Veolia North America - Industrial Business

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No Health & Safety Updates for April 2022

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G. DEA; Schedules of Controlled Substances: Temporary Placement of Butonitazene, Etodesnitazene, Flunitazene, Metodesnitazene, Metonitazene, NPyrrolidino etonitazene, and Protonitazene in Schedule I; Temporary Scheduling Order

H. FDA; Providing Mail-Back Envelopes and Education on Safe Disposal With Opioid Analgesics Dispensed in an Outpatient Setting; Establishment of a Public Docket; Request for Comments

A. Integrating e-Manifest With Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments and Technical Corrections; Proposed Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 04/01/2022
Comments Due: 05/31/2022

Summary

The Environmental Protection Agency (EPA) is proposing a rule that would include the export of hazardous waste for treatment, storage and disposal into the 2018 e-Manifest regulations. The 2018 e-Manifest regulations stated that the agency would include export requirements once it was determined which party in the export process would be responsible for submitting export manifests to the e-Manifest system and paying the associated user fees.

The proposed amendments are suggesting for the export manifests to be collected in the e-Manifest system and the exporters who submit these manifests to be invoiced for those submissions. The EPA believes that the exporter is better suited, compared to the transporter, to submit the manifest and continuation sheet to the system for the following reasons:

1. The exporter is responsible for the arrangement of the shipment exiting the U.S. and therefore has firsthand knowledge of the export shipment.
2. The exporter receives an acknowledgement of consent (AOC) from EPA documenting consent from the foreign country to receive the export shipment, prepares the manifest for the export shipment if required, prepares the movement document, submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) operated by U.S. Customs and Border Protection (CBP), receives copies of the signed movement documents and confirmations of recovery or disposal from the foreign receiving facility, submits exception reports to EPA as needed, and submits an export annual report listing details concerning all export shipments made during the previous calendar year.
3. Exporters are required to be domiciled in the United States, while a foreign transporter that has obtained an EPA ID number to carry manifested hazardous waste in the U.S. may not be domiciled in the United States.

The EPA is also proposing the following:

- Changes to the RCRA hazardous waste export and import shipment international movement document requirements so that the international movement document data is more closely linked with the manifest data. This would allow entities to use the e-Manifest system to complete these reports electronically as well as to assist with the integration of EPA's Waste Import Export Tracking System (WIETS) into RCRAInfo.

- Revising aspects of the manifest form to improve compliance with import and export consents and tracking requirements, which includes adding an email address field to Item 5 of the generator block of the paper manifest, allowing for greater precision in waste data reported in the manifest fields at Items 11 (Total Quantity) and 12 (Units of Measure), and adding form codes to the DESIGNATED FACILITY field of the manifest, such as in Item 19.
- Regulatory amendments to three manifest-related reports (including the discrepancy, exception and unmanifested waste reports) so that they can be integrated with the e-Manifest system. Additionally, the EPA is proposing adjustments to the discrepancy and exception reporting timeframe to better align with timeframes required for submission and processing of manifests in the e-Manifest system.
- Making technical corrections to fix typographical errors in the e-Manifest and movement document regulations.
- Conforming regulatory changes to the Toxic Substances Control Act (TSCA) manifest regulations for polychlorinated biphenyls (PCB) wastes.

Additionally, the EPA is requesting public comment on changes to the manifest form and how the EPA can begin to integrate biennial reporting requirements with e-Manifest data. Comments must be received on or before May 31, 2022.

The changes to the manifest form include requiring exporters and importers to record the hazardous waste stream consent numbers for export and import shipments in new, distinct fields on the continuation sheet. Additionally, the proposed changes would require the exporter's EPA ID number to be recorded in a designated field on the continuation sheet, if the exporter is a recognized trader located separate from the site initiating the export shipment.

EPA is proposing to delete the requirement in 40 CFR 262.84(c)(4) that the importer provide an additional copy of the manifest to the transporter to be submitted by the receiving facility to EPA per 40 CFR 264.71(a)(3) and 265.71(a)(3). This additional copy of the manifest is no longer necessary because the receiving facility is now required to always submit the top copy of the paper manifest and any continuation sheets to the e-Manifest system.

Comments must be received on or before May 31, 2022.

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2022-04-01/pdf/2022-04705.pdf

B. Frequently Asked Questions about Large Quantity Generator Quick Reference Guides; Memorandum

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 4/19/2022

Summary

On April 19, 2022 the Environmental Protection Agency (EPA) published a memorandum with the subject Frequently Asked Questions (FAQs) about Large Quantity Generator Quick Reference Guides. This memo is in reference to the Quick Reference Guide (QRG) provisions of the emergency planning requirements for large quantity generators (LQG) of hazardous waste. The QRG requirements were finalized in the 2016 Hazardous Waste Generator Improvements Rule.

Large Quantity Generators (LQG) are required to submit a summary of their contingency plan (the QRG) to their local emergency responders when they submit or amend their contingency plan. Since this requirement is more stringent than the base program all authorized states had to adopt the requirement or have a functionally equivalent provision in their regulations.

The memorandum includes nine FAQs about Quick Reference Guides, three FAQs on Updating Contingency plans and QRGs and three FAQs on Coordination between LQGs with on-site emergency responders and local emergency responders.

The eight components of the Quick Reference Guide are as follows:

1. Types/names of hazardous waste and associated hazards
2. Estimated maximum amounts of hazardous wastes
3. Hazardous wastes requiring unique/special treatment
4. Map showing where hazardous wastes are generated, accumulated or treated at the facility
5. Map of facility and surroundings to identify routes of access and evacuation
6. Location of water supply
7. Identification of on-site notification systems
8. Name of emergency coordinator(s) or listed staffed position(s) and 7/24-hour emergency telephone number(s)

Reference/Link

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

https://rcrapublic.epa.gov/files/14943.pdf

C. Climate and Economic Justice Screening Tool Beta Version; Notice of extension for request for information

Agency

Council on Environmental Quality (CEQ)

Dates

Published Date: 04/25/2022
Comments Due: 05/25/2022

Summary

On February 23, 2022, the Council on Environmental Quality published a request for information (RFI) to solicit feedback on the beta version of the Climate and Economic Justice Screening Tool. The purpose of the tool is to utilize indicators for the purpose of identifying communities that exhibit conditions of underinvestment in energy, transit, housing and water infrastructure, disproportionate pollution burden, and job training and employment. Agencies will use the tool to guide program investments in the areas noted above under the Justice40 Initiative.

On April 25, 2022 a notice was published which extended the deadline date for receiving comments until May 25, 2022.

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2022-04-25/pdf/2022-08774.pdf

D. EPA Delivers on Three Water Commitments in the Agency's PFAS Strategic Roadmap; News Release

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 04/28/2022

Summary

The Environmental Protection Agency (EPA) announced three actions to detect per- and polyfluoroalkyl substances (PFAS), reduce PFAS discharges into the nation's water and protect fish and aquatic ecosystems from PFAS.

The three actions described are as follows:

1. Creation of a new testing method that will help detect PFAS in water
    a. EPA's Draft Method 1621 has successfully completed single laboratory validation. Multi-laboratory validation will take place this summer and EPA intends to publish an updated version of the method later this year.
2. Implementation of a new permitting direction to help reduce discharges of PFAS to water
    a. Today, EPA issued a memo titled, "Addressing PFAS Discharges in EPA-Issued NPDES Permits and Expectations Where EPA is the Pretreatment Control Authority." This memo provides instructions for monitoring provisions, analytical methods, the use of pollution prevention, and best management practices to address discharges of PFAS. EPA also plans to issue new guidance to state permitting authorities to address PFAS in NPDES permits in a future action.
3. Development of new protective levels to help support healthy fish and aquatic ecosystems
    a. EPA is proposing the first Clean Water Act aquatic life criteria for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) which is intended to protect aquatic life from short term and long term toxic effects of PFOA and PFOS.

TABLE 1—DRAFT RECOMMENDED FRESHWATER AQUATIC LIFE WATER QUALITY CRITERIA FOR PFOA AND PFOS

Criteria component	Acute water column (CMC) [1]	Chronic water column (CCC)[2]	Invertebrate whole-body (mg/kg ww[3])	Fish whole-body (mg/kg ww)	Fish muscle (mg/kg ww)
PFOA Magnitude	49 mg/L	0.094 mg/L	1.11	6.10	0.125
PFOS Magnitude	3.0 mg/L	0.0084 mg/L	0.937	6.75	2.91
Duration	1-hour average	4-day average	Instantaneous.[4]		
Frequency	Not to be exceeded more than once in three years, on average.	Not to be exceeded more than once in three years, on average.	Not to be exceeded more than once in three years, on average.		

[1] Criterion Maximum Concentration.
[2] Criterion Continuous Concentration.
[3] Wet Weight.
[4] Tissue data provide instantaneous point measurements that reflect integrative accumulation of PFOA or PFOS over time and space in aquatic life population(s) at a given site.

For more information on EPA's PFAS Strategic Roadmap, visit PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024

For more information on the NPDES memo, visit: Industrial Wastewater

For more information on aquatic life criteria for PFOA and PFOS, visit: Aquatic Life Criteria - Perfluorooctanoic Acid (PFOA) and Aquatic Life Criteria - Perfluorooctane Sulfonate (PFOS)

Reference/Link

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

https://www.epa.gov/newsreleases/epa-delivers-three-water-commitments-agencys-pfas-strategic-roadmap#:~:text=EPA%20Delivers%20on%20Three%20Water%20Commitments%20in%20the%20Agency's%20PFAS%20Strategic%20Roadmap,-April%2028%2C%202022&text=WASHINGTON%20(April%2028%2C%202022),PFAS

E. e-Manifest Information for New York Hazardous Waste Generators; Enforcement Discretion Letter

Agency

New York State Department of Environmental Conservation (NYSDEC)

Dates

Published Date: 04/14/2022

Summary

The New York State Department of Environmental Conservation (DEC) sent out an announcement on April 14, 2022 to update the enforcement discretion letter that implements certain provisions of EPA's e-Manifest Rule in New York State and maintains certain New York State requirements that are more stringent than EPA's regulations.

This updated letter eliminates the requirement for most generators to submit copies of the generator manifest to DEC for shipments within or imported into the United States. Generator copies of manifests used for exported shipments must still be submitted to DEC.

Reference/Link

The link below will allow you to view/print this Enforcement Discretion Letter.

https://www.dec.ny.gov/docs/materials_minerals_pdf/emanenfordisc.pdf

F. Schedules of Controlled Substances: Placement of 5F-EDMB-PINACA, 5FMDMB-PICA, FUB-AKB48, 5F-CUMYLPINACA, and FUB-144 in Schedule I

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 04/07/2022
Effective Date: 04/07/2022

Summary

The Drug Enforcement Administration (DEA) permanently places five synthetic cannabinoids, 5F-EDMB-PINACA, 5FMDMB-PICA, FUB-AKB48, 5F-CUMYLPINACA, and FUB-144 , in schedule I of the Controlled Substances Act.

These five substances are currently listed in schedule I pursuant to a temporary scheduling order. 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, conduct instructional activities or chemical analysis, or possess), or propose to handle these five specified controlled substances will continue to apply.

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2022-04-07/pdf/2022-07320.pdf

G. Schedules of Controlled Substances: Temporary Placement of Butonitazene, Etodesnitazene, Flunitazene, Metodesnitazene, Metonitazene, NPyrrolidino etonitazene, and Protonitazene in Schedule I; Temporary Scheduling Order

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 04/12/2022
Effective Date: 04/12/2022
Expiration Date: 04/12/2024

Summary

The Drug Enforcement Administration (DEA) has issued a temporary order to schedule seven synthetic benzimidazole-opioid substances, as identified below, in Schedule I of the Controlled Substances Act.

This action is based on a finding by the Administrator that the placement of these seven substances in schedule I is necessary to avoid imminent hazard to public safety. As a result of this order, the regulatory controls and administrative, civil, and criminal sanctions applicable to Schedule I controlled substances will be imposed on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle these seven specified controlled substances.

The seven specified controlled substances are listed below:

- 2-(2-(4-butoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine (butonitazene),
- 2-(2-(4-ethoxybenzyl)-1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine (etodesnitazene; etazene),
- N,N-diethyl-2-(2-(4-fluorobenzyl)-5- nitro-1H-benzimidazol-1-yl)ethan-1- amine (flunitazene),
- N,N-diethyl-2-(2-(4- methoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine (metodesnitazene),
- N,N-diethyl-2-(2-(4- methoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)ethan-1-amine (metonitazene),
- 2-(4-ethoxybenzyl)-5-nitro-1-(2- (pyrrolidin-1-yl)ethyl)-1Hbenzimidazole (N-pyrrolidino etonitazene; etonitazepyne),
- N,N-diethyl-2-(5-nitro-2-(4- propoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine (protonitazene)

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2022-04-12/pdf/2022-07640.pdf

H. Providing Mail-Back Envelopes and Education on Safe Disposal With Opioid Analgesics Dispensed in an Outpatient Setting; Establishment of a Public Docket; Request for Comments

Agency

Food and Drug Administration (FDA), Health and Human Services (HHS)

Dates

Published Date: 04/21/2022
Request for Comments: 06/21/2022

Summary

The Food and Drug Administration (FDA) has established a docket to solicit public comment on a potential modification to the Opioid Analgesic Risk Evaluation and Mitigation Strategy (OA REMS) to require that mail-back envelopes be dispensed and education on safe disposal be provided with opioid analgesics dispensed in an outpatient setting.

The goal of this requirement is to reduce the amount of unused opioid analgesics in patients' homes, thereby reducing opportunities for nonmedical use, accidental exposure, and overdose, and possibly reducing the development of new opioid addiction.

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2022-04-21/pdf/2022-08372.pdf