multi-jurisdictional interests or interstate impacts
  - f. Significant noncompliance that the state has not timely or appropriately addressed
  - g. Serious violations for which the EPA's criminal enforcement authorities may be needed
  - h. State enforcement program review inspections
  - i. Situations that involve enforcement at federal and state owned or operated facilities
7. Process for the Elevation of Issues

## Reference/Link

Docket No. EPA-HQ-OECA-2019-0204; FR Vol 84, No. 92, 45/13/19, 20882

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

<https://www.govinfo.gov/content/pkg/FR-2019-05-13/pdf/2019-09764.pdf>

The link below will allow you to view/print the proposed "Enhancing and Planning and Communication Between the EPA and States in Civil Enforcement and Compliance Assurance Work" policy

<https://www.epa.gov/sites/production/files/2019-04/documents/guidance-enhancingregionalstatecommunicationoncompliance-190422.pdf>

## C. EPA: Spring 2018 Regulatory Agenda

### Agency

Environmental Protection Agency (EPA)

### Dates

Published Date: May 23, 2019

### Summary

EPA publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

<b>Office of Land and Emergency Management - Final Rule Stage</b>
1. Accidental Release Prevention Requirements: Risk Management programs Under the Clean Air Act; Reconsideration of Amendments
2. Clean Water Act hazardous Substances Spill Prevention
3. Facilitating Safe Management of Recalled Airbags
4. Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations
<b>Office of Land and Emergency Management - Proposed Rule Stage</b>
1. Financial Responsibility Requirements Under CERCLA Section 108(b) for the Chemical Manufacturing Industry
2. Financial Responsibility Requirements Under CERCLA Section 108(b) for the Petroleum and Coal Products Manufacturing Industry
3. Listing Per- and Polyfluoroalkyl Substances (PFAS) as a CERCLA Hazardous Substance
4. Modernizing Ignitable Liquids Determinations
5. Rulemaking for Alternate Extraction Methods for PCBs
<b>Office of Land and Emergency Management - Long-Term/Pre-Rule Stage</b>
1. Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule
2. Management of Cement Kiln Dust (CKD)
3. Municipal Solid Waste Landfill Liquids Management Regulations Under RCRA Subtitle D
4. Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements

## Reference/Link

The link below will allow you to view/print the Spring 2019 Semi-Annual Regulatory Agenda.

<https://resources.regulations.gov/public/component/main?main=UnifiedAgenda>

### **D. PHMSA: Hazardous Materials: Public Meeting Notice for the 2020 Emergency Response Guidebook (ERG2020); Notice of Public Meeting**

## Agency

Pipeline and Hazardous Materials Safety Administration (PHMSA)

## Dates

Published Date: May 7, 2019  
Meeting Date: June 17, 2019

## Summary

PHMSA developed the United States version of the Emergency Response Guidebook (ERG) for use by emergency services personnel to provide guidance for initial response to hazardous materials transportation incidents. Since 1996, PHMSA, Transport Canada, and the Secretariat of Communication and Transport of Mexico have collaborated in the development of the ERG, with interested parties from government and industry providing additional assistance, including Argentina's Chemical Information Center for Emergencies (CIQUIME). ERG2020 will be published in English, French, and Spanish and will increase public safety by providing consistent emergency response procedures for hazardous materials transportation incidents throughout North America.

During the meeting, PHMSA will respond to stakeholder requests for a public discussion of the methodology used to determine the appropriate response protective distances for poisonous vapors resulting from spills involving dangerous goods considered toxic by inhalation in the ERG2016 "Green Pages." To pursue the objective of continually improving the ERG, PHMSA will solicit comments related to new methodologies and considerations for future editions of the ERG. Additionally, the meeting will include discussions on the outcomes of field experiments, ongoing research efforts to better understand environmental effects on airborne toxic gas concentrations, and updates to be published in the ERG2020.

Time and Location: The meeting will be held at the U.S. Department of Transportation Conference Center at 1200 New Jersey Ave. SE, Washington, DC 20590 on June 17, 2019, from 8:30 a.m. to 2:30 p.m. Eastern Standard Time.

## Reference/Link

Docket No. PHMSA-2018-0099; Notice No. 2018-16; FR Vol. 84, No. 88, 5/7/19, 19999

The link below will allow you to view/print this notice of public meeting.

<https://www.govinfo.gov/content/pkg/FR-2019-05-07/pdf/2019-09299.pdf>

### E. **FMCSA and PHMSA: Spring 2019 Regulatory Agenda**

#### Agency

Federal Motor Carrier Safety Administration (FMCSA) and Pipeline and Hazardous Materials Safety Administration (PHMSA)

#### Dates

Published Date: May 23, 2019

#### Summary

FMCSA and PHMSA publish a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the commercial motor vehicle and hazardous materials transportation related topics applicable to Veolia operations.

**Federal Motor Carrier Safety Administration - Final Rule Stage**

1. General Technical Amendments
2. Hours of Service of Drivers--Restart provisions
3. Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits
4. Limitations on the Issuance of Commercial Driver Licenses With a Hazardous Materials Endorsement
5. Rulemaking Procedures Update
<b>Federal Motor Carrier Safety Administration - Proposed Rule Stage</b>
1. Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License
2. Extension of Compliance Date for Entry Level Driver Training
3. Extension of Compliance Date for States' Query of the Drug and Alcohol Clearinghouse
4. Fees for the Unified Carrier Registration Plan and Agreement
5. Hours of Service of Drivers
6. Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits
7. Out of State Knowledge Test
8. Preservation of Records
9. Rear Impact Guards and Rear Impact Accessories; Certification Labeling and Annual Inspection Requirements
10. Record of Violations
<b>Federal Motor Carrier Safety Administration - Long-Term/Pre-Rule Stage</b>
1. Amendment to Agency Rules of Practice
2. Application for Employment
3. Definition of Tank Vehicle Used for Determining the Commercial Driver's License Endorsement Requirement
4. Extension of Compliance Dates for Medical Examiner's Certification Integration
5. MAP-21 Enhancements and Other Updates to the Unified Registration System
6. Safe Integration of Automated Driving Systems--Equipped Commercial Motor Vehicles
<b>Pipeline and Hazardous Materials Safety Administration - Final Rule Stage</b>

1. Hazardous Materials: Editorial Corrections and Clarifications
2. Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018)
3. Hazardous Materials: Harmonization With International Standards
4. Hazardous Materials: Incorporation of ASME Code Section XII and the National Board Inspection Code
5. Hazardous Materials: Miscellaneous Amendments Pertaining to DOT-Specification Cylinders
<b>Pipeline and Hazardous Materials Safety Administration - Proposed Rule Stage</b>
1. Hazardous Materials: Adoption of Miscellaneous Petitions to Reduce Regulatory Burdens
2. Hazardous Materials: Continued Conversion of Special Permits
3. Hazardous Materials: Response to an Industry Petition to Reduce Regulatory Burden for Cylinder Requalification Requirements
<b>Pipeline and Hazardous Materials Safety Administration - Long-Term/Pre-Rule Stage</b>
1. Hazardous Materials: Harmonization With International Standards
2. Hazardous Materials: Vapor Pressure of Unrefined Petroleum Products and Class 3 Materials
3. Hazardous Materials: Regulatory Reform Initiatives and Reducing Unnecessary Burdens

## Reference/Link

The link below will allow you to view/print the Spring 2019 Semi-Annual Regulatory Agenda.

<https://resources.regulations.gov/public/component/main?main=UnifiedAgenda>

## F. OSHA: Standards Improvement Project - Phase IV; Final Rule

### Agency

Occupational Safety and Health Administration (OSHA)

### Dates

Published Date: May 14, 2019

Effective Date: July 15, 2019

### Summary

On May 14, 2019, the Occupational Safety and Health Administration (OSHA) published a final rule that revises 14 provisions in the recordkeeping, general industry, maritime, and construction standards that may be confusing, outdated, or unnecessary. These revisions are expected to

increase understanding and compliance with the provisions and improve employee safety and health.

This is the fourth final rule under OSHA's Standards Improvement Project, which began in 1995 in response to a Presidential memorandum to improve government regulations. Previous revisions were finalized in 1998, 2005, and 2011.

The following is a summary of the finalized revisions:

#### 1. Reporting Job-related Hearing Loss

OSHA revised 29 CFR 1904.10(b)(6) to include a cross-reference to 29 CFR 1904.5 which requires considering an injury or illness (i.e. hearing loss) to be work-related if an event or exposure in the employee's work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness.

#### 2. Chest X-Ray Requirements

OSHA removed the requirement for periodic chest X-Rays in the standards for inorganic arsenic (29 CFR 1910.1018), coke oven emissions (29 CFR 1910.29), and acrylonitrile (29 CFR 1910.1045). OSHA also revised the standards to allow, but not require, the use of digital chest X-Rays in the medical surveillance provisions of the inorganic arsenic (29 CFR 1910.1018), coke oven emissions (29 CFR 1910.29), acrylonitrile (29 CFR 1910.1045), asbestos (29 CFR 1910.1001, 29 CFR 1915.1001, 29 CFR 1926.1101), and cadmium (29 CFR 1910.1027 and 29 CFR 1926.1127) standards. The third revision was to replace "roentgenogram" with "X-Ray" which reflects current terminology. Additionally, the references to semi-annual exams for certain employees in the coke oven emissions appendices were removed.

#### 3. Lung-function Testing

OSHA update the Cotton Dust Standard's (29 CFR 1910.1043) lung-function testing requirements to align with current practices and technology.

#### 4. Feral Cats

OSHA removed "feral cats" from the definition of "vermin" in the Shipyard General Working Conditions, Definitions (29 CFR 1915.80(b)(33)).

#### 5. 911 Emergency Service at Worksites

OSHA revised the 911 service-posting requirements in the Construction Medical Services and First Aid Standard (29 CFR 1926.50(f)) to be consistent with the current status of land-line and wireless-telephone technologies. Additionally, 1926.50(e) was also revised to ensure that employers are providing an effective communication system to contact ambulance services.

#### 6. Permissible Exposure Limits (PELs)

OSHA made revisions to the construction PELs (29 CFR 1926.55) requirements to make the construction standard consistent with other OSHA PELs standards.

#### 7. Process Safety Management of Highly Hazardous Chemicals

OSHA replaced the entire Process Safety Management (PSM) Standard for construction (29 CFR 1926.64) with a cross-reference to the identical PSM Standard for general industry (29 CFR 1910.119).

#### 8. Lanyard / Lifeline Break Strength

OSHA revised the minimum break-strength requirement found in the construction Safety Belts, Lifelines, and Lanyards Standard (29 CFR 1926.104) from 5,400 to 5,000 pounds.

#### 9. Manual on Uniform Traffic Control Devices (MUTCD)



OSHA revised the construction Signs, Signals, and Barricades Standards (29 CFR Part 1926, Subpart G) to update the incorporation by reference of Part 6 of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) (2009 Edition), including Revisions 1 and 2 (2012). Additional revisions include 29 CFR 1926.200(g)(1) to require employers to use traffic control devices at points of hazard, 29 CFR 1926.200(g)(2) to clarify that it covers the design and use of traffic-control devices which include signs, signals, markings, barricades, and other devices, deleting 29 CFR 1926.202 since it duplicated the requirements contained in the revised 29 CFR 1926.200(g), and deleting 29 CFR 1926.203 which became unnecessary as a result of other revisions.

#### 10. Load Limit Postings

OSHA revised the General requirements for storage standard (29 CFR 1926.250) to exclude all single-family residential structures and wood-framed multi-family residential structures from the requirement to post load limits. Additionally, OSHA has named the subsection "Load Limits" and moved the requirement that the weight of storage materials not exceed safe load limits from the end of the subsection to the beginning.

#### 11. MSHA Underground Construction - Diesel Engines

Per the Underground Construction Standard (29 CFR 1926.800(k)(10)(ii), OSHA requires that mobile diesel-powered equipment used in "other than gassy operations" underground be approved by the Mine Safety and Health Administration (MSHA) in accordance with the provisions of 30 CFR Part 32. Alternatively, an employer can demonstrate that the equipment is "fully-equivalent" to MSHA-approved equipment.

#### 12. Rollover Protective Structures

OSHA revised the construction Rollover Protective Structures; Overhead protection Subpart (29 CFR Part 1926, Subpart W) by replacing outdated references with references to the appropriate consensus standards.

#### 13. Regulation of Coke Oven Emissions in Construction

OSHA deleted the construction Coke Oven Emissions Standard (29 CFR 1926.1129) since the provisions of the standard do not fit the construction standard but would be covered by general industry standards.

#### 14. Collection of Social Security Numbers

OSHA removed the requirement to include an employee's social security number from 19 standards in order to protect employee privacy and prevent identity fraud.

### Reference/Link

Docket No. OSHA-2019-07902; 29 CFR Parts 1904, 1910, 1915 and 1926; FR Vol. 84, No. 93, 5/14/19, 21416-21598

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

<https://www.govinfo.gov/content/pkg/FR-2019-05-14/pdf/2019-07902.pdf>

## G. OSHA: Spring 2019 Regulatory Update

### Agency

Occupational Safety and Health Administration (OSHA)

### Dates

## Summary

OSHA publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the occupational health and safety related topics applicable to Veolia operations.

<b>Occupational Health and Safety Administration - Final Rule Stage</b>
1. Exposure to Beryllium NPRM to Review General Industry Provisions
2. Quantitative Fit Testing Protocol: Amendment to the Final Rule on Respiratory Protection
3. Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records
4. Standards Improvement Project IV
5. Technical Corrections to 35 OSHA Standards and Regulations
<b>Occupational Health and Safety Administration - Proposed Rule Stage</b>
1. Puerto Rico State Plan
2. Update to the Hazard Communication Standard
<b>Occupational Health and Safety Administration - Long-Term/Pre-Rule Stage</b>
1. Blood Lead Level for Medical Removal
2. Drug Testing Program and Safety Incentives Rule
3. Emergency Response
4. Infectious Diseases
5. Lock-Out/Tag-Out Update
6. Occupational Injury and Illness Recording and Reporting Requirements--Musculoskeletal Disorders (MSD) Column
7. Powered Industrial Trucks
8. Process Safety Management and Prevention of Major Chemical Accidents

## Reference/Link

The link below will allow you to view/print the Spring 2019 Semi-Annual Regulatory Agenda.

<https://resources.regulations.gov/public/component/main?main=UnifiedAgenda>