

# Veolia North America - Industrial Business

## January, 2022

### **ENVIRONMENTAL UPDATES**

- A. [EPA; Applicability of RCRA Organic Air Emission Standards to Equipment and/or Closure Devices, Subpart BB versus Subpart CC; Memorandum](#)
- B. [EPA; Hazardous Waste Generator Regulations Compendium; Guidance Documents](#)

### **TRANSPORTATION UPDATES**

*No Transportation Updates for January, 2022*

### **HEALTH & SAFETY UPDATES**

- C. [OSHA; COVID-19 Vaccination and Testing; Emergency Temporary Standard; Withdrawal](#)

### **MISCELLANEOUS UPDATES**

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

**A. Applicability of RCRA Organic Air Emission Standards to Equipment and/or Closure Devices, Subpart BB versus Subpart CC; Memorandum**

## Agency

Environmental Protection Agency (EPA)

## Dates

Published Date: 12/22/2021

## Summary

The Environmental Protection Agency (EPA) has created a memorandum to provide guidance to EPA and state permit writers and inspectors for clarifying which equipment and/or closure devices located on covers of hazardous waste tanks, containers, and surface impoundments are subject to Subpart BB and Subpart CC of the Organic Air Emission Standards under the Resource Conservation and Recovery Act (RCRA).

This memorandum was created with the goal of creating more consistency in federal interpretation. Following the launch of compliance initiative titled “Reducing Hazardous Air Toxic Emissions at Hazardous Waste Facilities” in 2017, there was confusion on which equipment applied to Subpart BB and which applied to Subpart CC due in part because closure devices, which is the term used in Subpart CC, are similar to certain equipment, including valves and pressure relief devices, that are regulated by Subpart BB.

The memorandum clarifies that Subpart CC applies to closure devices in covers (e.g. spring loaded pressure relief valve on a tank cover), while other equipment such as a valve on the side of a tank are subject to Subpart BB. The memorandum also includes Relevant Subpart BB & CC Regulatory diagrams and definitions throughout and in the appendices that may be helpful in clarifying this distinction.

The regulations in Subpart CC state that:

Closure device means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover such that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve). (emphasis added) 40 CFR 265.1081.

In the memorandum the EPA goes on to clarify that the applicability of Subpart CC encompasses both conservation vents (designed for normal operations) and safety devices (designed for unsafe conditions). Conservation vents, although only mentioned and not defined in the Subpart CC regulations, are closure devices designed to maintain pressure within preset limits while preventing/reducing emissions during normal operations.

The following table outlines some of the differences between Subpart BB and Subpart CC that were discussed in the memorandum:

Subpart BB	Subpart CC
Establishes organic air emission controls for equipment leaks.	Establishes control closure devices located in for tanks, surface impoundments and containers.
Monitoring requirements apply to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent (100,000 parts per million) by weight for 300 hours or more per calendar year.	Requirements apply to hazardous waste containers, tanks, and surface impoundments for which hazardous waste entering the unit has an average volatile organic concentration at the point of origination of 500 parts per million weight (ppmw) or greater.
Method 21 is utilized to monitor a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device or safety device in gas/vapor service within five calendar days of a pressure release to confirm the device has returned to a condition of no detectable emissions.	Visual inspection of closure devices associated with Level 1 emission controls for tanks and containers at least once a year and first efforts to repair must occur within five calendar days and generally must be completed within 45 calendar days.

## Reference/Link

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

[https://www.epa.gov/system/files/documents/2021-12/bb-cc\\_memo\\_final\\_12.22.21-00\\_2\\_0.pdf](https://www.epa.gov/system/files/documents/2021-12/bb-cc_memo_final_12.22.21-00_2_0.pdf)

## B. Hazardous Waste Generator Regulations Compendium; Guidance Documents

### Agency

Environmental Protection Agency (EPA)

### Dates

Published Date: 03/2021

## Summary

Starting in March 2021, The Environmental Protection Agency (EPA) has published sixteen guidance documents under the webpage “Hazardous Waste Generator Regulations Compendium.” There are many topics that may be useful for Hazardous Waste Generators. The Compendium is divided into volumes by topic.

The following is a list of the published volumes:

- [Volume 1: Satellite Accumulation Areas \(pdf\)](#) (March 2021)
- [Volume 2: Generators – EPA Identification Numbers \(pdf\)](#) (March 2021)
- [Volume 3: Co-Generation \(pdf\)](#) (March 2021)
- [Volume 4: Household Hazardous Waste \(pdf\)](#) (March 2021)
- [Volume 5: Personnel Training at Small and Large Quantity Generators \(pdf\)](#) (March 2021)
- [Volume 6: Generator Treatment in Tanks and Containers \(pdf\)](#) (March 2021)
- [Volume 7: Very Small Quantity Generator \(VSQG\) Requirements \(pdf\)](#) (September 2021)
- [Volume 8: Recordkeeping and Reporting Applicable to Small and Large Quantity Generators \(pdf\)](#) (September 2021)
- [Volume 9: Closure – Large Quantity Generators \(LQGs\) \(pdf\)](#) (September 2021)
- [Volume 10: Universal Waste \(pdf\)](#) (September 2021)
- [Volume 11: Empty Containers \(pdf\)](#) (September 2021)
- [Volume 12: Waste Determination and Point of Generation \(pdf\)](#) (January 2022)
- [Volume 13: Preparedness, Prevention, & Emergency Procedures and Personnel Training \(pdf\)](#) (January 2022)
- [Volume 14: Hazardous Waste Generators and the Mixture Rule \(pdf\)](#) (January 2022)
- [Volume 15: Spills and Releases of Hazardous Waste \(pdf\)](#) (January 2022)
- [Volume 16: Counting Hazardous Waste and Generator Categories \(pdf\)](#) (January 2022)

## Reference/Link

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

<https://www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-compendium>

## C. COVID–19 Vaccination and Testing; Emergency Temporary Standard; Withdrawal

### Agency

Occupational Safety and Health Administration (OSHA)

### Dates

Published Date: 01/26/2022

Effective Date: 01/26/2022

### Summary

OSHA is withdrawing the November 5, 2021, emergency temporary standard (ETS) which was issued to protect unvaccinated employees of large employers (100 or more employees) from the risk of contracting COVID–19 by strongly encouraging vaccination.

Although OSHA is withdrawing the Vaccination and Testing ETS as an enforceable emergency temporary standard, OSHA is not withdrawing the ETS to the extent that it serves as a proposed rule under section 6(c)(3) of the Occupational Safety and Health Act, and this action does not affect the ETS’s status as a proposal under section 6(b) of the Occupational Safety and Health Act.

### Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-01-26/pdf/2022-01532.pdf>

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

## Agency

Drug Enforcement Administration (DEA), Department of Justice (DOJ)

## Dates

Published Date: 01/21/2022

Comments Due: 03/22/2022

## Summary

The applications for exempt chemical preparations received by the Drug Enforcement Administration (DEA) between April 1, 2021, and June 30, 2021, as listed in the Federal Register, were accepted for filing and have been approved or denied as indicated. The exemptions are applicable only to the precise preparation or mixture that was described in the application, any changes would require a new application to be completed.

The administration has found that each of the approved exempt chemical preparations, which are listed in Chart I of the order either:

- (1) Contains no narcotic controlled substance and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse; or
- (2) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration that the preparation or mixture does not present any potential for abuse and, if the preparation or mixture contains a narcotic controlled substance, is formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused or have ill effects, if abused, and so that the narcotic substance cannot in practice be removed.

Any interested person may submit written comments on or objections to any chemical preparation in this order that has been approved or denied as exempt on or before March 22, 2022.

Veolia has made the appropriate updates in order to ensure compliance with this order.

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-01-21/pdf/2022-01125.pdf>