

Veolia North America - Industrial Business

December, 2021

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A. EPA Announces Appointments of Regional Administrators for Regions 6, 7, and 9; News Release

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/09/2021

Summary

The Environmental Protection Agency (EPA) Administrator Michael S. Regan has announced that President Biden will be appointing three new Regional Administrators for Regions 6, 7, and 9. The new regional administrators are listed below:

- Region 6 - Dr. Earthea Nance
 - Region 6 is inclusive of Arkansas, Louisiana, New Mexico, Oklahoma, Texas and 66 Tribal Nations.
 - Dr. Earthea Nance is an associate professor at Texas Southern University. Dr. Nance has worked for the last two decades with communities at disproportionate risk of environmental hazards and without adequate environmental infrastructure.
- Region 7 - Meg McCollister
 - Region 7 is inclusive of Iowa, Kansas, Missouri, Nebraska and nine Tribal Nations.
 - Meg McCollister has nearly two decades of experience serving nonprofits, candidates for public office and public policy campaigns. Meg McCollister served on the Board of Directors for Sonoma County Conservation Action and worked on environmental campaigns and in local government.
- Region 9 - Martha Guzman
 - Region 9 is inclusive of Arizona, California, Hawaii, Nevada, the Pacific Islands, and 148 Tribal Nations.
 - Martha Guzman has served as a Commissioner at the California Public Utilities Commission (CPUC) for the last five years, appointed by Governor Jerry Brown. Prior to joining the CPUC she served as Deputy Legislative Affairs Secretary in the Office of the Governor where she worked on the passage of the Human Right to Water and the Sustainable Groundwater Management Act, re-organized the Safe Drinking Water Program, and helped to shape climate goals related to short-lived climate pollutants and renewable energy legislation.

Reference/Link

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

<https://www.epa.gov/newsreleases/epa-announces-appointments-regional-administrators-regions-6-7-and-9>

B. The Hazardous Waste Electronic Manifest System Advisory Board: Request for Nominations; Notice

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/20/2021

Nomination Due: 01/13/2022

Summary

The Environmental Protection Agency (EPA) invites the public to nominate experts to be considered for a three-year appointment to the Hazardous Waste Electronic Manifest System Advisory Board. EPA has established the Board to provide practical and independent advice, consultation, and recommendations to the EPA Administrator on the activities, functions, policies, and regulations associated with the Hazardous Waste Electronic Manifest (e-Manifest) System.

The notice solicits nominations for possible consideration of candidates to potentially serve in the following positions on the Board:

- an expert in information technology (IT);
- an industry representative member with experience in using or representing users of the manifest system;
- and a state representative member responsible for processing manifests.

Nominations of candidates must be received on or before January 13, 2022.

Submit your nominations identified with "BOARD NOMINATION" in the subject line to Tamue Gibson, the Acting Designated Federal Officer (DFO) of the e-Manifest Advisory Board at gibson.tamue@epa.gov.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-12-14/pdf/2021-26966.pdf>

The information contained herein is provided by Veolia North America for general informational purposes only. This information should not be construed as legal advice or a legal opinion on any specific facts or circumstances. If you should have any questions, please contact Kevin McGrath, Director, Environment at kevin.mcgrath@veolia.com.

C. EPA Announces Nationwide Monitoring Effort to Better Understand Extent of PFAS in Drinking Water; News Release

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/20/2021

Summary

As part of the polyfluoroalkyl substances (PFAS) Strategic Roadmap, the Environmental Protection Agency (EPA) has finalized the Fifth Unregulated Contaminant Monitoring Rule (UCMR 5) to establish nationwide monitoring for 29 per- and polyfluoroalkyl substances (PFAS) and lithium in drinking water.

The EPA believes that UCMR 5 which will collect new data on 29 PFAS is needed to improve EPA's understanding of the frequency and magnitude at which these chemicals are found in the nation's drinking water systems. This data will help analyses of potential Environmental Justice impacts and will help determine infrastructure funding needs for emerging contaminant remediation.

Subject to the availability of appropriations, EPA will include all systems serving 3,300 or more people and a representative sample of 800 systems serving 25 to 3,299 people. If EPA does not receive the appropriations needed for monitoring all of these systems in a given year, EPA will reduce the number of systems serving 25 to 10,000 people that will be asked to perform monitoring.

EPA will hold multiple webinar meetings for stakeholders in 2022. Dates and times of the upcoming meetings will be posted on EPA's website at:

<https://www.epa.gov/dwucmr/unregulated-contaminant-monitoring-rule-ucmr-meetings-and-materials>.

Reference/Link

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

<https://www.epa.gov/newsreleases/epa-announces-nationwide-monitoring-effort-better-understand-extent-pfas-drinking>

D. Modernizing Public Notice for RCRA Hazardous Waste Permitting and Other Actions; Notice

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/16/2021

Comments Due: 02/14/2022

Summary

The Environmental Protection Agency (EPA) is providing notice and requesting comments on amending the regulations regarding public notice so that modern electronic alternatives for public notification would be allowed. This requirement is found in Subtitle C of the Resource Conservation and Recovery Act (RCRA), specifically section 7004(b)(2), 42 U.S.C. 6974(b)(2).

The EPA's current interpretation is that the RCRA and EPA regulatory provisions that require newspaper notice for certain actions (e.g., permit issuance) can be satisfied by notice in qualifying online newspapers, as well as print newspapers. The EPA is requesting comment on this interpretation and may either affirm the interpretation or revise it following their review of comments. The EPA is also requesting comments on whether bulletins or newsletters published online by state environmental agencies could satisfy these requirements as well.

The notice also explains the EPA's view that, for actions other than permit issuance (permit modifications for example), which are not governed by section 7004(b)(2), the EPA in appropriate cases can authorize state regulations that provide for notice mechanisms other than newspaper publication, even where EPA regulations require the agency, the permittee, or state, to provide notice of such actions through newspaper publication, as long as the notice is equivalent to and no less stringent than the federal program as discussed in Section VII.

Comments are due by February 14, 2022, and should be submitted using Docket ID No. EPA-HQ-OLEM-2021-0348, at <https://www.regulations.gov> (EPA's preferred method), or the other methods identified in the "ADDRESSES" section of the federal register posting.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-12-16/pdf/2021-27252.pdf>

E. Oregon Hazardous Waste Federal Rules Alignment 2021; News Release

Agency

Oregon Department of Environmental Quality (Oregon DEQ)

Dates

Published Date: 11/17/2021

Effective Date: 01/01/2022

Summary

The Oregon Department of Environmental Quality (Oregon DEQ) has adopted rules to align Oregon DEQ's hazardous waste rules with the federal rules. This is the first significant change to Oregon's Hazardous Waste Program rules since 2017.

Some of the proposed rulemakings for hazardous waste are required to allow Oregon DEQ to retain its authorization to operate the federal Resource Conservation and Recovery Act (RCRA) hazardous waste program in lieu of EPA in Oregon. The required items are noted below with an asterisk (*).

Oregon DEQ has adopted the following regulations with Oregon-specific revisions:

1. Hazardous Waste Generator Improvements Rule*
 - a. Oregon has adopted additional state rules to ensure that episodic events are appropriately limited to avoid abuse.
2. Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine*
 - a. Oregon has adopted this with the following state specific modifications:
 - i. Notification on Oregon Site Identification form for all healthcare facilities and reverse distributors within 60 days of being subject to the rule.
 - ii. No presumption that long-term care facilities with less than 20 beds are very small quantity generators.
 - iii. Reverse distributors report annually to DEQ, not biennially to EPA.
3. Modernizing Ignitable Liquids Determinations
 - a. Oregon DEQ has modified EPA's rule to narrow the exclusion to apply to only ethanol (ethyl alcohol).

Oregon DEQ has adopted the following regulations by reference:

1. Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations
2. Safe Management of Recalled Airbags
3. Hazardous Waste Management System: User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations*
4. Automated Export System: Hazardous Waste Export-Import Revision*
5. Confidentiality Determinations for Hazardous Waste Export and Import Documents

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For more information please visit the Oregon DEQ's webpage, Oregon DEQ plans to have factsheets posted on the webpage in early February:

<https://www.oregon.gov/deq/Hazards-and-Cleanup/hw/Pages/HW-Rules.aspx>

Reference/Link

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

<https://www.oregon.gov/deq/rulemaking/Pages/Hazwaste2021.aspx>

F. Alternate PCB Extraction Methods and Amendments to PCB Cleanup and Disposal Regulations; Extension of Comment Period

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/20/2021

Comments Due: 01/20/2021

Summary

The Environmental Protection Agency (EPA) is extending the comment period for the proposed rule entitled "Alternate PCB Extraction Methods and Amendments to PCB Cleanup and Disposal Regulations." EPA published the proposed rule in the Federal Register on October 22, 2021, and this was included in the Veolia Regulatory Update in October.

The public comment period was scheduled to end on December 21, 2021. EPA has received at least one request for additional time to develop and submit comments on the proposal. In response to the request for additional time, EPA is extending the comment period for an additional 30 days, through January 20, 2022.

Reference/Link

The link below will allow you to view/print this Extension of Comment Period.

<https://www.govinfo.gov/content/pkg/FR-2021-12-20/pdf/2021-27407.pdf>

G. On-Site Civil Inspection Procedures; Recission

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/30/2021

Effective Date: 12/30/2021

Summary

On December 30, 2021 the EPA published a rescission of the final rule (85 FR 12224, March 2, 2020) that described certain Agency procedures for conducting on-site civil inspections.

The prior final rule was promulgated to implement the now revoked E.O. 13892, “Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication” (84 FR 55239, October 9, 2019). The March 2020 Final Rule was covered in the Veolia Regulatory Update of March 2020. The final rule described Agency procedures for conducting on-site civil inspections.

The March 2020 Final Rule has been revoked to allow the agency to have more flexibility when conducting on-site civil inspections.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-12-30/pdf/2021-28282.pdf>

H. OSHA; Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupation Exposure to COVID–19; Emergency Temporary Standard; Request for Comments

Agency

Occupational Safety and Health Administration (OSHA)

Dates

Published Date: 12/30/2021

Comments Due: 01/31/2021

Summary

On December 30, 2021, The Department of Labor (DOL) submitted a request for continued authorization of portions of the Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited and will be considered on or before January 31, 2021.

OSHA seeks to extend the collections of information in the following provisions:

1. 29 CFR 1910.502(q)(2)(ii) and (3) (ii)–(iv) Recordkeeping. Requiring employers with more than 10 employees to establish and maintain COVID–19 logs recording each instance in which an employee is COVID–19 positive, and to make such records available upon request to employees or their representatives (in redacted form where necessary), and OSHA.
2. 29 CFR 1910.502(r) Reporting COVID–19 fatalities and hospitalizations to OSHA. Requiring the employer to report each work-related COVID–19 fatality within 8 hours of the employer learning about the fatality and each work-related COVID–19 in-patient hospitalization within 24 hours of the employer learning about the in-patient hospitalization.

Reference/Link

The link below will allow you to view/print this Request for Comments.

<https://www.govinfo.gov/content/pkg/FR-2021-12-30/pdf/2021-28375.pdf>

I. Commerce in Explosives; 2021 Annual List of Explosive Materials; Notice of List

Agency

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

Dates

Published Date: 12/23/2021

Effective Date: 12/23/2021

Summary

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has published the 2021 List of Explosive Materials, as required by law. The 2021 list is the same as the 2020 list published by ATF.

The definition of “explosive materials” from 27 CFR 555.11 includes “explosives, blasting agents, water gels and detonators. Explosive materials, include, but are not limited to, all items in the ‘List of Explosive Materials’ provided for in 27 CFR 555.23.” Accordingly, the fact that an explosive material is not on the annual list does not mean that it is not within coverage of the law if it otherwise meets the statutory definition of “explosives” in 18 U.S.C. 841.

Reference/Link

The link below will allow you to view/print this Notice of List of Explosive Materials.

<https://www.govinfo.gov/content/pkg/FR-2021-12-23/pdf/2021-27852.pdf>