

Advocacy Updates

Renewable Fuel Standard

- SWANA joined letter on August 31, 2017 with NWRA, The Coalition for Renewable Natural Gas, NGVAmerica and Energy Visions asking EPA to increase the proposed 2018 renewable fuel standard volumes for cellulosic biofuels.
- Based on existing/and near-completed projects, the proposed amounts were too low.
- Amounts finalized were higher than proposed, but 23 million gallons less than 2017 amounts.

Lithium Batteries

- SWANA joined a working group this summer consisting of waste and recycling organizations, battery manufacturers and associations, battery recycling organizations and others to address lithium batteries in the waste stream.
- Concern about rise of fires in the waste stream due to lithium batteries.
- Having the battery people and the waste and recycling people together has expanded knowledge for both sides.
- Working group developing messaging to the public and to the waste/recycling industry.
- Jesse Maxwell serving as chair of the waste/recycling industry working group.

Electronic Injury Reporting

- Electronic submission of injury and illness data to OSHA required by December 15
- Originally due July 1st, then pushed to December 1st
- All employers with 250 or more workers that are subject to OSHA's recordkeeping regulations must submit their 2016 OSHA Form 300A.
- Establishments with 20-249 employees in certain high-risk industries to submit data as well. This includes waste collection, waste treatment and disposal, and remediation and other waste management services (NAICS 5621, 5622, 5629).

Electronic Logging Devices

- On December 18, 2017, the Department of Transportation's (DOT) electronic logging device (ELD) mandate will go into effect, with regular enforcement delayed until April 1, 2018.
- Prior to April 1, paper records must be in order, and citation given if not using ELD, but not put out of service, won't count towards Safety Measurement System score
- The ELD rule applies to most motor carriers and drivers who are involved in interstate commerce and are currently required to maintain records of duty status.
- Haulers that operate on a purely **intrastate** basis may have different compliance timelines as states decide to adopt the federal standard.
- Carriers are encouraged to contact their state transportation agency for additional information.
- Concerns have been raised that the Hours of Service multiple stop rule (section 395.2 Definitions), cannot be properly accommodated by solid waste collection trucks using the approved ELDs available, due to the large number of stops made per trip.
- A waiver and/or exemption can be applied for while determines a solution to this challenge.
- A waiver and an exemption can both be filed at once, as a waiver can only run for a maximum of 90 days, but can be processed more quickly than an exemption, which takes several months.

Advocacy Updates

Waters of the U.S.

- Original rule attempted to clarify which wetlands and streams receive automatic protection under the Clean Water Act., w/ effective date of August 28, 2015.
- Rule put on hold due to 6th Circuit Court stay of the ruling and North Dakota district court ruling.
- February 2017 an Executive Order issued to review the rule, create a narrower definition.
- EPA/Army Corp. of Engineers in midst of rule review process, with final action expected early 2018.
- Supreme Court currently deciding a case to determine where Clean Water Act cases should be heard: federal appeals or district courts.

Definition of Solid Waste Rule

- 2015 Environmental Protection Agency (EPA) rule that was intended to limit "sham recycling" of hazardous waste materials.
- Addressed concern that a recycler might include unneeded hazardous material into a final product in order to avoid proper disposal of the material.
- A July 7 court decision largely sided with industry arguments that questioned the EPA's attempt to expand RCRA definitions of waste and recycling to include residual hazardous materials.
- Even in cases where hazardous materials were legitimately used, the court found that the documentation procedures were onerous.