

Veolia North America - Industrial Business Regulatory Update - August 2019

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MISCELLANEOUS UPDATES

No Miscellaneous Updates for August 2019

A. EPA Regional Administrators

Agency

Environmental Protection Agency (EPA)

Dates

Published Dates: August 5 and 22, 2019

Summary

On August 5, 2019, EPA announced the appointment of Ken McQueen as the Regional Administrator for Region 6. Region 6 includes the states of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Most recently, Mr. McQueen was the secretary of New Mexico's Energy, Minerals, and Natural Resources Department from 2016 to 2018. Previously, Mr. McQueen worked as Vice President of Williams/WPX Energy from 2002 to 2016 where he managed the company's assets in New Mexico, Colorado and Wyoming. During this time he also served as an adjunct professor in petroleum engineering at The University of Tulsa.

On August 22, 2019, EPA announced the appointment of Dennis Deziel as the Regional Administrator for Region 1. Region 1 includes the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Mr Deziel has been the Director of Federal Government Affairs for Dow Chemical since August 2014. He also has over 20 years of experience working on energy, environment, and homeland security with the Federal Government.

Reference/Link

The link below will allow you to view/print EPA's News Release regarding the appointment of Ken McQueen as Regional Administrator of EPA Region 6.

<https://www.epa.gov/newsreleases/epa-appoints-ken-mcqueen-region-6-administrator-0>

The link below will allow you to view/print EPA's News Release regarding the appointment of Dennis Deziel as Regional Administrator of EPA Region 1.

<https://www.epa.gov/newsreleases/epa-appoints-dennis-deziel-region-1-administrator>

B. EPA Region 6 Office Address Change; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: August 23, 2019

Effective Date: August 23, 2019

Summary

In this final rule, EPA is amending its regulations to reflect a change in the address for the Region 6 office. The new address is:

EPA Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2019-08-23/pdf/2019-17747.pdf>

C. DOT/FMCSA Hours of Service of Drivers; Notice of Proposed Rulemaking

Agency

Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA)

Dates

Published Date: August 22, 2019

Comments Due: October 7, 2019

Summary

On August 22, 2019, FMCSA issued a notice of proposed rulemaking which would revise the current hours of service regulations for drivers.

The proposed rule offers five key modifications to the existing hours of service rules:

1. Extension of the 100 Air Mile Radius Exception

FMCSA proposes a change to the short-haul exception by lengthening the drivers' maximum on-duty period from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 air miles to 150 air miles.

2. Revision to the Adverse Driving Exception

FMCSA proposes to modify the adverse driving conditions exception by extending the 14 hour driving window by up to 2 additional hours.

3. Revision of the 30-Minute Rest Break Requirement

FMCSA proposes to increase flexibility for the 30-Minute break by tying the break requirement to 8 hours of driving time without an interruption for at least 30 minutes, and allowing the break to be satisfied by a driver using on-duty, not driving status, rather than off-duty.

4. Revision to the Split Sleeper-Berth Exception

FMCSA proposes to modify the sleeper-berth exception to allow drivers to split their required 10-hours off duty into two periods: one period of at least 7 consecutive hours in the sleeper berth and the other period of not less than 2 consecutive hours, either off duty or in the sleeper berth. Neither period would count against the driver's 14-hour driving window.

5. New Split-Duty Period

FMCSA proposes to allow one off-duty break of at least 30 minutes, but not more than 3 hours, that would pause a truck driver's 14-hour driving window, provided the driver takes 10 consecutive hours off-duty at the end of the work shift.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2019-08-22/pdf/2019-17810.pdf>

D. DOT/PHMSA Hazardous Materials: Adoption of Miscellaneous Petitions to Reduce Regulatory Burdens (HM-219C); Notice of Proposed Rulemaking

Agency

Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA)

Dates

Published Date: August 14, 2019

Comments Due: October 15, 2019

Summary

On August 14, 2019, PHMSA issued a notice of proposed rulemaking (NPRM) in response to numerous petitions for rulemaking submitted by the regulated community. In this NPRM, PHMSA is proposing amendments to the hazardous materials regulations to update, clarify, improve the safety of, or provide relief from various regulatory requirements. If adopted into regulation, the proposed amendments would ease regulatory burdens on offerors and transporters of hazardous waste most notably by:

1. Expanding the list of hazardous materials that qualify for limited quantity exceptions;
2. Removing the marking requirement for closed transport containers containing lighters which are being shipped by cargo vessel;
3. Allowing for all waste materials to be managed in accordance with the lab pack exception of 49 CFR 173.12(b) regardless of whether they meet the definition of an EPA/RCRA hazardous waste; and
4. Requiring that railcars used to transport poison inhalation hazard (PIH) materials are in compliance with the HM-246 standards.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2019-08-14/pdf/2019-16675.pdf>

E. DOT/FMCSA Electronic Logging Device Technical Specification Public Meeting; Notice of Public Meeting

Agency

Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA)

Dates

Published Date: August 27, 2019

Meeting Date: September 6, 2019

Summary

FMCSA has announced that they will host a public meeting to discuss the technical specifications in 49 CFR 395, Subpart B, Appendix A, Functional Specifications for All Electronic Logging Devices (ELDs), as published in the “Electronic Logging Devices and Hours of Service Supporting Documents” final rule. The goal of the meeting is to have a discussion on the minimum requirements for ELDs to assist manufacturers in the production of ELDs that comply with the regulations.

The public meeting will be held on September 6, 2019 from 9:30 AM to 1:00 PM at:

U.S. DOT Headquarters Building
1200 New Jersey Avenue SE
Washington, DC 20590

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2019-08-27/pdf/2019-18417.pdf>

F. **OSHA Occupational Exposure to Respirable Crystalline Silica - Specified Exposure Control Methods; Request for Information**

Agency

Occupational Safety and Health Administration (OSHA)

Dates

Published Date: August 15, 2019

Comments Due: October 15, 2019

Summary

OSHA is requesting information on the effectiveness of engineering and work practice control methods not currently included for the tasks and equipment listed on Table 1 of the Respirable Crystalline Silica standard for construction. The agency is also requesting information on tasks and equipment involving exposure to respirable crystalline silica that are not currently listed on Table 1, along with information on the effectiveness of engineering and work practice control methods in limiting worker exposure to respirable crystalline silica when performing those tasks. Finally, OSHA is requesting information and comment on whether there are additional circumstances where it would be appropriate to permit employers covered by the Respirable Crystalline Silica standards for general industry and maritime to comply with the silica standard for construction.

Reference/Link

The link below will allow you to view/print this request for information.

<https://www.govinfo.gov/content/pkg/FR-2019-08-15/pdf/2019-17450.pdf>