

Veolia North America - Industrial Business

December, 2022

ENVIRONMENTAL UPDATES

- A. [EPA; Changes to Reporting Requirements for Per- and Polyfluoroalkyl Substances and to Supplier Notifications for Chemicals of Special Concern; Community Right-to-Know Toxic Chemical Release Reporting; Proposed Rule](#)
- B. [EPA; EPA Issues Guidance to States to Reduce Harmful PFAS Pollution; Memorandum](#)
- C. [EPA; Phasedown of Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons Under Subsection \(i\) the American Innovation and Manufacturing Act of 2020; Notice of proposed rulemaking](#)
- D. [EPA; National Emission Standards for Hazardous Air Pollutants: Site Remediation; Final Rule](#)
- E. [EPA; Standards and Practices for All Appropriate Inquiries; Final Rule](#)
- F. [ERO; Hazardous Waste Digital Reporting Service Modernization; Decision](#)

TRANSPORTATION UPDATES

- G. [PHMSA; Hazardous Materials: Editorial Corrections and Clarifications; Final Rule](#)
- H. [FMCSA; Incorporation by Reference: North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits; Final Rule](#)

HEALTH & SAFETY UPDATES

No Health and Safety Updates for December 2022

MISCELLANEOUS UPDATES

- I. [DEA; Schedules of Controlled Substances: Placement of Methiopropamine in Schedule I; Final Rule](#)
- J. [DEA; Schedules of Controlled Substances: Removal of Fenfluramine from Control; Final Rule](#)

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A. Changes to Reporting Requirements for Per- and Polyfluoroalkyl Substances and to Supplier Notifications for Chemicals of Special Concern; Community Right-to-Know Toxic Chemical Release Reporting; Proposed Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/05/2022

Comments Due: 02/03/2022

Summary

The Environmental Protection Agency (EPA) has published a proposed rule to add per- and polyfluoroalkyl substances (PFAS) subject to reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA) to the list of Lower Thresholds for Chemicals of Special Concern.

Currently, the reporting threshold for PFAS is already low, at 100 pounds. This proposed rule would cause such PFAS to be subject to the same reporting requirements as other chemicals of special concern:

1. It would eliminate the use of the de minimis exemption
2. Remove the option to use Form A, and
3. Limit the use of range reporting for PFAS

The EPA believes that by removing the availability of these burden-reduction reporting options there will be a more complete picture of the releases and waste management quantities for these PFAS.

Additionally, EPA is proposing to remove the availability of the de minimis exemption for purposes of the Supplier Notification Requirements for all chemicals on the list of chemicals of special concern. This change will help ensure that purchasers of mixtures and trade name products containing such chemicals are informed of their presence in the mixtures and products they purchase.

Comments for this proposed rule must be received on or before February 3, 2023. You may be potentially affected by this action if you manufacture, process, or otherwise use listed PFAS or any chemicals listed under 40 CFR 372.28.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-12-05/pdf/2022-26022.pdf>

B. EPA Issues Guidance to States to Reduce Harmful PFAS Pollution; Memorandum

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/06/2022

Summary

The Environmental Protection Agency (EPA) has released a memorandum to provide direction on how to use the nation's bedrock clean water permitting program to protect against per- and polyfluoroalkyl substances (PFAS). The publishing of this memorandum is part of EPA's PFAS Strategic Roadmap.

The aim of this memorandum is to restrict PFAS at their source in order to reduce the levels of PFAS entering wastewater and stormwater systems and ultimately lower human exposure to PFAS. The goal is to align wastewater and stormwater NPDES permits and pretreatment program implementation activities with the goals in EPA's PFAS Strategic Roadmap by encouraging states to use the most current sampling and analysis methods in their NPDES programs to identify known or suspected sources of PFAS and to take actions using their pretreatment and permitting authorities, such as imposing technology-based limits on sources of PFAS discharges.

The memo will also help the Agency obtain comprehensive information through monitoring on the sources and quantities of PFAS discharges, informing other EPA efforts to address PFAS.

Reference/Link

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

https://www.epa.gov/system/files/documents/2022-12/NPDES_PFAS_State%20Memo_December_2022.pdf

C. EPA; Phasedown of Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons Under Subsection (i) the American Innovation and Manufacturing Act of 2020; Notice of proposed rulemaking

Agency

Environmental Protection Agency (EPA)

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Dates

Published Date: 12/15/2022

Comments Due: 1/30/2023

Summary

The Environmental Protection Agency (EPA) has published a proposed rule to implement certain provisions of the American Innovation and Manufacturing Act. The American Innovation and Manufacturing (AIM) Act was enacted by Congress on December 27, 2020. The AIM Act authorizes EPA to address hydrofluorocarbons (HFCs) in three main ways:

1. phasing down their production and consumption,
2. maximizing reclamation and minimizing releases from equipment, and
3. facilitating the transition to next-generation technologies through sector-based restrictions.

This December 2022 proposed rulemaking focuses on the third area and if implemented would:

- restrict the use of hydrofluorocarbons in specific sectors or sub sectors in which they are used;
- establish a process for submitting technology transitions petitions;
- establish recordkeeping and reporting requirements;
- and address certain other elements related to the effective implementation of the American Innovation and Manufacturing Act.

The proposed rule would prohibit the manufacture and import of products containing restricted HFCs by January 1, 2025, in most cases, and would prohibit the sale, distribution, and export of products containing restricted HFCs a year later, which in most cases would be January 1, 2026.

The EPA is focused on restricting HFC use in newly manufactured products and equipment in the aerosol; foam; and refrigeration, air conditioning and heat pump sectors. There are application-specific HFC allowances under subsection (e)(4)(B) of the Aim act that this proposed rule would not restrict use of HFCs for. A business may be potentially affected by this rule if the business manufactures, imports, exports, packages, sells or otherwise distributes products that use or are intended to use HFCs, such as refrigeration and air-conditioning systems, heat pumps, foams, and aerosols.

Note: The EPA specifically exempts “the destruction of a regulated substance” in their definition of use.

Comments on this notice of proposed rulemaking must be received on or before January 30, 2023.

You may view the EPA website titled “Protecting Our Climate by Reducing Use of HFCs” by clicking the following link:

<https://www.epa.gov/climate-hfcs-reduction>

The EPA has published a fact sheet on the proposed rule. To view the fact sheet please click the following link:

<https://www.epa.gov/system/files/documents/2022-12/TT%20Rule%20NPRM%20Fact%20Sheet%20Final.pdf>

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-12-15/pdf/2022-26981.pdf>

D. National Emission Standards for Hazardous Air Pollutants: Site Remediation; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/22/2022

Effective Date: 12/22/2022

Summary

The Environmental Protection Agency (EPA) has published a final rule that finalizes amendments to the national emission standards for hazardous air pollutants (NESHAP) for the site remediation source category.

In the initial site remediation NESHAP rule, EPA excluded sites where remediation was being carried out under either RCRA or CERCLA programs. The reason behind this exclusion was that the actions carried out under these two environmental statutes were functionally equivalent to Clean Air Act requirements. This was challenged and EPA published a final rule on December 22, 2022, that removed this exclusion. EPA's most recent logic is that the Clean Air Act does not give them the authority to defer to other environmental statutes.

Facilities that have used this exemption will have 18 months to come into compliance with the air emission limits in Part 63 Subpart GGGGG. EPA is deferring the question of setting emission standards for non-organic hazardous air pollutants for this source category to a future rulemaking.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-12-22/pdf/2022-27523.pdf>

E. Standards and Practices for All Appropriate Inquiries; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/15/2022

Effective Date: 02/13/2023

Summary

The Environmental Protection Agency (EPA) has published a final rule that amends the All Appropriate Inquiries Rule (AAI rule) to reference the ASTM International's E1527–21 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” and allow for its use to satisfy the requirements for conducting all appropriate inquiries under the Comprehensive Environmental Response, Compensation and Liability Act. Additionally, this rule will be removed after one year recognition of the previous version of that standard, ASTM E1527– 13, as compliant with the AAI rule.

The ASTM standard contains a footnote that suggests including per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants if states define them as “hazardous substances” and users want state liability defenses.

This final rule will impact any entity performing assessments for Superfund and brownfield sites.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-12-15/pdf/2022-27044.pdf>

F. Canada Hazardous Waste Digital Reporting Service Modernization; Decision

Agency

Environmental Registry of Ontario (ERO)

Dates

Published Date: 04/08/2022

Effective Date: 01/01/2023

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Summary

Effective January 2023, all carriers, receivers and generators in the Province of Ontario must be registered in the Hazardous Waste Program Registry (HWP Registry). This is related to the Hazardous Waste Digital Reporting Service Modernization initiative.
Impact on United States Operations

- TSDFs in the US that receive shipments from the Province of Ontario, Canada will have to be registered as receivers in the HWP Registry.
- US Based carriers having an existing Environmental Compliance Approval to haul waste in Ontario, will also need to be registered in the HWP Registry as a carrier
- Generators in the US that ship waste to Ontario TSDFs, will need to be registered as generators in the HWP Registry

Reference/Link

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

<https://ero.ontario.ca/notice/019-2332>

G. Hazardous Materials: Editorial Corrections and Clarifications; Final Rule

Agency

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

Dates

Published Date: 12/27/2022

Effective Date: 01/26/2023

Summary

This final rule corrects editorial errors and improves the clarity of certain provisions in PHMSA's program and procedural regulations and in the Hazardous Materials Regulations. The intended effect of this rulemaking is to enhance accuracy and reduce misunderstandings of the regulations. The amendments contained in this final rule are non-substantive changes and do not impose new requirements.

The Pipeline and Hazardous Materials Safety Administration (PHMSA), in this final rule, is amending the Hazardous Materials Regulations (HMR; 49 Code of Federal Regulations (CFR) parts 171-180) to correct typographical errors; fix incorrect regulatory references and citations; remove obsolete references to regulatory provisions, dates, as well as outdated concepts such as other regulated materials-domestic (ORM-D); address misstatements of certain regulatory requirements; and supply information or language that had been inadvertently omitted. PHMSA is also revising certain procedural regulations at 49 CFR Parts 107 and 110 to make them easier to understand. PHMSA expects the regulatory amendments adopted in this final rule will ensure stakeholders focus their resources on compliance with pertinent safety requirements of the HMR rather than trying to resolve erroneous, ambiguous, or obsolete language within PHMSA's regulations.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-12-27/pdf/2022-26960.pdf>

H. Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits; Final Rule

Agency

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

Dates

Published Date: 12/22/2022

Effective Date: 01/23/2023

Summary

FMCSA amends its Hazardous Materials Safety Permits regulations to incorporate by reference the April 1, 2022, edition of the Commercial Vehicle Safety Alliance's (CVSA) handbook (the handbook) containing inspection procedures and Out-of-Service Criteria (OOSC) for the inspection of commercial motor vehicles used in the transportation of transuranic waste and highway route-controlled quantities of radioactive material. The OOSC provides enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for these inspections. Through this rule, FMCSA incorporates by reference the April 1, 2022, edition of the handbook.

This final rule updates an incorporation by reference found at 49 CFR 385.4(b)(1) and referenced at §385.415(b). The provision at §385.4(b)(1) currently references the April 1, 2021, edition of CVSA's handbook titled "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." The CVSA handbook contains inspection procedures and OOSC for inspections of shipments of transuranic waste and highway route-controlled quantities of radioactive material.

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The OOSC, while not regulations, provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. The material is available, and will continue to be available, for inspection at the FMCSA, Office of Safety, 1200 New Jersey Avenue SE, Washington, DC 20590 (Attention: Chief, Compliance Division) at (202) 366-1812. The document may be purchased from the Commercial Vehicle Safety Alliance, 99 M Street SE, Suite 1025, Washington, DC 20003, (202) 998-1002, cvsahq@cvsa.org.

Fourteen updates distinguish the April 1, 2022, handbook edition from the 2021 edition. The updates are all described in detail in the September 7, 2022, notice of proposed rulemaking (NPRM) for this rule (87 FR at 48141). The incorporation by reference of the 2022 edition does not impose new regulatory requirements.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-12-22/pdf/2022-27774.pdf>

I. **Schedules of Controlled Substances: Placement of Methiopropamine in Schedule I; Final Rule**

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 12/09/2022

Effective Date: 01/09/2023

Summary

The Drug Enforcement Administration (DEA) has placed N-methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine), including its salts, isomers, and salts of isomers in schedule I of the Controlled Substances Act. Methiopropamine is a central nervous system (CNS) stimulant and is structurally related to the schedule II stimulants methamphetamine and amphetamine.

This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances 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 methiopropamine.

Reference/Link

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

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<https://www.govinfo.gov/content/pkg/FR-2022-12-09/pdf/2022-26805.pdf>

**J. Schedules of Controlled Substances: Removal of Fenfluramine From Control;
Final Rule**

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 12/23/2022

Effective Date: 12/23/2022

Summary

The Drug Enforcement Administration removes fenfluramine (chemical name: N-ethyl-a-methyl-3- (trifluoromethyl)phenethylamine), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts is possible, from the schedules of the Controlled Substances Act. Based on FDA's scientific and medical review of the eight factors and findings related to the substance's abuse potential, legitimate medical use, and dependence liability, HHS recommended that fenfluramine and its salts be removed from all schedules of the CSA.

This action removes the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances, including those specific to schedule IV controlled substances, on persons who handle (manufacture, distribute, reverse distribute, dispense, engage in research, import, export, conduct instructional activities or chemical analysis with, or possess) or propose to handle fenfluramine.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-12-23/pdf/2022-27400.pdf>