

Veolia North America - Industrial Business

September, 2023

ENVIRONMENTAL UPDATES

- A. [DOE; U.S. Department of Energy Interim Guidance on Packaging, Transportation, Receipt, Management, Short-Term and Long-Term Storage of Elemental Mercury; Interim Guidance](#)
- B. [EPA; Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act; Proposed Rule](#)
- C. [EPA; Used Drum Management and Reconditioning; Extension of Comment Period](#)

TRANSPORTATION UPDATES

- D. [FMCSA; Appeal Process for Requests for Data Review; Notice; Request for Comments](#)
- E. [DOT; Initial Decision That Certain Frontal Driver and Passenger Air Bag Inflators Manufactured by ARC Automotive Inc. and Delphi Automotive Systems LLC Contain a Safety Defect; and Scheduling of a Public Meeting; Notice of initial decision and public meeting](#)

HEALTH & SAFETY UPDATES

No Health & Safety Updates for September 2023

MISCELLANEOUS UPDATES

No Miscellaneous Updates for September 2023

A. U.S. Department of Energy Interim Guidance on Packaging, Transportation, Receipt, Management, Short-Term and Long-Term Storage of Elemental Mercury; Interim Guidance

Agency

Department of Energy (DOE)

Dates

Published Date: 09/2023

Summary

The US Department of Energy (DOE) has published Interim Guidance to provide guidance on recommended standards and procedures for the management and short term onsite storage of elemental mercury. This guidance does not change or substitute for any statutory or regulatory provisions.

The Mercury Export Ban Act of 2008, (MEBA of 2008) as amended by the Chemical Safety Act of 2016, established new requirements pertaining to elemental mercury and certain mercury compounds. MEBA of 2008, and the Chemical Safety Act of 2016, collectively referred to herein as MEBA, amended TSCA and RCRA to ban the export of elemental mercury and certain mercury compounds, as well as providing for long-term and interim (i.e., short-term) management and storage of elemental mercury.

The guidance defines “elemental mercury” as follows:

1. U151 coded waste,
2. elemental mercury generated from the treatment of D009 coded waste using the RMERC treatment technology, and/or
3. mercury that was previously treated to 99.5 vol% elemental mercury.

This guidance published in September 2023 is a compilation of key existing requirements that support the safe handling, packaging, transportation, receipt, and storage (short term and long-term) of elemental mercury.

This guidance addresses the following major objectives:

1. To identify key RCRA requirements for use in complying with relevant standards and procedures for the Long Term Elemental Mercury Storage Facility (LTEMSEF);
2. To assist generators and the LTEMSEF Operator(s) in preparing for the long-term management and storage of elemental mercury;
 - a. For example, The predominant containers that will be utilized are unlined, mild steel 3-L flasks and 1-MT containers.
3. To identify existing regulations that are applicable to short-term storage at ore processor facilities.

Reference/Link

The link below will allow you to view/print the Interim Guidance.

<https://www.energy.gov/sites/default/files/2023-09/Interim-Guidance-on-Packaging-Transportation-Receipt-Management-Short-and-Long-Term-Elemental-Mercury-2023-09.pdf>

B. Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act; Proposed Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 09/27/2023

Comments Due: 11/13/2023

Summary

The Environmental Protection Agency (EPA) is proposing to add requirements for sources to reclassify from “major source” status to “area source” status under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. These proposed requirements would apply to all sources that choose to reclassify.

The EPA is proposing that sources reclassifying from major source status to area source status under the NESHAP program must satisfy the following criteria:

- any permit limitations taken to reclassify from a major source of hazardous air pollutants (HAP) under the Clean Air Act to an area source of HAP must be federally enforceable,
- any such permit limitations must contain safeguards to prevent emission increases after reclassification beyond the applicable major source NESHAP requirements at time of reclassification, and
- reclassification will only become effective once a permit has been issued containing enforceable conditions reflecting the requirements proposed in this action and electronic notification has been submitted to the EPA.

The EPA is also proposing clarifications to reporting requirements and updated language regarding the submission of confidential business information. This proposed rule will have an impact on major sources of HAP that choose to take limitations to restrict their potential to emit in order to reclassify from a major source of HAP to an area source of HAP pursuant to the requirements in 40 CFR part 63, subpart A, implementing section 112 of the CAA as well as sources that have reclassified since January 25, 2018.

The EPA published a fact sheet to summarize the September 2023 proposed rule:
<https://www.epa.gov/system/files/documents/2023-09/MM2A%20Fact%20Sheet.pdf>

Comments for this proposed rule must be received on or before November 13, 2023.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-09-27/pdf/2023-21041.pdf>

C. **Used Drum Management and Reconditioning; Extension of Comment Period**

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 09/05/2023

Comments Due: 11/22/2023

Summary

The U.S. Environmental Protection Agency (the EPA) is extending the comment period for the Advance Notice of Proposed Rulemaking (ANPRM), “Used Drum Management and Reconditioning”. The EPA published this ANRPM in the Federal Register on August 11, 2023.

A summary from Veolia can be found in the Veolia Regulatory Update for August 2023.

In response to the requests for additional time, the EPA is extending the comment period through November 22, 2023.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-09-05/pdf/2023-19014.pdf>

D. Appeal Process for Requests for Data Review; Notice; Request for Comments

Agency

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

Dates

Published Date: 09/14/2023

Comments Due: 11/13/2023

Summary

Federal Motor Carrier Safety Administration (FMCSA) proposes the development and implementation of a Federal appeals process for Requests for Data Review (RDRs) submitted to the Agency through its DataQs system. DataQs is the online system for motor carriers, commercial motor vehicle drivers and other interested parties to request and track a review of Federal and State crash and inspection data submitted to and stored by FMCSA that the requester believes is incomplete or incorrect. The proposed review process would provide users with an opportunity to have their requests reviewed by FMCSA after the request has been reviewed and denied after reconsideration by the State agency. FMCSA would include requirements for ensuring an independent review of all requests. The outcome of the FMCSA review would be deemed final. FMCSA requests public comments on the proposed process.

Comments must be received on or before November 13, 2023.

Reference/Link

The link below will allow you to view/print the Notice.

<https://www.govinfo.gov/content/pkg/FR-2023-09-14/pdf/2023-19904.pdf>

E. Initial Decision That Certain Frontal Driver and Passenger Air Bag Inflators Manufactured by ARC Automotive Inc. and Delphi Automotive Systems LLC Contain a Safety Defect; and Scheduling of a Public Meeting; Notice of initial decision and public meeting

Agency

National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT)

Dates

Published Date: 09/08/2023

Public Meeting Date: 10/05/2023 at 9:30 am

Summary

The National Highway Traffic Safety Administration (NHTSA) held a public meeting on October 05, 2023 regarding its initial decision that certain frontal and passenger air bag inflators manufactured by ARC and Delphi through January 2018 contain a defect related to motor vehicle safety and should be recalled. The inflators subject to this initial decision are hybrid, toroidal inflators manufactured by ARC and Delphi for use in driver and passenger air bag modules, subsequently incorporated into passenger vehicles.

For a recording of the meeting please click the following link:

https://usdot.zoomgov.com/rec/play/bHu_Xrtxt0evXM-VzGRPlertDMw0yRpGImLEVGrEwrD9MLp9Sdg-TkJ5yxu_QwO2xwFHpHS4xWhMMKIR.N1xyTxpBsl-IEiuK?autoplay=true&startTime=1696512635000

Reference/Link

The link below will allow you to view/print the Notice.

<https://www.govinfo.gov/content/pkg/FR-2023-09-08/pdf/2023-19441.pdf>