

Veolia North America

Regulatory Update - September 2024



ENVIRONMENTAL UPDATES

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TRANSPORTATION UPDATES

No Transportation Updates in September 2024

HEALTH & SAFETY UPDATES

No Health & Safety Updates in September 2024

MISCELLANEOUS UPDATES

- F. [DEA; Schedules of Controlled Substances: Temporary Placement of N-Pyrrolidino Metonitazene and N-Pyrrolidino Protonitazene in Schedule I; Proposed Amendment](#)

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A. Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Change to Submission Period and Technical Correction

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 09/05/2024

Effective Date: 11/4/2024

Summary

The Environmental Protection Agency (EPA or Agency) is taking direct final action to amend the Toxic Substances Control Act (TSCA) regulation with reporting and recordkeeping requirements for perfluoroalkyl and polyfluoroalkyl substances (PFAS). In October 2023, the EPA finalized a regulation that required manufacturers (including importers) of PFAS in any year between 2011–2022 to report certain data to EPA related to exposure and environmental and health effects. The EPA is taking this action in response to constraints on the development and testing of the software being developed to collect information pursuant to this reporting rule.

EPA is making a one-time modification to change the beginning of the data submission period from November 12, 2024, to July 11, 2025, with a corresponding change to the end of the submission period. EPA is also taking action to correct an inadvertent error in the rulemaking by revising the text “published study reports” under the requirement to submit Organization for the Economic Cooperation and Development’s (OECD) Harmonized Templates (OHTs) to the correct requirement of submitting OHTs for “unpublished study reports.” EPA intended to require OHTs only for unpublished study reports and is correcting the text accordingly.

There are no other changes to the reporting and recordkeeping requirements in the existing rule under TSCA.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-09-05/pdf/2024-19931.pdf>

B. Implementing Environmental Justice in PCB Cleanup, Treatment, Storage, and Disposal Approvals; Memorandum

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 09/09/2024

Summary

The Environmental Protection Agency (EPA) has published a memorandum to communicate how the EPA will address environmental justice (EJ) concerns surrounding the polychlorinated biphenyls (PCB) cleanup, treatment, storage, and/or disposal approval process (“PCB approval(s”).

The EPA memorandum also transmits EPA’s “Implementing Environmental Justice in PCB Approvals” guidance document. The guidance document outlines a multi-step approach on how to conduct and interpret an EJ analysis. The guidance document includes best practices and tools to engage communities in areas with potential EJ concerns and address these concerns at PCB treatment, storage, and disposal facilities and cleanup sites through the PCB approval process.

The EPA intends to consider EJ throughout the PCB cleanup, treatment, storage, and disposal approval process. EJ considerations will be made at the issuance of initial approval, modifications, and renewals. The EPA plans to conduct EJ assessments (i.e., using EJScreen) for all initial treatment, storage, and disposal approvals and as needed to cleanup approvals. Additionally, the EPA will employ approaches discussed in EPA’s “Implementing Environmental Justice in PCB Approvals” guidance document, as appropriate and tailored to the site-specific circumstances of each approval.

The guidance document is intended to provide guidance to EPA approval writers and project managers on how to consider environmental justice (EJ) in the polychlorinated biphenyls (PCB) approval process to help prevent or mitigate any potential adverse and disproportionate effects of an approved action on a disadvantaged community.

The guidance document explains that approval writers and project managers should consider and record answers to the following questions:

- Does the community have specific characteristics that should be considered when planning for public participation?
- Is there the potential that the affected population already experiences disproportionate impacts?
- How likely are the potential impacts of the approval under consideration to cause or contribute to disproportionate impacts?

The guidance document also explains the importance of public participation in the PCB approvals process. The goal of public participation in the PCB approval process is to provide an opportunity for early and meaningful community participation, particularly in areas

where vulnerable and underserved communities live, to ensure that the people most affected by the approval have input into the decisions that will impact their communities. The RCRA Public Participation Toolkit is an online resource with a broad range of actions that can be used to design and promote public participation between the permitting agency, regulated community, and the public. The guidance document explains the following tools:

- Fact Sheets
- Communication Strategy
- Social Media
- Translations
- Public Meetings
- Public Hearings
- Public Notices
- Response to Comments

Additionally, the guidance document discusses the following Recommended Practices for the Implementation of EJ Considerations in the PCB Cleanup, Treatment, Storage, and Disposal Approvals:

- Mitigation Practices
- Financial Assurance
- Compliance and Incident History
- Risk Communication
- Recommendations for Owners or Operators

The guidance document continues by discussing how to Implement EJ Considerations in PCB Approvals and how to Use EJScreen as an initial Assessment of Potential EJ Concerns. The guidance document closes with additional considerations such as the following:

- Remedies Requiring Ongoing Maintenance
- Cleanups and Future Use of Property
- Fugitive Dust Controls
- Tribes and Indigenous Peoples
- Cumulative Impacts
- Interagency Resources

Reference/Link

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

https://www.epa.gov/system/files/documents/2024-09/draft_ej_and_pcb_approvals_memo.pdf

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

Agency

Environmental Protection Agency (EPA)

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Dates

Published Date: 09/10/2024

Summary

The Environmental Protection Agency (EPA) has published a final rule for sources that reclassify from major source to area source status under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. The requirements of this final rule apply to all sources that choose to reclassify after September 10, 2024. Any sources that have already reclassified from major to area source before September 10, 2024 are not impacted by this final rule.

Sources that are subject to the final rule are required to remain subject to the standards listed below. This final rule also means that any sources that reclassify after September 10, 2024 are subject to the maximum achievable control technology (MACT) standards including MACT monitoring, recordkeeping, testing, and reporting requirements.

The standards that are referenced above are as follows:

- Subparts F through I (the Hazardous Organic NESHAP)
- Subpart L (NESHAP for Coke Oven Batteries)
- Subpart R (NESHAP for Gasoline Distribution Facilities)
- Subpart X (NESHAP for Secondary Lead Smelting)
- Subpart CC (Refinery MACT)
- Subpart GG (NESHAP for Aerospace Manufacturing and Rework)
- Subpart II (NESHAP for Shipbuilding and Ship Repair)
- Subpart JJ (NESHAP for Wood Furniture Manufacturing)
- Subpart KK (NESHAP for Printing and Publishing)
- Subpart LL (NESHAP for Primary Aluminum)
- Subpart MM (NESHAP for Chemical Recovery Combustion Sources at Pulp Mills)
- Subpart EEE (NESHAP for Hazardous Waste Combustors)
- Subpart HHH (NESHAP for Natural Gas Transmission and Storage)
- Subpart JJJ (NESHAP for Group IV Polymers and Resins)
- Subpart LLL (NESHAP for Portland Cement Manufacturing)
- Subpart RRR (NESHAP for Secondary Aluminum Production)
- Subpart UUU (NESHAP for Petroleum Refineries)
- Subpart FFFF (Miscellaneous Organic NESHAP)
- Subpart JJJJ (NESHAP for Paper and Other Web Coating)
- Subpart MMMM (NESHAP for Surface Coating of Miscellaneous Metal Parts and Products)
- Subpart PPPP (NESHAP for Surface Coating of Plastic Parts and Products)
- Subpart ZZZZ (NESHAP for Stationary Engines)
- Subpart CCCCC (NESHAP for Coke Ovens: Pushing, Quenching, and Battery Stacks)
- Subpart DDDDD (Boiler MACT)
- Subpart FFFFF (NESHAP for Iron and Steel Manufacturing)
- Subpart IIIII (NESHAP for Mercury Cell Chlor-Alkali Plants)
- Subpart LLLLL (NESHAP for Asphalt Processing and Roofing)
- Subpart YYYYY (NESHAP for area source Electric Arc Steelmaking Facilities)
- Subpart JJJJJ (NESHAP for area source Boilers)
- Subpart EEEEEEE (NESHAP for area source Gold Mines)

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Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-09-10/pdf/2024-20074.pdf>

D. **Phasedown of Hydrofluorocarbons: Vacated Provisions; Final Rule**

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 09/11/2024

Summary

The Environmental Protection Agency (EPA) is removing regulations that were previously vacated by the United States Court of Appeals for the District of Columbia Circuit. The vacated regulations prohibited disposable cylinders and required a QR-code tracking system for cylinders of hydrofluorocarbons. On June 20, 2023, the U.S. Court of Appeals for the District of Columbia Circuit issued an opinion concluding, in relevant part, that EPA in relying on subsection (e)(2)(B) of the AIM Act had not identified a provision of the AIM Act giving it authority to ban disposable cylinders or to require a QR code tracking system.

This final rule is effective on September 11, 2024.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-09-11/pdf/2024-20191.pdf>

E. **Biden-Harris Administration Announces New Actions to Protect American Consumers, Workers, and Businesses by Cracking Down on De Minimis Shipments with Unsafe, Unfairly Traded Products; Fact Sheet**

Agency

The White House

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Dates

Published Date: 09/13/2024

Comments Due: 09/13/2024

Summary

The Biden-Harris Administration has published a fact sheet to provide notification of actions that is being taken to protect American consumers, workers, and businesses by addressing the significant increased abuse of the de minimis exemption, in particular China-founded e-commerce platforms, and strengthening efforts to target and block shipments that violate U.S. laws.

This fact sheet focuses on the shipments entering the United States that claim the de minimis exemption. The increase in de minimis shipments makes it more challenging to enforce U.S. trade laws, health and safety requirements, intellectual property rights, consumer protection rules, and to block illicit synthetic drugs such as fentanyl and synthetic drug raw materials and machinery from entering the country. The administration is taking action by proposing changes that would limit the number of goods that are eligible for the de minimis exemption, require additional data for de minimis shipments and clarify what goods are eligible for the exemption.

Reference/Link

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

<https://www.whitehouse.gov/briefing-room/statements-releases/2024/09/13/fact-sheet-biden-harris-administration-announces-new-actions-to-protect-american-consumers-workers-and-businesses-by-cracking-down-on-de-minimis-shipments-with-unsafe-unfairly-traded-products/>

F. Schedules of Controlled Substances: Temporary Placement of N-Pyrrolidino Metonitazene and N-Pyrrolidino Protonitazene in Schedule I; Proposed Amendment

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 09/17/2024

Effective Date: 09/17/2024

Summary

The Administrator of the Drug Enforcement Administration (DEA) issued a notice of intent to publish a temporary order to schedule two synthetic benzimidazole-opioid substances, N-pyrrolidino metonitazene and N-pyrrolidino protonitazene, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible, in schedule I of the Controlled Substances Act.

When it is issued, the temporary scheduling order will impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess) or propose to handle these two specified substances.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-09-17/pdf/2024-21058.pdf>