

# Veolia North America - Industrial Business

## August, 2022

### **ENVIRONMENTAL UPDATES**

- A. [EPA; Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions; Interim FAQ](#)
- B. [EPA; Addition of Diisononyl Phthalate Category; Community Right-to-Know Toxic Chemical Release Reporting; Proposed Rulemaking](#)
- C. [EPA; The Hazardous Waste Electronic Manifest \(e-Manifest\) System Advisory Board; Notice of Public Meeting](#)
- D. [EPA; Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention; Proposed Rule](#)

### **TRANSPORTATION UPDATES**

*No Transportation Updates for August 2022*

### **HEALTH & SAFETY UPDATES**

- E. [OSHA; Process Safety Management \(PSM\); Stakeholder Meeting](#)

### **MISCELLANEOUS UPDATES**

- F. [DEA; Exempt Chemical Preparations Under the Controlled Substances Act; Order with Opportunity for Comment](#)

## A. Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions; Interim FAQ

### Agency

Environmental Protection Agency (EPA)

### Dates

Published Date: 08/16/2022

### Summary

The Environmental Protection Agency (EPA) has published an Interim FAQ in order to present information regarding Environmental Justice (EJ) and Civil Rights in Permitting. The EPA stated that the main purpose of this FAQ is to present all of the existing information in one place and that this FAQ is not legally binding. This is a “living document” that the EPA intends to update and revise as necessary.

The Interim FAQ document includes a total of 18 questions. The first question presents the purpose of including environmental justice into the permitting process. The EPA’s mission is to protect human health and the environment. By including EJ into the permitting process, the EPA can further achieve their mission for all people in the United States.

The document identifies the following three Executive Orders (E.O.) as establishing the federal policy on equity and environmental justice:

- [E.O. 12898](#) Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (1994)
- [E.O. 14008](#) Tackling the Climate Crisis at Home and Abroad (2021)
- [E.O. 13985](#) Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (2021)

The Interim FAQ document continues by explaining the relationship between EJ and civil rights, that they are complementary and have significant overlap. The EPA encourages States and other recipients administering environmental permitting programs to adopt routine processes of screening for EJ and civil rights concerns. The EPA identifies best practices for screening including Geographic Information System (GIS) tools such as EPA’s EJScreen, survey questions, looking at other permitted facilities in the area, demographic data, health data as well as other tools and techniques. The EPA explains that if these screening tools identify EJ concerns, actions must be taken to mitigate any adverse disproportionate impacts.

The EPA suggests that a permitting program use the following six steps:

1. Screening
2. Scoping
3. Assessment
4. Recommendations
5. Reporting
6. Monitoring

The EPA Interim FAQ document continues by explaining key concepts and definitions such as Disparate Impacts, Adverse Impacts, Disproportionality, Causation, Justification, Less Discriminatory Alternative, and Cumulative Impacts. The EPA identifies the need to conduct community engagement as well as tribal consultation.

For additional information or to provide feedback on the FAQs the EPA has created the email [EJ.permitting@epa.gov](mailto:EJ.permitting@epa.gov).

## Reference/Link

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

<https://www.epa.gov/system/files/documents/2022-08/EJ%20and%20CR%20in%20PERMITTING%20FAQs%20508%20compliant.pdf>

## **B. Addition of Diisononyl Phthalate Category; Community Right-to-Know Toxic Chemical Release Reporting; Proposed Rulemaking**

### Agency

Environmental Protection Agency (EPA)

### Dates

Published Date: 08/08/2022

Comments Due: 10/07/2022

### Summary

The Environmental Protection Agency (EPA) has updated the hazard assessment for Diisononyl Phthalate (DINP) and is proposing to add DINP as a category defined to include branched alkyl diesters of 1,2 benzenedicarboxylic acid in which alkyl ester moieties contain a total of nine carbons. This would make these chemicals subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA).

The updated hazard assessment demonstrates that the proposed DINP category meets the EPCRA toxicity criterion because the members of the category can reasonably be anticipated to cause cancer and serious or irreversible chronic health effects in humans. EPA is proposing to add the DINP category to the toxic chemical list on this basis and is requesting comment on the updated DINP hazard assessment and associated updated economic analysis.

Comments for this proposed rulemaking are due on or before October 07, 2022.

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-08-08/pdf/2022-16908.pdf>

### C. **The Hazardous Waste Electronic Manifest (e-Manifest) System Advisory Board; Notice of Public Meeting**

#### Agency

Environmental Protection Agency (EPA)

#### Dates

Published Date: 8/12/2022

Meeting Date: 10:00 AM to approximately 6:00 PM EDT on 10/4/2022 to 10/6/2022

Written Comments Due: 09/27/2022

#### Summary

The Environmental Protection Agency (EPA) will gather the Hazardous Waste Electronic System (eManifest) Advisory Board for a three (3) day virtual public meeting. The purpose of the meeting is for EPA to seek the Board's consultation and recommendations regarding the eManifest system. The meeting theme is "Roadmap to 100% Electronic Manifests".

This public meeting will be conducted virtually. Registration online is required to attend and/or provide oral public comment during this meeting. Please refer to the e-Manifest Advisory Board website for information on how to register as either a public audience attendee or as an oral public commenter:

<https://www.epa.gov/emanifest/hazardous-waste-electronicmanifest-system-e-manifest-advisoryboard>

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-08-12/pdf/2022-17401.pdf>

### D. **Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention; Proposed Rule**

#### Agency

Environmental Protection Agency (EPA)

*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](mailto:kevin.mcgrath@veolia.com) or Nick Fiori, EHS Manager at [Nicholas.fiori@veolia.com](mailto:Nicholas.fiori@veolia.com).*

## Dates

Published Date: 8/31/2022

Virtual Public Hearing Date: 09/26/2022, 09/27/2022 and 09/28/2022

## Summary

The Environmental Protection Agency (EPA) is proposing to amend the Risk Management Program (RMP) regulations to change and amplify the accident prevention program requirements. The amendments will also include enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions or points of clarification. The amendments have a goal to improve chemical process safety, assist in planning, preparedness and responding to RMP-reportable accidents and improve public awareness of chemical hazards at regulated sources.

Some of the key changes to the RMP program include:

- Clarifications specifying that natural hazards, power loss, and proximity to communities should be part of the process hazard analysis (PHA).
- Requiring a Safer Technologies and Alternative Analysis (STAA) as part of the PHA for any refinery using hydrofluoric acid (HF) in an alkylation unit and for refineries and chemical manufacturers and other facilities in NAICS codes 324 and 325 that are within a 1-mile radius of another RMP facility.
- Specifying that a root cause analysis must be performed as part of the incident investigation that follows “RMP-reportable” releases.
- Third-party compliance audits for a facility that has two RMP-reportable accidents within a 5-year period or after any RMP-reportable accident at a refinery or chemical plant that is located within a 1-mile radius of another RMP facility.
- Employee participation relating to the implementation of recommendations from PHAs, incident investigations, and audits; stop-work authority in certain circumstances; and reporting accidents and other RMP non-compliance issues.
- Field training exercises with local responders at least once every 10 years, with the locals able to opt out (current rule does not establish a minimum frequency).
- Requirements around prompt community-wide notifications of RMP-reportable releases.
- More information available to the public, including the recommendations from hazard analysis and code/standard gap analysis that the facility declines to implement and STAA implemented since last PHA.
- Requirement to keep hot work permits for 5 years.

The EPA will be hosting three virtual public hearings at the following dates and times. Please click the related link to register:

- Public Hearing 1: September 26, 2022, 9:00 AM - 12:00 PM EDT ([Register here](#))
- Public Hearing 2: September 27, 2022, 1:00 PM - 4:00 PM EDT ([Register here](#))
- Public Hearing 3: September 28, 2022, 5:00 PM - 8:00 PM EDT ([Register here](#))

*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](mailto:kevin.mcgrath@veolia.com) or Nick Fiori, EHS Manager at [Nicholas.fiori@veolia.com](mailto:Nicholas.fiori@veolia.com).*

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-08-31/pdf/2022-18249.pdf>

### E. **Process Safety Management (PSM); Stakeholder Meeting**

#### Agency

Occupational Safety and Health Administration (OSHA)

#### Dates

Published Date: 08/30/2022

Meeting Date: 10:00 a.m. to 4:00 p.m. ET, on Wednesday, 09/28/2022

Comments Due: 10/28/2022

#### Summary

Occupational Safety and Health Administration (OSHA) is holding an informal stakeholder meeting concerning the rulemaking for OSHA's Process Safety Management (PSM) standard. During this meeting, OSHA will provide a brief overview of the work that has been completed on the PSM project to date. After the presentation, there will be time for registered commenters to provide verbal comments.

The stakeholder meeting will be held virtually on WebEx. If you wish to attend the meeting or provide public comment, please register online at the following link:

<https://www.osha.gov/process-safety-management/background/2022stakeholdermtg>

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-08-30/pdf/2022-18614.pdf>

### F. **Exempt Chemical Preparations Under the Controlled Substances Act; Order with Opportunity for Comment**

#### Agency

Drug Enforcement Administration (DEA)

*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](mailto:kevin.mcgrath@veolia.com) or Nick Fiori, EHS Manager at [Nicholas.fiori@veolia.com](mailto:Nicholas.fiori@veolia.com).*

## Dates

Published Date: 8/31/2022

Comments Due: 10/31/2022

## Summary

The Drug Enforcement Administration (DEA) received applications for exemption for certain chemical preparations between August 30, 2021 and March 31, 2022. On August 31, 2022 an Order with Opportunity for Comment was issued which lists the chemical preparations that were accepted for filing and were approved or denied as indicated in Chart I and Chart II. Please refer to the Federal Register posting below for these charts.

A list of all current exemptions, including those listed in this order, is available on the DEA's website at [https://www.deadiversion.usdoj.gov/schedules/exempt/exempt\\_chemlist.pdf](https://www.deadiversion.usdoj.gov/schedules/exempt/exempt_chemlist.pdf).

## Reference/Link

The link below will allow you to view/print this Order with Opportunity for Comment.

<https://www.govinfo.gov/content/pkg/FR-2022-08-31/pdf/2022-18794.pdf>