

Veolia North America - Industrial Business

November, 2022

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K. [DEA: Schedules of Controlled Substances: Removal of \[18F\]FP-CIT From Control: Final Rule](#)

A. Management Method Code Update; Update

Agency

Environmental Protection Agency (EPA)

Dates

Email Date: 11/16/2022

Effective Date: 01/01/2023

Summary

The Environmental Protection Agency (EPA) will be deactivating the management method code H135 and replacing it with the codes H136 and H137. The EPA is also adding the management method codes H042 and H113.

The 4 new codes will be:

1. H042: Thermal desorption removes organic contaminants from soil, sludge or sediment by heating them in a unit called a “thermal desorber” to separate the contaminants.
2. H113: Stabilization to remove hazardous waste characteristics or to achieve delisting levels
3. H136: Discharge to sewer/POTW (with prior storage – with or without treatment)
4. H137: Discharge with NPDES permit (with prior storage – with or without treatment)

The code that will be deactivated is:

1. H135: Discharge to sewer/POTW or NPDES (with prior storage - with or without treatment)

Reference/Link

The updated documents are in review, once the documents have been finalized they will be posted to RCRAInfo Web:

<https://rcrapublic.epa.gov/rcrainfoweb/action/main-menu/view>

B. Addition of Certain Chemicals; Community Right-to-Know Toxic Chemical Release Reporting; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 11/30/2022

Effective Date: 11/30/2022

Applicability Date: 01/01/2023

Summary

The Environmental Protection Agency (EPA) is adding 112 chemicals to the list of toxic chemicals subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA). These chemicals are now required to be included in TRI Reports.

Additionally, as a result of the bioaccumulation and persistence data, EPA has determined that one chemical should be classified as a persistent, bioaccumulative, and toxic (PBT) chemical and designated as a chemical of special concern with a 100-pound reporting threshold. The chemical that will be classified as a PBT is 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran (HHCB).

The 12 chemicals EPA is adding to the EPCRA section 313 chemical list are as follows:

1. Dibutyltin dichloride; 683-18-1;
2. 1,3-Dichloro-2-propanol; 96-23-1;
3. Formamide; 75-12-7;
4. 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran; 1222-05-5;
5. N-Hydroxyethylethylenediamine; 111-41-1;
6. Nitrilotriacetic acid trisodium salt; 5064-31-3;
7. p-(1,1,3,3-Tetramethylbutyl)phenol; 140-66-9;
8. 1,2,3-Trichlorobenzene; 87-61-6;
9. Triglycidyl isocyanurate; 2451-62-9;
10. Tris(2-chloroethyl) phosphate; 115-96-8;
11. Tris(1,3-dichloro-2-propyl) phosphate; 13674-87-8;
12. Tris(dimethylphenol) phosphate; 25155-23-1.

This final rule will apply for the reporting year beginning January 1, 2023 (reports are due July 1, 2024).

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-11-30/pdf/2022-25946.pdf>

C. Community Right-to-Know; Adopting 2022 North American Industry Classification System (NAICS) Codes for Toxics Release Inventory (TRI) Reporting; Final Rule

Agency

Environmental Protection Agency (EPA)

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Dates

Published Date: 11/28/2022

Effective Date: 12/28/2022

Summary

The Environmental Protection Agency (EPA) is adopting the 2022 North American Industry Classification System (NAICS) Codes for Toxics Release Inventory (TRI) Reporting to reflect the Office of Management and Budget (OMB) 2022 NAICS code revisions.

EPA is implementing the 2022 codes for TRI Reporting Year 2022 (i.e., facilities reporting to TRI are required to use 2022 NAICS codes on reports that are due to the Agency by July 1, 2023).

The actual data required by a TRI form does not change as a result of this rulemaking, nor does the rule affect the universe of TRI reporting facilities that are required to submit reports to the Agency under the Emergency Planning and Community Right-to-Know Act (EPCRA).

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-11-28/pdf/2022-25375.pdf>

D. RCRA Wastewater Treatment Unit Exemption: U.S. Environmental Protection Agency Interpretive Letter

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 09/09/2022

Summary

The Environmental Protection Agency (EPA) released an interpretive letter in response to a request for clarification of the wastewater treatment unit (WWTU) exemption's applicability to a unit storing hazardous wastewater prior to shipment off-site to a publicly owned treatment works (POTW).

Under 40 CFR 264.2(g)(7), 265.1(c)(10) and 270.1(c)(2), WWTUs are exempt from certain RCRA tank and permitting requirements when they meet the criteria in the definition of a WWTU at 40 CFR 260.10, which is copied below.

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“Wastewater Treatment Unit means a device which:

1. Is part of a wastewater treatment facility subject to regulation under either Section 402 or 307(b) of the Clean Water Act;
2. Receives and treats or stores an influent wastewater that is a hazardous waste as defined in 40 CFR § 261.3, or that generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 40 CFR § 261.3, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 40 CFR § 261.3; and
3. Meets the definition of a tank or tank system in 40 CFR § 260.10.”

The primary purpose of the exemption was to avoid duplicative permitting requirements. Without the exemption, facilities could be subject to both the Clean Water Act National Pollutant Discharge Elimination System permit or a wastewater treatment permit along with a hazardous waste permit for the same unit.

The interpretive letter has found that the unit in question is not eligible for the WWTU exemption because wastewater is trucked off-site. The letter states that the exemption relies on discharges being subject to sections 402 or 307b of the Clean Water Act. Section 402 is related to direct discharges to bodies of water, and 307b is related to pre-treated discharges to POTWs via pipeline.

In conclusion, this letter states clearly that facilities must discharge directly to a POTW for the exemption to apply, therefore, waste waters can not be trucked off-site for the unit to be exempted under the WWTU exemption.

Reference/Link

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

<https://www.mitchellwilliamsllaw.com/webfiles/EPA%20letter%20to%20Ethan%20Ware.pdf>

E. **Phasedown of Hydrofluorocarbons: Allowance Allocation Methodology for 2024 and Later Years; Proposed Rule**

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 11/03/2022

Comments Due: 12/19/2022

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Summary

The Environmental Protection Agency (EPA) is proposing to implement certain provisions of the American Innovation and Manufacturing Act, enacted December 27, 2020, by amending existing regulations.

The rulemaking that the EPA is proposing will establish a methodology for allocating hydrofluorocarbon production and consumption allowances for the calendar years of 2024 through 2028. Additionally, the EPA is proposing to amend the consumption baseline to reflect updated data and to make other adjustments following the implementation of the hydrofluorocarbon phasedown program thus far.

This will include the following:

- codify the existing approach of how allowances must be expended for the import of regulated substances;
- revise recordkeeping and reporting requirements, including a new requirement to report emissions from HFC production facilities;
- and implement other modifications to the existing regulations.

Comments for this proposed rule will be accepted on or before December 19, 2022.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-11-03/pdf/2022-23269.pdf>

F. New Mailing Standards for the Separation of Hazardous Materials; Final Rule

Agency

Postal Service

Dates

Published Date: 11/30/2022

Effective Date: 12/01/2022

Summary

The Postal Service is amending Publication 52, Hazardous, Restricted, and Perishable Mail (Pub 52), to incorporate new requirements. The amendments will require mailers to separate, into identifiable containers, all hazardous material (HAZMAT) requiring hazardous marks or labels from other mail when tendering to the postal service.

The amendments will also require used, damaged, or defective electronic devices containing or packed with lithium batteries to be mailed only via surface transportation and to bear specified markings. This requirement excludes devices that are new in original packaging, and manufacturer certified new/refurbished.

These amendments are being made in order to promote visibility and separation integrity. This rule went into effect on December 1, 2022.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-11-30/pdf/2022-26069.pdf>

G. Schedules of Controlled Substances: Placement of Zipeprol in Schedule I; Final Rule

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 11/21/2022

Effective Date: 12/21/2022

Summary

The Drug Enforcement Administration (DEA) places zipeprol (chemical name: 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]- 1-phenylpropan-2-ol), 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.

This action imposes 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 with, or possess), or propose to handle zipeprol.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-11-21/pdf/2022-25206.pdf>

H. Schedules of Controlled Substances: Placement of Ganaxolone in Schedule V; Final Rule

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 11/09/2022

Effective Date: 12/09/2022

Summary

The Drug Enforcement Administration (DEA) is adopting an interim final rule with request for comments published in the Federal Register on June 1, 2022, placing ganaxolone (3a-hydroxy-3b-methyl-5a-pregnan-20-one) and its salts in schedule V of the Controlled Substances Act. With the issuance of this final rule, the Drug Enforcement Administration maintains ganaxolone, including its salts, in schedule V of the Controlled Substances Act.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-11-09/pdf/2022-24157.pdf>

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

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 11/22/2022

Effective Date: 12/22/2022

Summary

Drug Enforcement Administration (DEA) is placing mesocarb (chemical name: N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate), including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act.

This action imposes 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 with, or possess), or propose to handle mesocarb.

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Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-11-22/pdf/2022-25219.pdf>

J. Schedules of Controlled Substances: Placement of Amineptine in Schedule I ; Final Rule

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 11/17/2022

Effective Date: 12/19/2022

Summary

Drug Enforcement Administration is placing amineptine (chemical name: 7-[(10,11-dihydro-5Hdibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid), including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act.

This action imposes 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 amineptine.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-11-17/pdf/2022-25003.pdf>

K. Schedules of Controlled Substances: Removal of [18F]FP-CIT From Control; Final Rule

Agency

Drug Enforcement Administration (DEA)

Dates

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Effective Date: 12/21/2022

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Summary

The Drug Enforcement Administration is removing [18F]FP-CIT (chemical names: [18F]N- ω -fluoropropyl- β -CIT; fluorine-18-N-3-fluoropropyl-2-beta-carbomethoxy-3-beta-(4-iodophenyl)tropane; [18F]fluoropropylcarbomethoxy nortropane) from the schedules of the Controlled Substances Act.

Prior to the effective date of this rule, [18F]FP-CIT was a schedule II controlled substance because it can be derived from cocaine, a schedule II substance, via ecgonine, also a schedule II substance.

This action removes the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances, including those specific to schedule II 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 [18F]FP-CIT.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2022-11-21/pdf/2022-25212.pdf>