Veolia North America - Industrial Business Regulatory Update - January 2020

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A. E-Manifest Updates

Agency

Environmental Protection Agency

Dates

Month: January E-Manifest Update

Summary

EPA hosts monthly webinars to share the Agency's progress on the e-Manifest initiative. The Veolia Environmental team has attended these webinars in order to stay up to date on the latest changes involved with the e-Manifest initiative. The following topics may impact Veolia and/or customers:

- The New address for mailing paper manifests is:

  EPA e-Manifest PPC
  14200 Park Meadow Drive
  Ste. 200-S
  Chantilly, Virginia 20151

- In lieu of the waste codes, a healthcare facility must include the word "PHARMS" in Item 13 of the manifest when shipping non-creditable hazardous waste pharmaceuticals. Due to problems with formatting on paper manifests, both of the codes “PHARMS” and “PHRM” will be acceptable on the manifest. This was published in 12/19/19 EPA Memo (RO14919). This rule must be adopted by each state before going into effect. Click here to see the map the EPA created to track state adoption. Although healthcare facilities operating under subpart P are not required to include all applicable RCRA hazardous waste codes when manifesting non-creditable hazardous waste pharmaceuticals, the EPA indicated in the preamble to the final rule that the agency does not object if healthcare facilities or their vendors choose to include RCRA hazardous waste codes on manifests in addition to PHRM/PHARMS.

- The EPA has added PCB Frequently Asked Questions (FAWs) to the website. These FAQs can be found at this link

Reference/Link

The first link below will allow you to view the e-manifest section of the EPA website. The second link is the powerpoint presentation from this month’s webinar.

1. https://www.epa.gov/e-manifest
2. https://www.epa.gov/sites/production/files/2020-02/documents/final_january_29-2020-webinarslidese-manifest.pdf

B. Civil Monetary Penalty Inflation Adjustment

Agency

Environmental Protection Agency

Dates

Published Date: 01/14/2020
Effective Date: 01/14/2020

Summary

The National Credit Union Administration is amending its regulations to adjust the maximum amount of each civil monetary penalty (CMP) within its jurisdiction to account for inflation. Under the Federal Civil Penalties Inflation Adjustment Act of 1990, every Federal agency is required to adjust its maximum CMP amounts to account for inflation. Agencies must make the required adjustments and publish them in the Federal Register by January 15 each year. Each CMP maximum must be increased by the percentage by which the consumer price index for urban consumers (CPI-U) for the preceding year exceeds the CPI-U for the year before that. For example, the 2020 adjustment must compare the October 2018 and 2019 CPI-U figures. This resulting increase can be expressed as an inflation multiplier to apply to each current CMP maximum amount to determine the adjusted maximum.

In order to determine the adjusted maximum amount the current amount must be multiplied by the inflation multiplier. The inflation multiplier for this year is 1.01764.

The following table shows the Maximum CMP Adjustments

U.S. Code citation	CMP description	Adjusted Maximum Amount (current maximum x multiplier, rounded to nearest dollar)
(1) 12 U.S.C. 1782(a)(3)	Inadvertent failure to submit a report or the inadvertent submission of a false or misleading report	$4,098.
(2) 12 U.S.C. 1782(a)(3)	Non-inadvertent failure to submit a report or the non-inadvertent submission of a false or misleading report	$40,979.
(3) 12 U.S.C. 1782(a)(3)	Failure to submit a report or the submission of a false or misleading report done knowingly or with reckless disregard	$2,048,915 or 1 percent of the total assets of the credit union, whichever is less.
(4) 12 U.S.C. 1782(d)(2)(A)	Tier 1 CMP for inadvertent failure to submit certified statement of insured shares and charges due to NCUSIF, or inadvertent submission of false or misleading statement	$3,747.
(5) 12 U.S.C. 1782(d)(2)(B)	Tier 2 CMP for non-inadvertent failure to submit certified statement or submission of false or misleading statement	$37,458.
(6) 12 U.S.C. 1782(d)(2)(C)	Tier 3 CMP for failure to submit a certified statement or the submission of a false or misleading statement done knowingly or with reckless disregard	$1,872,957 or 1 percent of the total assets of the credit union, whichever is less.

(7) 12 U.S.C. 1785(a)(3)	Non-compliance with insurance logo requirements	$127.
(8) 12 U.S.C. 1785(e)(3)	Non-compliance with NCUA security requirements	$297.
(9) 12 U.S.C. 1786(k)(2)(A)	Tier 1 CMP for violations of law, regulation, and other orders or agreements	$10,245.
(10) 12 U.S.C. 1786(k)(2)(A)	Tier 2 CMP for violations of law, regulation, and other orders or agreements and for recklessly engaging in unsafe or unsound practices or breaches of fiduciary duty	$51,22.
(11) 12 U.S.C. 1786(k)(2)(A)	Tier 3 CMP for knowingly committing the violations under Tier 1 or 2 (natural person)	$2,048,915.
(12) 12 U.S.C. 1786(k)(2)(A)	Tier 3 CMP for knowingly committing the violations under Tier 1 or 2 (insured credit union)	$2,048915,399 or 1 percent of the total assets of the credit union, whichever is less.
(13) 12 U.S.C. 1786(w)(5)(ii)	Non-compliance with senior examiner post-employment restrictions	$337,016.
(14) 15 U.S.C. 1639e(k)	Non-compliance with appraisal independence requirements	First violation: $11,767 Subsequent violations: $23,533.
(15) 42 U.S.C. 4012a(f)(5)	Non-compliance with flood insurance requirements	$2,226.

The notice-and-comment procedures that are applicable to most final rules are not applicable to this rule because of the nature of the rule which affords agencies limited discretion in promulgating the rule, and the statutory deadline for making the adjustments. This final rule is effective upon publication.

Reference/Link

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

https://www.federalregister.gov/documents/2020/01/14/2020-00309/civil-monetary-penalty-inflation-adjustment

C. Kurt Thiede, Former Wisconsin Department of Natural Resources Deputy Secretary, will Succeed Cathy Stepp as EPA Region 5 Regional Administrator

Agency

Environmental Protection Agency

Dates

Published Date: 01/08/2020

Summary

The EPA announced that Kurt Thiede, a former Wisconsin Department of Natural Resources Deputy Secretary, will become the EPA Region 5 Regional Administrator. The EPA Region 5 regional administrator oversees environmental protection efforts in Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

Kurt Thiede was appointed by Andrew Wheeler after the former Region 5 Regional Administrator, Cathy Stepp, stepped down after several years of service. Mr. Thiede served as the Chief of Staff to Regional Administrator Cathy Stepp. Before joining the EPA, Mr. Thiede served as Deputy Secretary of the Wisconsin Department of Natural Resources from 2015 to 2017. He is an 18-year veteran of WDNR, and previously spent four years as the Administrator for the Land Division.

Reference/Link

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

https://www.epa.gov/newsreleases/epa-appoints-kurt-thiede-region-5-administrator

D. EPA Method 23—Determination of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans From Stationary Sources

Agency

Environmental Protection Agency

Dates

Published Date: 01/14/2020
Comments due: 03/16/2020

Summary

The Environmental Protection Agency (EPA) is seeking comments on a proposed rule to modify aspects of Method 23. Method 23 is the EPA's current reference test method for determination of polychlorinated dibenzo-p-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) emitted from stationary sources.

This proposed rule is applicable to fossil fuel steam generators, industrial, commercial institutional steam generating units, municipal waste combustors, hazardous waste combustors, polyvinyl chloride resins manufacturing, portland cement plants, asphalt shingle and coating materials manufacturing, secondary aluminum plants, clay building material and refractories manufacturing, as well as nonferrous metal (except Aluminum) smelting and refining). This list is not all inclusive.

The purpose of the modifications are to ensure that Method 23 is implemented consistently and to include performance-based quality requirements that add flexibility rather than the prescriptive requirements currently described in the method. The proposed revisions to Method 23 include technical revisions and editorial changes in order to clarify and update the requirements and procedures. Additionally, it is being proposed to reformat the method to conform with EPA's current method format. The EPA is also proposing an expansion of the applicability of Method 23 to include procedures for sampling and analyzing polycyclic aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs.) Lastly, the EPA is proposing revisions to various sections of the CFR that either require Method 23 or require the analysis of PCDDs/PCDFs, PAHs, or PCBs.

The EPA has organized the modifications into three different focuses. The first focus is to change the method from a prescriptive method to a performance-based method. This allows users to have flexibility in implementing the method. One example of this is the choice of gas chromatograph (GC) column. The second focus is to convert the method entirely to quantitation based on isotope dilution. The third focus is to include options for combining sampling and analysis of PCDDs/PCDFs with PAHs and PCBs to allow the measurement of toxic semivolatile organic compounds (SVOC.)

There are multiple editorial and reformatting changes proposed to Method 23 in order to conform with EPA's current method format. These changes will not be discussed in detail in this review.

In Section 6.0, Equipment and Supplies, the EPA is proposing to prohibit the use of brominated flame-retardant coated tape in assembling the sampling train to avoid sample contamination. Additionally, the EPA is proposing to revise the specification for a rotary evaporator with specifications for a Kuderna-Danish concentrator to avoid the loss of higher vapor pressure target compounds. Furthermore, the EPA is proposing to remove specifications for the graduated cylinder to improve the accuracy of moisture measurements. Lastly, it is being proposed to remove the volume requirement for wash bottles in order to allow greater flexibility in field sample recovery.

In Section 7.0, Reagents, Media, and Standards, the EPA is proposing to replace the filter precleaning procedures of the current method with specifications for conducting a filter quality control check.

In Section 8.0, Sample Collection, Preservation and Storage, the EPA is proposing to include added requirements for sample storage conditions and holding times. The suggested sample size is 2.5 dry standard cubic meters (dscm). Table 23-10 of Method 23 summarizes the sample storage conditions and laboratory hold times. The laboratory hold times for PCDD/PCDF and PCBs are one year and the laboratory hold time for PAH is 45 days. In the new section 8.2.8 it is being proposed to measure moisture by weight rather than by volume.

In Section 9.0, Quality Control, the EPA is proposing to add specifications for conducting pre-sampling, pre-extraction, and pre-analysis spike recoveries of isotopically-labeled standards. It is also being proposed to add specifications for capillary gas chromatography columns, preparing and analyzing batch blanks, determining the method detection limit and assessing field train proof blanks.

The EPA is proposing to add sections titled "Method Performance" (Section 13.0), "Pollution Prevention" (Section 14.0), and "Waste Management" (Section 15.0).

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2020-01-14/pdf/2019-27842.pdf

E. Addition of PFAS to the Toxics Release Inventory (TRI) Reporting Program

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 01/16/2020
Effective Date: 01/01/2020

Summary

The Environmental Protection Agency (EPA) has published a webpage with guidance on the addition of PFAS to the TRI under the National Defense Authorization Act (NDAA). In general, the chemicals covered by the TRI program are those that cause cancer or other human health effects, significant adverse acute human health effects, and significant adverse environmental effects.

The webpage includes key information. The first point of key information is that PFAS additions are effective as of January 1, 2020. Reporting for these chemicals will be due to EPA by July 1, 2021 for calendar year 2020 data. The NDAA establishes TRI manufacturing, processing, and otherwise use reporting thresholds of 100 pounds for each of the listed PFAS.

The webpage also warns that the EPA will soon revise the EPCRA Section 313 list of reportable chemicals in the Code of Federal Regulations to include the 160 PFAS added by the NDAA. This will be included in the Veolia Regulatory Update when it is published. The webpage has a link for the full TRI PFAS List.

This link will allow you to see the list of the 160 PFAS that were added by the NDAA:
https://www.epa.gov/sites/production/files/2020-01/documents/tri_non-cbi_pfas_list_1_16_2020-6.pdf

Reference/Link

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

https://www.epa.gov/toxics-release-inventory-tri-program

F. Commerce in Explosives; 2019 Annual List of Explosive Materials

Agency

Department of Justice (DOJ) Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

Dates

Published Date: 01/02/2020
Effective Date: 01/02/2020

Summary

ATF is required to revise and publish, at least annually, in the Federal Register a list of explosive materials including blasting agents and detonators. There have been four explosives added to the list that were not previously listed.

The four explosives being added to the 2019 list, in alphabetical order, are:
(1) ''dipicryl sulfide'' and its synonym ''hexanitrodiphenyl sulfide'';
(2) ''nitrotriazolone'' and its synonym ''3- nitro-1,2,4-triazol-5-one'';
(3) ''trinitrobenzenesulfonic acid'' and its synonym ''picryl sulfonic acid''; and
(4) ''trinitrofluorenone.''

Reference/Link

The link below will allow you to view/print this notice and see the full List of Explosive Materials.

https://www.govinfo.gov/content/pkg/FR-2020-01-02/pdf/2019-28316.pdf

G. Additions to Listing of Exempt Chemical Mixtures

Agency

Drug Enforcement Administration (DEA), Department of Justice (DOJ)

Dates

Published Date: 01/27/2020
Comments Due: 02/26/2020
Effective Date: 03/27/2020

Summary

The Drug Enforcement Administration (DEA),) is updating the Table of Exempt Chemical Mixtures to include 15 additional preparations. These products are exempted from the application of certain provisions of the Controlled Substances Act. This will come into effect on March 27, 2020 unless significant adverse comments are submitted before February 26, 2020.

These chemicals have been added to the Table of Exempt Chemical Mixtures because the DEA has found that each chemical mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and the listed chemical(s) contained in these chemical mixtures cannot be readily recovered.

Manufacturer	Product name [1]	Form	Approval date
GFS Chemicals	WaterMark® Karl-Fisher Reagent, Pyridine-Free Single Solution, 5 mg/ml	Liquid	11/26/2018
GFS Chemicals	WaterMark® Karl-Fisher Reagent, 5 mg/ml Single Solution NON-HAZ	Liquid	11/26/2018
GFS Chemicals	WaterMark® Karl-Fisher Reagent, Pyridine-Free Single Solution, 2 mg/ml	Liquid	11/26/2018
GFS Chemicals	WaterMark® Karl-Fisher Reagent, 2 mg/ml Single Solution NON-HAZ	Liquid	11/26/2018
GFS Chemicals	WaterMark® Karl-Fisher Reagent, 5 mg/ml, Stabilized, Pyridine-Based	Liquid	11/26/2018
Lord Corporation	Chemlok TS701-52	Liquid	05/03/2018
Lord Corporation	Chemlok TS701-53	Liquid	05/03/2018
Sigma-Aldrich	Hydranal®-Composite 1	Liquid	5/29/2013
Sigma-Aldrich	Hydranal®-Composite 2	Liquid	5/29/2013
Sigma-Aldrich	Hydranal®-Composite 5K	Liquid	5/29/2013
Sigma-Aldrich	Hydranal®-Composite 5	Liquid	5/29/2013
Standard Homeopathic Co	Baby Cough Syrup	Liquid	9/28/2012
Standard Homeopathic Co	Defend Cough & Cold Night	Liquid	9/28/2012
Standard Homeopathic Co	Defend Cough & Cold	Liquid	9/28/2012
Standard Homeopathic Co	Diarrex	Liquid	9/28/2012

Reference/Link

The link below will allow you to view/print this notice and see the direct final rule.

https://www.govinfo.gov/content/pkg/FR-2020-01-27/pdf/2020-00667.pdf

H. Schedules of Controlled Substances: Placement of Lasmiditan in Schedule V

Agency

Drug Enforcement Administration (DEA), Department of Justice (DOJ)

Dates

Published Date: 01/31/2020
Effective Date: 01/31/2020
Comments Due: 03/02/2020

Summary

The Food and Drug Administration's (FDA) approved a new drug application for Reyvow (lasmiditan) tablets for oral use on October 11, 2019. Following this, the Department of Health and Human Services provided the Drug Enforcement Administration (DEA) with a scheduling recommendation to place lasmiditan in schedule V of the Controlled Substances Act (CSA.) The DEA is hereby issuing an interim final rule placing lasmiditan, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in schedule V of the CSA. Comments from interested parties are encouraged as this is an interim final rule. Comments are due by March 2nd, 2020.

Reference/Link

The link below will allow you to view/print this notice and see the direct final rule.

https://www.govinfo.gov/content/pkg/FR-2020-01-31/pdf/2020-01957.pdf

I. Schedules of Controlled Substances: Removal of 6β-Naltrexol From Control

Agency

Drug Enforcement Administration (DEA), Department of Justice (DOJ)

Dates

Published Date: 01/24/2020
Effective Date: 01/24/2020

Summary

This final rule removes (5a,6b)-17-(cyclopropylmethyl)-4,5-epoxymorphinan-3,6,14-triol (6β-naltrexol) and its salts from the schedules of the Controlled Substances Act (CSA). Prior to this rule, 6β-naltrexol was a schedule II controlled substance because it can be derived from opium alkaloids. It was found that this drug does not meet the requirements for inclusion in any schedule and therefore the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances are removed.

Reference/Link

The link below will allow you to view/print this notice and see the direct final rule.

https://www.govinfo.gov/content/pkg/FR-2020-01-24/pdf/2020-00664.pdf