

# Veolia North America - Industrial Business

## June, 2023

### **ENVIRONMENTAL UPDATES**

- A. [EPA; Addressing PFAS in the Environment; Extension of Comment Period](#)
- B. [EPA; Perchloroethylene \(PCE\); Regulation Under the Toxic Substances Control Act \(TSCA\); Proposed Rule](#)
- C. [Wisconsin DNR; Wisconsin Classification of Used Oil and Antifreeze; State Legislature](#)
- D. [EPA; Spring 2023 Unified Agenda of Regulatory and Deregulatory Actions; Regulatory Plan](#)

### **TRANSPORTATION UPDATES**

- E. [DOT; Hazardous Materials: Notification of Termination of Certain Explosive Classification Approvals Due to NonCompliance With the UN Model Regulation Test Series 6\(d\) Requirement; Notification of termination of explosive approvals](#)
- F. [DOT; Fees for the Unified Carrier Registration Plan and Agreement; Final Rule](#)
- G. [DOT; Spring 2023 Unified Agenda of Regulatory and Deregulatory Actions; Regulatory Plan](#)

### **HEALTH & SAFETY UPDATES**

- H. [OSHA; Spring 2023 Unified Agenda of Regulatory and Deregulatory Actions; Regulatory Plan](#)

### **MISCELLANEOUS UPDATES**

- I. [DEA; Reporting Theft or Significant Loss of Controlled Substances; Final Rule](#)

## **A. Addressing PFAS in the Environment; Extension of Comment Period**

### Agency

Environmental Protection Agency (EPA)

### Dates

Published Date: 06/09/2023

Comments Extended to: 08/11/2023

### Summary

The Environmental Protection Agency (EPA) has published an Advance notice of proposed rulemaking (ANPRM) and extension of comment period for “Addressing PFAS in the Environment” which was published in the Federal Register on April 13, 2023. This was included in the Veolia Regulatory Update - April 2023. For a detailed summary of the ANPRM please refer to the April 2023 Veolia Regulatory Update.

The EPA has received many requests for an extension of the comment period and has extended the comment period to August 11, 2023.

### Reference/Link

The link below will allow you to view/print this Extension of Comment Period.

<https://www.govinfo.gov/content/pkg/FR-2023-06-09/pdf/2023-12410.pdf>

## **B. Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA); Proposed Rule**

### Agency

Environmental Protection Agency (EPA)

### Dates

Published Date: 06/16/2023

Comments Due: 08/15/2023

### Summary

The Environmental Protection Agency (EPA) has published a proposed rule that would prohibit most industrial and commercial uses of Perchloroethylene (PCE) and place restrictions on workplaces that, under certain conditions, would be allowed to continue to use PCE. PCE, also known as perc and tetrachloroethylene, is a neurotoxicant and a likely human carcinogen. The Toxic Substances Control Act (TSCA) requires that EPA address by rule any unreasonable risk of injury to health or the environment identified in a TSCA risk

*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).*

evaluation and apply requirements to the extent necessary so the chemical no longer presents unreasonable risk.

This prohibition would impact the following:

- the manufacture (including import), processing and distribution in commerce of PCE for the prohibited industrial and commercial uses;
- the manufacture (including import), processing, and distribution in commerce of PCE for all consumer use; and,
- the manufacture (including import), processing, distribution in commerce, and use of PCE in dry cleaning and related spot cleaning through a 10-year phaseout.

The EPA is allowing for certain conditions of use that would not be subject to a prohibition. This would require a PCE workplace chemical protection program that includes requirements to meet an inhalation exposure concentration limit and prevent direct dermal contact. EPA is also proposing to require prescriptive workplace controls for laboratory use, and to establish recordkeeping and downstream notification requirements. Additionally, EPA proposes to provide certain time-limited exemptions from requirements for certain critical or essential emergency uses of PCE for which no technically and economically feasible safer alternative is available.

The EPA is proposing the following actions:

1. Prohibit most industrial and commercial uses and the manufacture (including import), processing, and distribution in commerce, of PCE for those uses, outlined in Unit IV.A.1.;
2. Prohibit the manufacture (including import), processing, and distribution in commerce of PCE for all consumer use, outlined in Unit IV.A.1.;
3. Prohibit the manufacture (including import), processing, distribution in commerce, and commercial use of PCE in dry cleaning and spot cleaning through a 10-year phaseout, outlined in Unit IV.A.1.;
4. Require strict workplace controls, including a PCE Workplace Chemical Protection Program (WCPP), which would include requirements to meet an inhalation exposure concentration limit and prevent direct dermal contact with PCE, for the 16 occupational conditions of use not prohibited, outlined in Unit IV.A.2.;
5. Require prescriptive workplace controls for laboratory use, outlined in Unit IV.A.3.; and
6. Establish recordkeeping and downstream notification requirements, outlined in Unit IV.A.4.
7. Provide a 10-year time limited exemption under TSCA section 6(g) for certain emergency uses of PCE in furtherance of National Aeronautics and Space Administration's mission, for specific conditions of use which are critical or essential and for which no technically and economically feasible safer alternative is available, outlined in Unit IV.A.5.

This proposed rule may apply to parties that manufacture, process, distribute in commerce, use or dispose of methylene chloride or products containing PCE. For a more complete list of potentially affected entities, which includes NAICS code, please refer to the Proposed Rule in the Federal Register, which is linked below.

Comments on this proposed rule must be received on or before August 15, 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](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-2023-06-16/pdf/2023-12495.pdf>

### C. Wisconsin Classification of Used Oil and Antifreeze; State Legislature

#### Agency

Wisconsin Department of Natural Resources (Wisconsin DNR)

#### Dates

Published Date: 05/2023

#### Summary

State and federal agencies recognize the benefit of finding alternative uses for used oil, such as in the production of fuels and lubricants, while recognizing the potential for environmental damage when mismanaged. Wisconsin State regulations from the Wisconsin Department of Natural Resources (Wisconsin DNR) on used oil management are found in ch. NR 679, Wis. Adm. Code.

Most used oils have been used as lubricants, hydraulic fluids or heat transfer fluids and as a result of that use, are contaminated by physical or chemical impurities. Used oil does not include fuel storage tank bottoms, spill cleanup material, animal and vegetable oils, greases and materials used as cleaning agents or for their solvent properties, or other waste that results from oil that has not been used.

Used oil includes materials such as antifreeze, motor oils, greases, emulsions, machine shop coolants, heating media, brake fluids, transmission fluids, other hydraulic fluids, electrical insulating oils, metalworking fluids and refrigeration oils. This is a departure from how used antifreeze has traditionally been regulated in Wisconsin, so the DNR hazardous waste staff are updating guidance documents and website material to provide additional information.

Used antifreeze is considered a used oil under Wisconsin regulations and containers should be label as:

- Used antifreeze needs to be labeled as “Used Oil.”
- Labeling can include the word “antifreeze” after the label “Used Oil” to differentiate the wastes
- The Wisconsin DNR does not recommend mixing used antifreeze with other used oils due to recyclers specifications

## Reference/Link

The link below will allow you to view/print the Wisconsin State Legislature.

[https://docs.legis.wisconsin.gov/code/admin\\_code/nr/600/679](https://docs.legis.wisconsin.gov/code/admin_code/nr/600/679)

### D. Spring 2023 Unified Agenda of Regulatory and Deregulatory Actions; Regulatory Plan

#### Agency

Environmental Protection Agency (EPA)

#### Dates

Published Date: 06/2023

#### Summary

The Environmental Protection Agency (EPA) Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

Final Rule Stage
1. Accidental Release Prevention Requirements: Risk Management Program Under the Clean Air Act; Safer Communities by Chemical Accident Prevention - <a href="#">2050-AH22</a>
2. Alternate PCB Extraction Methods and Amendments to PCB Cleanup and Disposal Regulations - <a href="#">2050-AH08</a>
3. Response to Petition to Revise the Non-Hazardous Secondary Material Standards Under Part 241 - <a href="#">2050-AH13</a>
4. Designating PFOA and PFOS as CERCLA Hazardous Substances - <a href="#">2050-AH09</a>
5. Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing and Authorization of Use Requirements - <a href="#">2050-AE87</a>
6. Implementing Statutory Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory Beginning With Reporting Year 2023 - <a href="#">2070-AL14</a>

*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).*

<b>Proposed Rule Stage</b>
1. Technical Corrections to the Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule - <a href="#">2050-AH23</a>
2. Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives - <a href="#">2050-AH24</a>
3. Listing of PFOA, PFOS, PFBS, and GenX as Resource Conservation and Recovery Act (RCRA) Hazardous Constituents - <a href="#">2050-AH26</a>
4. Definition of Hazardous Waste Applicable to Corrective Action for Solid Waste Management Units - <a href="#">2050-AH27</a>
5. Updates to the RCRA Hazardous Waste Permitting Regulations and Other Technical Corrections - <a href="#">2050-AH30</a>
6. Alternative Work Practices for Leak Detection and Repair Amendments - <a href="#">2060-AP66</a>
7. Methylene Chloride; Rulemaking Under the Toxic Substances Control Act (TSCA) - <a href="#">2070-AK70</a>
8. Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory (TRI) - <a href="#">2070-AL03</a>
<b>Pre-Rule Stage</b>
1. Used Drum Management and Reconditioning Advanced Notice of Proposed Rulemaking - <a href="#">2050-AH29</a>
2. Addressing PFAS in the Environment - <a href="#">2050-AH25</a>

## Reference/Link

The link below will allow you to view/print the full Unified Agenda.

<https://www.reginfo.gov/public/do/eAgendaMain>

- E. Hazardous Materials: Notification of Termination of Certain Explosive Classification Approvals Due to NonCompliance With the UN Model Regulation Test Series 6(d) Requirement; Notification of termination of explosive approvals.**

## Agency

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

*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: 06/14/2023

## Summary

PHMSA has terminated the Explosive (EX) classification approvals listed in the Federal Register posting. PHMSA published a Federal Register Notice on May 4, 2021, notifying the approval holders listed below that PHMSA intended to terminate their approvals for failure to provide proof that the approved explosives successfully completed the UN Test Series 6(d) of Part I of the UN Manual of Tests and Criteria. The notice advised approval holders that they must either show why their approvals should not be terminated or apply for a modification of their approval prior to June 3, 2021.

Final rule HM-2150 amended Special Provision 347 to require successful completion of UN 6(d) testing. This change affected explosives classified as Division 1.4S hazardous materials and impacted UN Numbers UN0349, UN0367, UN0384, and UN0481. This requirement became effective for transportation by aircraft under the International Civil Aviation Organization (ICAO) on January 1, 2019; for transportation by vessel under the International Maritime Organization (IMO) on January 1, 2020; and for domestic highway and rail transportation on May 10, 2021. PHMSA attempted to contact the affected approval holders in October 2020 via a Safety Advisory Notice issued from the PHMSA EX Portal to alert holders of the May 10, 2021, compliance deadline.

Please click the Notification of termination of explosive approvals in the Federal Register linked below to see the full list of terminated Explosive (EX) classification approvals.

## Reference/Link

The link below will allow you to view/print this Notification of termination of explosive approvals.

<https://www.govinfo.gov/content/pkg/FR-2023-06-14/pdf/2023-12728.pdf>

### **F. Fees for the Unified Carrier Registration Plan and Agreement; Final Rule**

## Agency

Environmental Protection Agency (EPA)

## Dates

Published Date: 06/22/2023

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

## Summary

FMCSA amends the regulations for the annual registration fees States collect from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the Unified Carrier Registration (UCR) Plan and Agreement for the 2024 registration year and subsequent registration years. The fees for the 2024 registration year are approximately 9 percent less than the fees for the 2023 registration year, with varying reductions between \$4 and \$3,453 per entity, depending on the applicable fee bracket.

Under 49 U.S.C. 14504a, the UCR Plan and the 41 States participating in the UCR Agreement collect fees from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The UCR Plan and Agreement are administered by a 15-member board of directors (UCR Plan Board): 14 appointed from the participating States and the industry, plus the Deputy Administrator of FMCSA. Revenues collected are allocated to the participating States and the UCR Plan.

In accordance with 49 U.S.C. 14504a(d)(7) and (f)(1)(E)(ii), the UCR Plan Board provides fee adjustment recommendations to the Secretary when revenue collections result in a shortfall or surplus from the amount authorized by statute. If there are excess funds after payments to the States and for administrative costs, they are retained in the UCR Plan's depository, and fees in subsequent fee years must be reduced as required by 49 U.S.C. 14504a(h)(4). These two distinct provisions each contribute to the fee adjustment in this final rule, which reduces by approximately 9 percent the annual registration fees established pursuant to the UCR Agreement for the 2024 registration year and subsequent years.

On March 16, 2023, FMCSA published in the Federal Register (Docket No. FMCSA-2023-0008, 88 FR 16207) an NPRM titled "Fees for the Unified Carrier Registration Plan and Agreement." The NPRM proposed amending regulations for the annual registration fees States collect from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the UCR Plan and Agreement for the 2024 registration year and subsequent registration years. The fees for the 2024 registration year were proposed to be reduced below the fees for 2023 by approximately 9 percent overall, with varying reductions between \$4 and \$3,453 per entity, depending on the applicable fee bracket. The UCR Plan's recommendation states that it anticipates recommending an upward adjustment in the fees for the 2025 registration year to comply with the statutory provisions, which will require further rulemaking action.

As proposed in the NPRM, FMCSA revises 49 CFR 367.30 so that the fees in that section apply to registration year 2023 only. A new §367.40 establishes new reduced fees applicable beginning in registration year 2024, based on the recommendation submitted by the UCR Plan Board in its November 18, 2022, Fee Recommendation that is in the docket. The fees in new §367.40 would remain in effect for subsequent registration years after 2024 unless revised by a future rulemaking.

Table 1 to §367.30—Fees Under the Unified Carrier Registration Plan and Agreement for Registration Year 2023



Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier or freight forwarder	Fee per entity for broker or leasing company
B1	0-2	\$41	\$41
B2	3-5	\$121	
B3	6-20	\$242	
B4	21-100	\$844	
B5	101-1,000	\$4,024	
B6	1,001 and above	\$39,289	

Table 1 to §367.40—Fees Under the Unified Carrier Registration Plan and Agreement for Registration Years Beginning in 2024 and Each Subsequent Registration Year Thereafter

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier or freight forwarder	Fee per entity for broker or leasing company
B1	0-2	\$37	\$37
B2	3-5	\$111	
B3	6-20	\$221	
B4	21-100	\$769	
B5	101-1,000	\$3,670	
B6	1,001 and above	\$35,836	

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-06-22/pdf/2023-13204.pdf>

**G. DOT Spring 2023 Unified Agenda of Regulatory and Deregulatory Actions; Regulatory Plan**

**Agency**

Department of Transportation (DOT)

**Dates**

Published Date: 06/2023

**Summary**

The Department of Transportation (DOT) Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

<b>Federal Motor Carrier Safety Administration - Proposed Rule Stage</b>
1. Heavy Vehicle Speed Limiters - <a href="#">2126-AB63</a>
2. Safe Integration of Automated Driving Systems-Equipped Commercial Motor Vehicles - <a href="#">2126-AC17</a>
3. Drug and Alcohol Clearinghouse Implementation Revisions - <a href="#">2126-AC43</a>
4. Amendments to the Commercial Driver's License (CDL) Requirements; Increased Flexibility for Testing and for Drivers After Passing the Skills Test - <a href="#">2126-AC46</a>
5. Automatic Emergency Braking Systems - <a href="#">2126-AC49</a>
6. Electronic Logging Device (ELD) Revisions - <a href="#">2126-AC50</a>
7. Unique Electronic Identification of Commercial Motor Vehicles - <a href="#">2126-AC54</a>
<b>Federal Motor Carrier Safety Administration - Pre-Rule Stage</b>
1. Safety Fitness Procedures - <a href="#">2126-AC52</a>
<b>Pipeline and Hazardous Materials Safety Administration - Proposed Rule Stage</b>
1. Hazardous Materials: Continued Conversion of Special Permits - <a href="#">2137-AF34</a>
2. Hazardous Materials: Advancing Safety of Highway, Rail, and Vessel Transportation - <a href="#">2137-AF41</a>
3. Hazardous Materials: Harmonization With International Standards - <a href="#">2137-AF57</a>

*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).*

4. Hazardous Materials: Modernizing Regulatory Requirements and Responding to Stakeholder Petitions - <a href="#">2137-AF62</a>
<b>Pipeline and Hazardous Materials Safety Administration - Pre-Rule Stage</b>
1. Hazardous Materials: Regulatory Reform Initiatives and Reducing Unnecessary Burdens

## Reference/Link

The link below will allow you to view/print the full Unified Agenda.

<https://www.reginfo.gov/public/do/eAgendaMain>

## H. OSHA Spring 2023 Unified Agenda of Regulatory and Deregulatory Actions; Regulatory Plan

### Agency

Occupational Safety and Health Administration (OSHA)

### Dates

Published Date: 06/2023

### Summary

The Occupational Safety and Health Administration (OSHA) Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

<b>Final Rule Stage</b>
1. Update to the Hazard Communication Standard - <a href="#">1218-AC93</a>
2. Improve Tracking of Workplace Injuries and Illnesses - <a href="#">1218-AD40</a>
<b>Proposed Rule Stage</b>
1. Emergency Response - <a href="#">1218-AC91</a>
2. Walking Working Surfaces - <a href="#">1218-AD28</a>

*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).*

<b>Pre-Rule Stage</b>
1. Process Safety Management and Prevention of Major Chemical Accidents - <a href="#">1218-AC82</a>
2. Blood Lead Level for Medical Removal - <a href="#">1218-AD10</a>
3. Heat Illness Prevention in Outdoor and Indoor Work Settings - <a href="#">1218-AD39</a>

## Reference/Link

The link below will allow you to view/print the full Unified Agenda.

<https://www.reginfo.gov/public/do/eAgendaMain>

### I. Reporting Theft or Significant Loss of Controlled Substances; Final Rule

#### Agency

Drug Enforcement Administration (DEA)

#### Dates

Published Date: 06/22/2023

#### Summary

The Drug Enforcement Administration (DEA) has published a final rule that amends the regulations regarding DEA Form 106. DEA Form 106 is used by DEA registrants to formally report thefts or significant losses of controlled substances. Following this final rule, effective July 24, 2023 Form 106 must be submitted electronically.

This final rule does not change the requirement that registrants preliminarily notify the DEA Field Division Office in their area, in writing, of the theft or significant loss of any controlled substances within one business day of discovering such loss or theft.

#### Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-06-22/pdf/2023-13085.pdf>