

Veolia North America - Industrial Business

November, 2021

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A. Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste IHW Generator and Management Fees Increase; Announcement of Final Rule

Agency

Texas Commission on Environmental Quality (TCEQ)

Dates

Published Date: 11/03/2021

Effective Date: 11/25/2021

Summary

Texas Commission on Environmental Quality (TCEQ) has adopted a new rule on November 3, 2021 which will increase Industrial Hazardous Waste (IHW) fees.

This is the first fee increase in Texas since 1994. This will impact facilities that generate Class 1 solid waste and RCRA hazardous waste in Texas.

CEQ projects a 12% increase for the first year and 11% for the following three years. TCEQ hopes that this fee increase will incentivize generators to reduce their waste generation. This rulemaking gives the executive director the ability to adjust fees on an annual basis.

The following two tables the IHW Generation Fees for Hazardous Waste and Non-Hazardous Waste. Figures 30 TAC 335.323(e)(1) & 30 TAC 335.323(e)(2):

Table 1 - Hazardous Waste Schedule:

Waste Reported (Tons)	Maximum Annual Fee
● Less than 1 ton	No Charge
● From 1-25 tons	\$150
● Greater than 25 tons	\$6.00 per ton

Table 2 - Class 1 Non-Hazardous Waste Schedule

Waste Reported (Tons)	Maximum Annual Fee
● Less than 1 ton	No Charge
● From 1-50 tons	\$100
● Greater than 50 tons	\$2.00 per ton

Reference/Link

The link below will allow you to view/print this Announcement of Final Rule.

https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/backup/Agendas/2021/11-03-2021/0032RUL.pdf

B. EPA Announces Appointments of Regional Administrators for Regions 2, 4, and 8; News Release

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 11/18/2021

Summary

The Environmental Protection Agency (EPA) Administrator Michael S. Regan has announced that President Biden will be appointing three new Regional Administrators for Regions 2, 4, and 8. The new regional administrators are listed below:

- Region 2 - Lisa Garcia
 - Region 2 is inclusive of New Jersey, New York, Puerto Rico, the U.S. Virgin Islands and eight Indian Nations.
 - Lisa Garcia is a lawyer and was appointed to the EPA in 2009, serving as associate administrator and advisor to EPA Administrators Jackson and McCarthy.
 - Lisa Garcia helped lead the team responsible for the creation and implementation of Plan (Environmental Justice) EJ 2014 -EPA's first EJ strategic plan- and the design of EJSCREEN. Garcia then worked as Vice President for Litigation at Earthjustice, and in 2019 joined GRIST magazine to lead a new program called Fix, Grist's climate solutions lab focused on amplifying the voices of climate justice leaders.
- Region 4 - Daniel Blackman
 - Region 4 is inclusive of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and six Tribes.
 - Daniel Blackman has advised policymakers at the Georgia state capital and advocated on behalf of Georgia ratepayers and small businesses in energy-related matters for over a decade.
 - Daniel Blackman also served as chairman of the Georgia Chapter of the Sierra Club and board member for the ACLU. Blackman has testified before the Nuclear Regulatory Commission, when addressing groundwater contamination at nuclear plants, and is committed to working throughout

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the Southeastern United States to push for legislation that addresses toxic ash left behind from burning coal.

- Region 8 - KC Becker
 - Region 8 is inclusive of Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and with 28 Tribal Nations.
 - KC Becker has recently completed four terms in the Colorado legislature, culminating as Speaker of the House.
 - Prior to serving in the Colorado legislature, she served four years on Boulder, Colorado's city council and has worked for nearly seven years as an attorney-advisor in the Solicitor's Office at the US Department of the Interior, practicing administrative and natural resources law. Becker led landmark legislation to reform Colorado's oil and gas sector, created a first in the nation Office of Just Transition, and passed nationally-leading legislation requiring the state of Colorado to put forward a plan to meet carbon reduction goals.

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-2-4-and-8>

C. Canada Cross-border Movement of Hazardous Waste and Hazardous Recyclable Material Regulations; Regulation

Agency

Government of Canada (Canada)

Dates

Published Date: 11/24/2021

Summary

The Government of Canada has published a new regulation to repeal and replace the Export and Import Regulations, the Interprovincial Movement Regulations, and the PCB Waste Export Regulations.

The purpose of this regulation is to ensure greater clarity and consistency of the regulatory requirements. The new regulations will maintain the core permitting and movement tracking requirements of the former regulations.

The regulation is split up into the following three parts:

- Part 1 - Import, Export and Transit
- Part 2 - Movement within Canada
- Part 3 - Consequential Amendments, Transitional Provision, Repeals and Coming into Force

Reference/Link

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

<https://laws.justice.gc.ca/PDF/SOR-2021-25.pdf>

D. Parts and Accessories Necessary for Safe Operation; Rear Impact Guards and Rear Impact Protection; Final Rule

Agency

Federal Motor Carrier Safety Administration (FMCSA)

Dates

Published Date: 11/09/2021

Effective Date: 12/09/2021

Summary

In response to rulemaking petitions, as well as a recommendation from the Government Accountability Office (GAO), FMCSA is amending the Federal Motor Carrier Safety Regulations (FMCSRs) to include rear impact guards on the list of items that must be examined as part of the required annual inspection for each commercial motor vehicle (CMV). In addition, FMCSA amends the labeling requirements for rear impact guards and excludes road construction controlled (RCC) horizontal discharge trailers from the rear impact guard requirements. This is consistent with changes made by the National Highway Traffic Safety Administration (NHTSA) to the corresponding Federal Motor Vehicle Safety Standards (FMVSS).

Section 393.86 of the FMCSRs, “Rear impact guards and rear end protection,” requires rear impact guards to be installed on most CMVs to reduce the incidence of passenger compartment intrusion during underride crashes in which a passenger vehicle strikes the rear of the CMV. The FMCSRs require that all CMVs be systematically inspected, repaired, and maintained to ensure that all required parts and accessories—including rear impact guards—are in safe and proper operating condition at all times (396.3(a)(1)). Operation of a CMV with a missing or noncompliant rear impact guard is a violation of the FMCSRs.

Every CMV must be inspected at least once every 12 months. A motor carrier may not use a CMV unless each component identified in Appendix A to Part 396, Code of Federal Regulations, "Minimum Periodic Inspection Standards," has passed the required annual inspection. While the FMCSRs have required rear impact guards for more than 65 years, they have not been included on the list of components in Appendix G that must be inspected during the annual CMV inspection. This means that a vehicle can pass an annual inspection with a missing or damaged rear impact guard.

In response to petitions from the Commercial Vehicle Safety Alliance (CVSA) and Jerry and Marianne Karth, a recommendation included in GAO Report GAO-19-264, "Truck Underride Guards: Improved Data Collection, Inspections, and Research Needed," and Congressional correspondence, this final rule amends the FMCSRs to include rear impact guards on the list of items that must be examined as part of the required annual inspection for each CMV.

Alignment with NHTSA Requirements - Placement of the Rear Impact Guard Certification Label and Exclusion of Rear Impact Protection for RCC Horizontal Discharge Semi Trailers

- On November 19, 2004, NHTSA published two final rules relating to rear impact guards. First, NHTSA amended the labeling requirement in FMVSS No. 223, "Rear impact guards," to permit the rear impact guard certification label to be mounted on either the forward- or rearward-facing surface of the horizontal member of the guard, provided the label does not interfere with the retroreflective sheeting required by the FMVSS (69 FR 67660). Prior to the amendment, the certification label was required to be mounted on the forward-facing surface of the horizontal member, 12 inches inboard of the right end of the guard.
- Second, NHTSA amended the applicability section of FMVSS No. 224, "Rear impact protection," to exclude RCC horizontal discharge semitrailers from the requirements of the standard (69 FR 67663). NHTSA concluded that installation of rear impact guards on RCC horizontal discharge trailers would interfere with the intended function of the trailers and was therefore impracticable due to the unique design and purpose of those vehicles. However, neither of NHTSA's November 2004 amendments to the FMVSS has been incorporated into the corresponding rear impact requirements in 393.86 of the FMCSRs. FMCSA is amending the FMCSRs to adopt the changes above to maintain consistency with FMVSS Nos. 223 and 224.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-11-09/pdf/2021-23796.pdf>

E. COVID-19 Vaccination and Testing; Emergency Temporary Standard; Interim Final Rule

Agency

Occupational Safety and Health Administration (OSHA), Department of Labor (DOL)

Dates

Published Date: 11/05/2021

Comments Due: 01/19/2022

Summary

The Occupational Safety and Health Administration (OSHA) issued an emergency temporary standard (ETS) to protect unvaccinated employees of large employers (100 or more employees) from the risk of contracting COVID-19 by strongly encouraging vaccination. Covered employers must develop, implement, and enforce a mandatory COVID-19 vaccination policy, with an exception for employers that instead adopt a policy requiring employees to either get vaccinated or elect to undergo weekly COVID-19 testing and wear a face covering at work in lieu of vaccination.

On November 12, 2021 the U.S. Court of Appeals for the Fifth Circuit granted a motion to stay OSHA's COVID-19 Vaccination and Testing Emergency Temporary Standard. The court ordered that OSHA "take no steps to implement or enforce" the ETS "until further court order." The U.S. Court of Appeals for the Sixth Circuit now has jurisdiction over ETS challenges and DOL has filed a motion to lift the stay.

OSHA has suspended activities related to the implementation and enforcement of the ETS pending future developments in the litigation. Note that the comment period is separate from the litigation.

Written comments on any aspect of the ETS and whether the ETS should be adopted as a permanent standard must be submitted by January 19, 2022 to www.regulations.gov in Docket number OSHA-2021-0007, which is the only way that OSHA is receiving comments on the ETS.

Veolia North America is staying current on the updates of this Emergency Temporary Standard and will administer a program that is in compliance with the ETS when finalized.

Reference/Link

The link below will allow you to view/print this Interim Final Rule.

<https://www.govinfo.gov/content/pkg/FR-2021-11-05/pdf/2021-23643.pdf>

F. Possession, Use, and Transfer of Select Agents and Toxins—Addition of SARS–CoV/SARS–CoV–2 Chimeric Viruses Resulting From Any Deliberate Manipulation of SARS–CoV–2 To Incorporate Nucleic Acids Coding for SARS–CoV Virulence Factors to the HHS List of Select Agents and Toxins; Interim Final Rule

Agency

Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC)

Dates

Published Date: 11/17/2021

Effective Date: 11/17/2021

Comments Dues: 1/18/2022

Summary

The Centers for Disease Control and Prevention (CDC), which is under the Department of Health and Human Services (HHS),) is amending the select agents and toxins regulations to include SARS–CoV/SARS–CoV–2 chimeric viruses resulting from any deliberate manipulation of SARS–CoV–2 to incorporate nucleic acids coding for SARS–CoV virulence factors to the list of HHS select agents and toxins.

This will require entities to obtain prior approval from CDC to conduct deliberate manipulation of SARS–CoV– 2 to incorporate nucleic acids coding for SARS–CoV virulence factors because these chimeric viruses have the potential to pose a severe threat to public health and safety. This Interim Final Rule is effective on November 17, 2021.

By December 17, 2021, all entities that possess SARS– CoV/SARS–CoV–2 chimeric viruses resulting from any deliberate manipulation of SARS–CoV–2 to incorporate nucleic acids coding for SARS–CoV virulence factors must provide notice to the Federal Select Agent Program regarding their possession of this agent.

By February 15, 2022, all entities that possess, use, or transfer this agent must register (or amend an existing registration) and obtain a certificate of registration (or an amended certificate of registration) that includes this agent, in accordance with 42 CFR 73.7 and 73.7(i), respectively, and must meet all of the requirements of select agent regulations.

Reference/Link

The link below will allow you to view/print this Announcement of Interim Final Rule.

<https://www.govinfo.gov/content/pkg/FR-2021-11-17/pdf/2021-25204.pdf>

G. Schedules of Controlled Substances: Placement of Isotonitazene in Schedule I; Final Order

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 11/04/2021

Effective Date: 12/06/2021

Summary

The Drug Enforcement Administration is permanently placing N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)ethan-1-amine (commonly known as isotonitazene), including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, in schedule I of the Controlled Substances Act (CSA).

On August 20, 2020, DEA issued a temporary scheduling order, placing Isotonitazene in schedule I of the Controlled Substances Act (CSA). This action continues to impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research or conduct instructional activities with, or possess), or propose to handle isotonitazene.

Any handlers of Isotonitazene are subject to the schedule I regulatory controls including the following:

1. Registration
2. Disposal of Stocks
3. Security
4. Labeling and Packaging
5. Quota
6. Inventory
7. Records and Reports
8. Order Forms
9. Importation and Exportation
10. Liability

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-11-04/pdf/2021-23848.pdf>

H. Designation of Methyl alphaphenylacetoacetate, a Precursor Chemical Used in the Illicit Manufacture of Phenylacetone, Methamphetamine, and Amphetamine, as a List I Chemical; Final Rulemaking

Agency

Drug Enforcement Agency (DEA)

Dates

Published Date: 11/18/2021

Effective Date: 12/20/2021

Summary

The Drug Enforcement Administration is finalizing, without change, a March 30, 2021, notice of proposed rulemaking to designate the chemical methyl alphaphenylacetoacetate (also known as MAPA; methyl 3-oxo-2- phenylbutanoate; methyl 2- phenylacetoacetate; a-acetylbenzeneacetic acid, methyl ester; and CAS Number: 16648–44–5) and its optical isomers as a list I chemical under the Controlled Substances Act (CSA).

Methyl alpha-phenylacetoacetate is used in clandestine laboratories to illicitly manufacture the schedule II controlled substances phenylacetone (also known as phenyl-2-propanone, P2P, or benzyl methyl ketone), methamphetamine, and amphetamine and is important to the manufacture of these controlled substances.

Any handlers of Methyl alpha-phenylacetoacetate are subject to the List I regulations including the following:

1. Registration
2. Records and Reports
3. Importation and Exportation
4. Security
5. Administrative Inspection
6. Liability

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-11-18/pdf/2021-24952.pdf>