

Veolia North America - Industrial Business

July, 2023

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A. Interim Guidance on Destruction or Disposal of Materials Containing Per- and Polyfluoroalkyl Substances in the United States; Memorandum

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 07/11/2023

Summary

On July 11, 2023, the Department of Defense (DoD) released their interim guidance on the disposal and destruction of per- and polyfluoroalkyl substances (PFAS). The purpose of the memo is to help DoD make informed decisions in the evaluation of existing destruction and disposal options. Due to large quantities of PFAS-containing material generated by the DoD, the DoD requires a comprehensive destruction and disposal strategy.

This memo identifies four commercially available options to destroy or dispose of materials containing PFAS. The four options, in order of consideration, are:

- Carbon reactivation units with environmental permits (for used granular activated carbon only);
- Hazardous waste landfills with environmental permits;
- Solid waste landfills with environmental permits that have composite liners and gas and leachate collection treatment systems; and
- Hazardous waste incinerators with environmental permits.

In addition to these four DoD-wide options, the DoD Components are directed to consider onsite hazardous waste storage on a site-specific basis, for storage over ninety days. The DoD will continue to evaluate existing and developing PFAS destruction and disposal technologies, monitor studies on those technologies' effectiveness and potential environmental effects, and collaborate Administration-wide on best practices.

The DoD also included a decision tree to help facilities choose the preferred treatment/disposal option as attachment 2.

Reference/Link

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

https://www.acq.osd.mil/eie/eer/ecc/pfas/docs/news/Memorandum_for_Interim_Guidance_on_Destruction_or_Disposal_of_Materials_Containing_PFAS_in_the_U.S.pdf

B. Phasedown of Hydrofluorocarbons: Allowance Allocation Methodology for 2024 and Later Years; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 07/20/2023

Summary

The Environmental Protection Agency (EPA) is amending existing regulations to implement certain provisions of the American Innovation and Manufacturing Act. This is being done to phase down production and consumption of hydrofluorocarbons (HFCs) by 85% by 2036 through an allowance allocation and trading program. Companies that produce, import, export, destroy, use as a feedstock or process agent, reclaim, or recycle HFCs may be affected by the rule.

This final rule focuses on the next step of HFC phasedown and establishes a methodology for allocating hydrofluorocarbon production and consumption allowances for the calendar years of 2024 through 2028. The Agency is basing these general pool allocations on entities' market shares derived from the average of the three highest years of production and consumption, respectively, of regulated substances between 2011 and 2019. To be eligible to receive general pool allowances for 2024 through 2028 based on historic production and import activity, an entity must have produced or imported bulk regulated substances in 2021 or 2022. For participants in the new market entrant pool, EPA will determine for each former new market entrant a stand-in high three-year average based on the number of allowances allocated in 2023 and the percent reduction all general pool allowance holders experience in 2023 relative to the average of their three highest years of consumption. The Agency is also clarifying that entities may confer or transfer allowances at any point after they are allocated until the allowance expires at the end of the calendar year for which it was allocated.

Additionally, EPA is amending the consumption baseline to reflect updated data and to make other adjustments based on lessons learned from implementation of the hydrofluorocarbon phasedown program thus far, including to:

- codify the existing approach of how allowances must be expended for import of regulated substances,
- revise recordkeeping and reporting requirements, and
- implement other modifications to the existing regulations.

Please click the following link to view the EPA's webpage on Regulatory Actions for Allowance Allocation and Reporting:

<https://www.epa.gov/climate-hfcs-reduction/regulatory-actions-allowance-allocation-and-reporting>

The final rule is effective on September 18, 2023, except for amendatory instructions 3 and 13, which are effective October 1, 2023.

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 or Nick Fiori, EHS Manager at Nicholas.fiori@veolia.com.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-07-20/pdf/2023-14312.pdf>

C. Public Meeting of the Science Advisory Board Environmental Justice Screen (EJScreen) Review Panel; Notice of Public Meeting

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 07/24/2023

Meeting Date: 08/14/2023 from 12 pm to 4 pm ET

Summary

The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office is announcing a public meeting of the Science Advisory Board Environmental Justice Screen (EJScreen) Review Panel. The purpose of the meeting is to review and discuss the Panel's draft report on the EPA's EJScreen mapping and screening tool. The virtual meeting will take place on August 14, 2023 from 12 PM to 4 PM Eastern Time.

Please click the following link for additional information -

https://sab.epa.gov/ords/sab/r/sab_apex/sab/meeting?p19_id=1007&clear=RP.19&session=7655926642899

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-07-24/pdf/2023-15623.pdf>

D. Carbon Tetrachloride (CTC); Regulation Under the Toxic Substances Control Act (TSCA); Proposed Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 07/28/2023

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Summary

The Environmental Protection Agency (EPA) has published a proposed rule that would regulate Carbon Tetrachloride (CTC) under the Toxic Substances Control Act (TSCA). TSCA requires that EPA address by rule any unreasonable risk of injury to health or the environment identified in a TSCA risk evaluation and apply requirements to the extent necessary so that the chemical no longer presents unreasonable risk.

EPA has determined that CTC presents an unreasonable risk of injury to health due to cancer from chronic inhalation and dermal exposures and liver toxicity from chronic inhalation, chronic dermal, and acute dermal exposures in the workplace. To address the identified unreasonable risk, EPA is proposing under TSCA to establish workplace safety requirements for most conditions of use, including the condition of use related to the making of low Global Warming Potential (GWP) hydrofluoroolefins (HFOs), prohibit the manufacture (including import), processing, distribution in commerce, and industrial/commercial use of CTC for conditions of use where information indicates use of CTC has already been phased out, and establish recordkeeping and downstream notification requirements.

The following list of 2022 North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- NAICS code 325—Chemical Manufacturing;
- NAICS code 327—Nonmetallic Mineral Product Manufacturing;
- NAICS code 331—Primary Metal Manufacturing;
- NAICS code 562—Waste Management and Remediation Services;
- NAICS code 325110— Petrochemical Manufacturing;
- NAICS code 325120—Industrial Gas Manufacturing;
- NAICS code 325180—Other Basic Inorganic Chemical Manufacturing;
- NAICS code 325194—Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing;
- NAICS code 325199—All Other Basic Organic Chemical Manufacturing;
- NAICS code 325211—Plastics Material and Resin Manufacturing;
- NAICS code 325320—Pesticide and Other Agricultural Chemical Manufacturing;
- NAICS code 325998—All Other Miscellaneous Chemical Product and Preparation Manufacturing;
- NAICS code 327310—Cement Manufacturing;
- NAICS code 327992—Ground or Treated Mineral and Earth Manufacturing;
- NAICS code 331410—Nonferrous Metal (except Aluminum) Smelting and Refining;
- NAICS code 562211—Hazardous Waste Treatment and Disposal; and
- NAICS code 562213—Solid Waste Combustors and Incinerators.

Comments on this proposed rule must be received on or before September 11, 2023.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-07-28/pdf/2023-15326.pdf>

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E. Addition of Diisononyl Phthalate Category; Community Right-to-Know Toxic Chemical Release Reporting; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 07/14/2023

Summary

The Environmental Protection Agency (EPA) is adding a diisononyl phthalate (DINP) category 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).

Companies may be potentially affected by this action if you own or operate a facility that manufactures, processes, or otherwise uses any chemicals in the diisononyl phthalate (DINP) category.

The final rule is effective on September 12, 2023.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-07-14/pdf/2023-14642.pdf>

F. Wisconsin Electronics Recycling Rule; Final Rule

Agency

Wisconsin Department of Natural Resources (WDNR)

Dates

Effective Date: 07/01/2023

Summary

Wisconsin's new electronics recycling rule impacts all electronic collection sites and recyclers and contains requirements for collecting, storing, transporting and processing electronics.

The rule also includes the following changes:

- More devices are eligible to count toward manufacturer recycling targets.
- Video Game System consoles and other components that meet the definition of a computer must be registered by the manufacturers.

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- Collectors must independently track loads they send to other collectors or recyclers.
- Recyclers must use bills of lading for transporting eligible electronics and components.
- Out-of-state recyclers may need to update their owner financial responsibility (OFR).

Additionally there are new requirements for all electronic collection sites, E-Cycle Wisconsin collectors, electronics processing facilities and E-Cycle Wisconsin recyclers.

If you have questions about how this affects you, contact DNR e-cycle staff at 608-234-0533 or DNRWle-cycling@wisconsin.gov .

The following link is a Fact Sheet on What to Know About Wisconsin's Electronics Recycling Rule:
<https://dnr.wisconsin.gov/sites/default/files/topic/Ecycle/ElectronicsRecyclingRuleFactSheet.pdf>

Reference/Link

The link below will allow you to view/print the WDNR webpage on the Final Rule.

<https://dnr.wisconsin.gov/topic/Ecycle/Wisconsin.html#:~:text=The%20DNR%27s%20electronics%20recycling%20rule,and%20license%20from%20the%20DNR>

G. Hazardous Materials: Modernizing Regulations To Improve Safety and Efficiency; Advance notice of proposed rulemaking

Agency

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

Dates

Published Date: 07/05/2023
Comments Due: 10/03/2023

Summary

On July 3, 2023, PHMSA published an advanced notice of proposed rulemaking (ANPRM) entitled, "Hazardous Materials: Modernizing Regulations To Improve Safety and Efficiency" (HM-265A). In the ANPRM, PHMSA solicits comments and feedback from industry stakeholders on 46 distinct topics which will be used to evaluate and potentially draft proposed amendments to the Hazardous Materials Regulations.

Topics in the ANPRM that could potentially impact the operations of Veolia and customers are listed below:

- Evaluation of Carrier Maintenance of Emergency Response Information
- Aerosol Classification Alignment
- Residue IBC Exceptions
- Requirements for Damaged, Defective, or Recalled Lithium Cells and Batteries
- EX-Number Display Requirements
- Ethyl Alcohol Exception
- Limited Quantity Training Exception
- Exceptions for Small Quantities of Division 4.3, PG I Material
- Recycling Safety Devices
- Creation of Basic Description and Shipping Description Definitions
- Removal of the 60-Day Renewal Requirement for Approvals and Special Permits
- Convention for Safe Containers Data Plate and Inspection Requirements
- Identification of Freight Containers in Rail Transportation
- Exceptions for Rail Transport of Lithium Batteries for Purposes of Recycling and Disposal
- Tank Car Manway Inspections
- Acid Resistant Manways for DOT 111A100W5 Tank Cars
- Offering a Tank Car After Qualification Expiration
- Segregation of Detonating Explosives for Highway Transportation
- Cargo Tank Reflectivity
- NTSB Safety Recommendations R-20-1 to R-20-4 (Over-speed high energy coupling events)
- Placard Display on Intermediate Bulk Containers
- Emerging Technologies

Please refer to the ANPRM in the Federal Register for a complete list of the proposed changes/improvements to the hazardous materials regulations.

Comments on this ANPRM are due by October 3, 2023.

[Reference/Link](#)

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

<https://www.govinfo.gov/content/pkg/FR-2023-07-05/pdf/2023-13903.pdf>

H. Improve Tracking of Workplace Injuries and Illnesses; Final Rule

[Agency](#)

Occupational Health and Safety Administration (OSHA)

[Dates](#)

Published Date: 07/26/2023

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Summary

On July 26, 2023 the Occupational Health and Safety Administration (OSHA) published a final rule that amends the occupational injury and illness recordkeeping regulation to require certain employers to electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation.

The Final Rule Requires the following:

- Establishments with 100 or more employees in designated high-hazard industries (listed in Appendix B to Subpart E of 29 CFR Part 1904) must electronically submit to OSHA detailed information about each recordable injury and illness entered on their previous calendar year's OSHA Form 300 Log and Form 301 Incident Report (29 CFR 1904.41). This includes the date, physical location, and severity of the injury or illness; details about the worker who was injured; and details about how the injury or illness occurred.
- All the establishments required to submit information from their OSHA Form 300 Log and OSHA Form 301 Incident Report to OSHA under this rule are already required to collect and retain this information, and are currently required to electronically submit to OSHA information from their OSHA Form 300A Annual Summary.
- The rule did not affect the existing requirement for establishments with 20 to 249 employees in certain industries (listed in Appendix A to subpart E of 29 CFR Part 1904) to electronically submit information from their OSHA Form 300A Annual Summary to OSHA once a year.
- The rule retains the requirement for establishments with 250+ employees in industries that must routinely keep records to electronically submit information from their OSHA Form 300A Annual Summary.
- Each establishment must provide their legal company name when submitting their data.

OSHA is collecting this data for the following purposes:

- Access to establishment-specific, case-specific injury and illness data will help the agency identify establishments with specific hazards. This will enable the agency to interact directly with these establishments, through enforcement and/or outreach activities, to address and abate the hazards and improve worker safety and health. These same data will also allow OSHA to better analyze injury trends related to specific industries, processes or hazards. The collection and publication of data from Forms 300 and 301 will not only increase the amount of information available for analysis but will also result in more accurate statistics regarding work-related injuries and illnesses, including more detailed statistics on injuries and illnesses for specific occupations and industries.
- Public access to establishment-specific, case-specific injury and illness data will allow employers, employees, potential employees, employee representatives, customers, potential customers, and the general public to make more informed decisions about workplace safety and health at a given establishment. In addition, researchers will be better able to identify patterns of injuries, illnesses, and hazardous conditions in workplaces. OSHA believes this access will ultimately result in the reduction of occupational injuries and illnesses.

OSHA has provided a secure website, the Injury Tracking Application (ITA), that offers three options for data submission.

1. First, users are able to manually enter data into a webform.
2. Second, users are able to upload a CSV file to process single or multiple establishments at the same time.
3. Last, users of automated recordkeeping systems will have the ability to transmit data electronically via an API (application programming interface). The ITA is accessible from the ITA launch page, where you are able to provide the Agency your OSHA Form 300A information.

The date by which covered employers are required to submit to OSHA the information from their completed Form 300 and Form 301 is March 2nd of the year after the calendar year covered by the forms.

What could come from new reporting requirements?

- If injury rates are higher than the NAICS average for the company this could lead to an OSHA visit and inspection.
- Increased visibility of injury trends that could be shared across industries to assist in reducing injuries and accidents.
- More partnership with local OSHA representatives for guidance/assistance programs (OSHA Voluntary Protection Program (VPP) OSHA Strategic Partnership Program (OSPP) & Safety & Health Achievement Recognition Program (SHARP)) to strengthen companies' Health & Safety cultures.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-07-21/pdf/2023-15091.pdf>

I. **Schedules of Controlled Substances: Temporary Placement of Etizolam, Flualprazolam, Clonazolam, Flubromazolan, and Diclazepam in Schedule I; Temporary Amendment; Temporary Scheduling Order**

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 07/26/2023

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Summary

The Drug Enforcement Administration (DEA) is issuing this temporary order to schedule five synthetic benzodiazepine substances: etizolam, flualprazolam, clonazolam, flubromazolam, and diclazepam, in schedule I of the Controlled Substances Act. This action is based on a finding by the Administrator that the placement of these five substances in schedule I is necessary to avoid imminent hazard to the public safety.

The 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 five specified controlled substances.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-07-26/pdf/2023-15748.pdf>