



SMALL ENTITY INPUT MEETING- Proposed rule to revise the definition of “waters of the United States.”

The U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) (herein after “the agencies”), hosted an in-person listening session with small entities on Tuesday, March 19, 2019 on the proposed rule to revise the definition of “waters of the United States.” Oral presentations broadly supported the agencies proposed revised definition.

The agencies’ proposal would provide the public with a straightforward definition to protect the nation’s waterways, help sustain economic growth and reduce barriers to business development. The agencies’ proposal is the second step in a two-step process to review and revise the definition of “waters of the United States” consistent with the February 2017 Presidential Executive Order 13778. The proposed rule is grounded in law and Supreme Court precedent and respects the limitations on power granted to the federal government by the Constitution and to the agencies to regulate navigable waters by Congress through the Clean Water Act.

The agencies will prepare a written summary of the March 19 presentations and will include the summary as part of the rulemaking docket. You are invited to submit comments to Docket ID No. EPA-HQ-OW-2018-0149, at <https://www.regulations.gov>. The public comment deadline is April 15, 2019.

**DO YOU HAVE ARTICLES FOR THE SMALLBIZ@EPA
NEWSLETTER? FORWARD TO: ELNORA THOMPSON AT:
THOMPSON.ELNORA@EPA.GOV**

**EPA’S OMBUDSMAN, JOAN B. ROGERS AT:
ROGERS.JOANB@EPA.GOV**

SBEAP/SBO 2019 Annual Training Conference



Register for the SBEAP/SBO 2019 Annual Training Conference, Chicago IL, May 13 – 16th

It is time to sharpen the saw and get ready for the Small Business Environmental Assistance Program/ Small Business Ombudsman (SBEAP/SBP) training. This is a great opportunity to keep abreast of environmental regulations or policies that impact small business, familiarize yourself with compliance assistance tools and network with others doing similar work throughout the country. See the latest [DRAFT Agenda](#) for this year's event. The Training kicks off with an NSC and newcomer dinner Monday night, May 13th. Tuesday through Thursday are filled with technical training topics and site visits for hands on education.

Please [register](#) to attend for \$150 per participant. For more information on hotel and activities go to <https://nationalsbeap.org/training>



EPA Bans Consumer Sales of Methylene Chloride Paint Removers, Protecting Public

The Environmental Protection Agency (EPA) issued a final rule to prohibit the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use. EPA has taken this action because of the acute fatalities that have resulted from exposure to the chemical. After analyzing the health impacts and listening to affected families, EPA is taking action to stop the use of this chemical in paint removers intended for consumers. EPA's commitment to ensure that



chemicals in the retail marketplace are safe for the American public. EPA found risks to consumers to be unreasonable. Acute (short-term) exposures to methylene chloride fumes can rapidly cause dizziness, loss of consciousness, and death due to nervous system depression. People have died after being incapacitated during paint and coating removal with methylene chloride. A variety of effective, less harmful substitutes are readily available for paint removal. Paint removal products containing methylene chloride will not be able to be sold at any retail or distribution establishments that have consumer sales, including e-commerce sales. Those prohibitions start 180 days after the effective date of the final rule, which provides time for establishments selling this chemical to consumers to come into compliance with EPA's ban. EPA expects that many suppliers will implement the rule much sooner. To the extent that consumers want to avoid the unreasonable health risks, consumers should not use methylene chloride for paint and coating removal. EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records. Once published, the final rule and supporting documents will be available in the Federal Register docket. EPA is also soliciting public input for a future rulemaking that could establish a training, certification, and limited access program for methylene chloride for commercial uses. EPA is asking for input on the key elements required for such a program. Upon publication in the Federal Register of the Advance Notice of Proposed Rulemaking (ANPR), EPA will accept public comments for 60 days in docket EPA-HQ-OPPT-2018-0844.

To Learn more about methylene chloride: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride>

EPA Applauds Presidential Signature of Key Pesticide Fees and Worker Protection Law

Environmental Protection Agency (EPA) Office of Chemical Safety and Pollution Prevention (OCSPP) Assistant Administrator Alexandra Dapolito Dunn issued the following statement in response to President Donald Trump signing into law S. 483, the “Pesticide Registration Improvement Extension Act of 2018,” also known as PRIA 4: since 2004, PRIA has been a key statute to ensuring timely review by EPA of pesticide registrations. PRIA 4 is supported by farmers and ranchers, environmental justice and worker protection organizations, and a broad array of manufacturers. EPA looks forward to implementing the new law to further the agency’s mission of protecting human health and the environment.

PRIA 4 reauthorizes and updates the fee collection provisions and authorities available under the “Federal Insecticide, Fungicide, and Rodenticide Act” and addresses worker protection matters. Key elements of PRIA 4 include the following:

- Registration fees and maintenance fees that supplement appropriations to provide resources necessary for the timely review of new pesticide tools and reevaluation of currently registered pesticides.
- Elimination of the appropriations constraint on spending maintenance fees (“1-to-1” provision), which has resulted in an inability of the EPA to fully spend maintenance fees collected from industry support critical activities.
- Expedited review time frames and additional financial incentives for the development and submission of reduced risk pesticides.
- Registration service fee set-asides of \$2 million dollars for worker protection activities, partnership grants, and pesticide safety education programs.
- Establishment of new maintenance fee set-asides, including:
 - \$500K annually for develop and finalize rulemaking and guidance for product performance data requirements for certain invertebrate pests of significant public importance. The guidelines will benefit companies developing new public health and consumer pest control products by giving them clear guidance on how to conduct efficacy testing to satisfy registration requirements; and
 - \$500K annually to support Good Laboratory Practice (GLP) audits of laboratories that conduct studies in support of pesticide product registrations.

Reporting requirements on the effectiveness of worker protection and pesticide safety education activities, the number of GLP inspections conducted, and progress in priority review and approval of new pesticides to control public health pests that may transmit vector-borne disease, among other reporting requirements.

Small Business Environmental Assistance Program



Question: I own and operate a small manufacturing business. Does my facility need a stormwater permit? Crystal Waters

Dear Crystal: The need for a permit is determined by the type of facility you own. When it rains, or the snow melts, if it is obvious that runoff from land-clearing activities associated with development, fertilizer usage, fuel spills, and exposed materials in stockpiles, garbage and more, adds to the lowering of water quality in streams, rivers and other waterways - you will need a permit.

The Clean Water Act includes regulations requiring any activity that may contribute to the pollution of our nation's water to be covered under a [National Pollutant Discharge Elimination System, or NPDES, stormwater permit](#). These permits place rules, regulations and limits on what you can and cannot allow to leave your site in the form of runoff. [NPDES stormwater permit regulations, promulgated by EPA](#), cover the following classes of stormwater dischargers on a nationwide basic. You will need a permit if your industrial facility falls into any of the 11 regulated [categories](#) that discharge to a municipal separate storm sewer systems, or MS4, or to waters of the United States. A permit is required if you operate a construction activity that disturbs one or more acres of land. You will also require a permit if your construction site covers less than one acre but is part of a larger plan of development. All categories of industrial activity (except construction) may certify to a condition of "no exposure," if their industrial materials and operations are not exposed to stormwater, thus eliminating the need to obtain stormwater permit coverage. A best management practice (BMP) framework is a method used to prevent or control stormwater and the discharge of pollutants, including sediment, into local waterbodies.

EPA has authorized many states without approved programs to administer the NPDES stormwater permitting program. A state permitting authority may impose more stringent requirements or decide to expand the scope of its program to meet state priorities. EPA remains the permitting authority in a few states, most territories and most Indian country. Because environmental regulations can vary from state to state, *Ask SBEAP* recommends you contact your state SBEAP, which is there to provide environmental compliance technical assistance personalized to your small business. To find your state SBEAP, [click on this map](#). As always, if you need additional assistance, you can email [Ask SBEAP](#) or call us at 800-578-8898.



EPA FEDERAL REGISTER NOTICES

**SUBJECT: Air Plan Approval;
Massachusetts; Regional Haze Five-Year
Progress Report State Implementation Plan**

<http://www.epa.gov/dockets/contacts.htm>

Federal Register: Vol. 84, No. 61,
Monday, March 29, 2019/ Rules and Regulations
AGENCY: EPA
ACTION: Final Rule

SUMMARY: Environmental Protection Agency (EPA) is approving Massachusetts' Regional Haze Five-Year Progress Report, submitted on February 9, 2018 as a revision to its State Implementation Plan (SIP). This SIP revision addresses requirements of the Clean Air Act (CAA) and EPA's rules that require states to submit periodic reports describing the progress toward reasonable progress goals (RPGs) established for regional haze and a determination of adequacy of the State's existing regional haze SIP. EPA is approving Massachusetts' February 9, 2018 SIP submittal on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period for regional haze. This rule is effective on April 29, 2019.

For further information contact: Anne McWilliams,
(617)918-1697, email at mcwilliams@epa.gov.

**SUBJECT: Air Plan Approval; Kentucky;
Jefferson County Existing and New VOC
Water Separators Rule Revision**

<http://www.epa.gov/dockets/contacts.html>

Federal Register: Vol. 84, No. 61,
Friday, March 29, 2019/Proposed Rule
AGENCY: EPA
ACTION: Proposed rule

SUMMARY: Environmental Protection Agency (EPA) is proposing to approve two revisions to the Jefferson County portion of the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky, through the Kentucky Division of Air Quality (KDAQ), through a letter dated March 15, 2018. The changes were submitted by KDAQ on behalf of the Louisville Metro Air Pollution Control District (LMAPCD) (also referred to herein as Jefferson County) and make minor ministerial amendments to applicability dates and clarify standards applicable to both existing and new volatile organic compounds (VOC) water separators. EPA is proposing to approve these changes because they are consistent with the Clean Air Act. Comments must be received on or before April 29, 2019.

For further information contact: Adam Evan, (404)
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