



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

February 2021

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Policy & Regulation

National Emission Standards for Hazardous Air Pollutants: Cyanide Chemicals Manufacturing Residual Risk and Technology Review

The U.S. Environmental Protection Agency (EPA) is proposing the results of the residual risk and technology review (RTR) for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Cyanide Chemicals Manufacturing source category as required under the Clean Air Act (CAA). EPA is proposing to find that risk from emissions of air toxics from this source category is acceptable, and that the current standards provide an ample margin of safety to protect public health. EPA is also proposing to find that there are no developments in practices, processes, and control technologies, and, as such, EPA is not proposing any development-based changes to the current standards pursuant to the technology review. EPA is, however, proposing new emissions standards to address emissions from process wastewater at existing sources. EPA is proposing to amend provisions addressing startup, shutdown, and malfunction (SSM), to add electronic reporting, and to update the reporting and recordkeeping requirements. EPA does not expect these proposed amendments to result in changes in emissions from the source category but anticipate improved monitoring, compliance, and implementation of the existing standards. Comments must be received on or before March 1, 2021. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before February 16, 2021. [Read the Federal Register Notice of the proposed rule.](#)

Pentachlorothiophenol (PCTP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)

EPA is finalizing a rule under the Toxic Substances Control Act (TSCA) to address its obligations under TSCA for pentachlorothiophenol (PCTP) (CASRN 133-49-3), which EPA has determined meets the requirements for expedited action under TSCA. This final rule prohibits all manufacturing (including import), processing, and distribution in commerce of PCTP and PCTP-containing products or articles for any use, unless PCTP concentrations are at or below 1% by weight. This rule will result in lower amounts of PCTP being manufactured, processed, and distributed, which will impact the amount that will be available for use or disposal, thus reducing the exposures to humans and the environment. This final rule is effective as of February 5, 2021. For purposes of judicial review and [40 CFR 23.5](#), this rule shall be promulgated at 1 p.m. eastern standard time on January 21, 2021. [Read the Federal Register Notice.](#)

Proposed Technical Revisions and Clarifications to National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review

On January 11, 2021, EPA proposed technical revisions and clarifications to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Municipal Solid Waste (MSW) Landfills established in the March 26, 2020, final rule. In this action, EPA is proposing technical revisions and clarifications. These changes correct inadvertent errors and clarify:

- Wellhead monitoring requirements for the purpose of identifying excess air infiltration
- Delegation of authority to state, local or tribal agencies for “emission standards”
- Applicability of the General Provisions to affected MSW landfills
- Handling of monitoring data for combustion devices during periods of monitoring system breakdowns, repairs, calibration checks and adjustments

For more information, visit <https://www.epa.gov/stationary-sources-air-pollution/proposed-technical-revisions-and-clarifications-national-emission>.

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Municipal Solid Waste Landfills (Renewal)

EPA has submitted an information collection request (ICR), NSPS for Municipal Solid Waste Landfills (EPA ICR Number 2498.04, OMB Control Number 2060-0697), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through January 31, 2021. Public comments were previously requested, via the Federal Register, on May 12, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments. An agency may neither conduct nor sponsor, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. Additional comments may be submitted on or before March 1, 2021.

Abstract: The owners and operators of municipal solid waste landfills are required to comply with reporting and record keeping requirements for the General Provisions ([40 CFR part 60](#), subpart A), as well as for the requirements of [40 CFR part 60](#) subpart XXX. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or for any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with these standards. [Read the Federal Register](#).

EPA Reduces Regulatory Burden and Emissions from Large Storage Tanks By Allowing Alternative Inspection Method

On January 11, 2021, EPA expanded the availability of a proven, modern inspection method for finding and correcting air pollution leaks at large liquid storage tanks. EPA’s final action offers regulatory flexibility to more than 3,500 petroleum, chemical, and coal products manufacturing facilities and petroleum bulk stations and terminals by allowing an alternate, less cumbersome mode of inspection of liquid storage tanks to show compliance with Clean Air Act regulations. These amendments offer flexibility to conduct “in-service” rather than out-of-service inspections – potentially saving industry between \$768,000 and \$1,091,000 per year and reducing emissions of volatile organic compounds by as much as 83-tons per year.

These amendments will allow owner/operators of certain large tanks known as Volatile Organic Liquid Storage Vessels to conduct less cumbersome “in-service” inspections of the tanks, without emptying and degassing the storage tank. Since 2018, EPA has received more than 300 requests from facilities seeking permission to conduct in-service inspections to demonstrate compliance with a 1987 Clean Air Act regulation. These one-off requests are time consuming and burdensome for both tank owners and operators and for EPA. The current inspection methods can also be expensive, labor intensive and results in volatile organic compound air emissions and other pollutants from venting and flaring.

Further, EPA understands that in recent months inspecting these large tanks, while empty of product and vapors, has become more challenging because there is a significant increase in the need for liquid storage capacity (particularly crude and petroleum products), due to slower consumer demand. More information, including a pre-publication version of the *Federal Register* notice and related fact sheet, is available at <https://www.epa.gov/stationary-sources-air-pollution/volatile-organic-liquid-storage-vessels-including-petroleum-storage>. [Read the full press release](#)

EPA Takes RFS-related Actions to help Farmers and Refiners

Agency Proposes to Revise E15 Fuel Label and Address Storage of High Ethanol Gasoline Blends in Underground Storage Tanks; Proposes New Compliance Timelines in Response to COVID-19 Economic Interruptions

On January 19, 2021, EPA took several actions through the Renewable Fuel Standard program to provide certainty to impacted stakeholders. These actions include the following:

- Proposing changes to E15 fuel pump labeling requirements
- Proposing to modify underground storage tank (UST) regulations to accommodate the safe storage of E15 and higher ethanol blends at retail stations’ existing tank systems
- Proposing to extend the compliance time for certain obligated parties subject to the 2019 Renewable Volume Obligation (RVO) and all obligated parties subject to the 2020 RVO given ongoing economic disruptions as a result of the COVID-19 pandemic
- Seeking comment on several waiver petitions from Governors and refinery groups pertaining to “severe economic harm” as well as a letter from the National Wildlife Federation pertaining to “severe environmental harm” requesting general waiver relief for the 2019 and 2020 RVOs

Publication of the rules in the Federal Register will open a 90-day comment period for the public and interested stakeholders to weigh in on the proposed rules and petitions. [Read the full press release](#).

EPA Delivers Results on PFAS Action Plan

Agency Delivers on the Historic Commitments Made in the PFAS Action Plan to Address These Emerging Chemicals of Concern and Protect Public Health

On January 19, 2021, EPA announced a suite of actions from across the Agency that will continue the [significant progress](#) the Agency has made to implement the [PFAS Action Plan](#)—the most comprehensive cross-agency plan ever to address an emerging chemical of concern. EPA has made progress in all its program areas under the Action Plan, and the Agency is helping states, tribes, and local communities across the country target PFAS reductions and protect public health.

EPA is issuing the following actions:

- Moving Forward on Regulating PFOA and PFOS in Drinking Water by Issuing Final Regulatory Determinations

- Advance Notice of Proposed Rulemaking Addressing PFOA and PFOS in the Environment
- New Data on PFAS in Drinking Water
- Releases Toxicity Assessment for PFBS
- Next Steps to Address PFAS in Wastewater
- Coordinating PFAS Research Across the Federal Government

For more details and to review a full list of highlighted PFAS actions, [read the full press release](#).

Key Dates and Upcoming Opportunities

EPA Tools & Resources Webinar: EPA PFAS innovative Treatment Team Findings on PFAS Destruction Technologies

February 17, 2021, 3:00-4:00 PM ET

Registration: [Click here](#)

The presence of per- and polyfluoroalkyl substances (PFAS) in the environment is one of the most pressing environmental issues facing our nation. The unique chemical characteristics of PFAS lead to their persistence in the environment and make their complete destruction extremely difficult. EPA has been aggressively working to find solutions to address PFAS issues in communities across the nation, including establishment of EPA's PFAS Innovative Treatment Team (PITT) in spring 2020 – a six-month, dedicated full-time team of EPA researchers brought together to concentrate on exploring disposal and destruction options for PFAS-contaminated waste. This presentation will highlight the results of the PITT's research and next steps for PFAS waste treatment technologies.

EPA Webinar: Proposed Revisions to the Toxic Substances Control Act (TSCA) Fees Rule

February 18, 2021, 2:00-4:00 PM ET

EPA will host a webinar to provide an overview to stakeholders on proposed revisions to the Toxic Substances Control Act (TSCA) Fees Rule announced in December 2020. The webinar will also give the public an opportunity to provide comment to EPA on the proposed changes. [Register for the webinar](#).

U.S. Small Business Administration: Paycheck Protection Program

SBA, in consultation with the U.S. Treasury Department, reopened the Paycheck Protection Program (PPP) for First Draw Loans the week of January 11, 2021. An SBA loan that helps businesses keep their workforce employed during the Coronavirus (COVID-19) crisis. SBA is currently accepting First Draw PPP loan applications from participating lenders.

The Paycheck Protection Program is a loan designed to provide a direct incentive for small businesses to keep their workers on payroll. First Draw PPP Loans can be used to help fund payroll costs, including benefits, and may also be used to pay for mortgage interest, rent, utilities, worker protection costs related to COVID-19, uninsured property damage costs caused by looting or vandalism during 2020, and certain supplier costs and expenses for operations.

You can apply for a First Draw PPP Loan until March 31, 2021. SBA is currently accepting First Draw PPP loan applications from participating lenders. [Lender Match](#) can help connect you with a lender. You can also [view all lenders near you on a map](#). All new First Draw PPP Loans will have the same terms regardless of lender or borrower. If you wish to begin preparing your application, you can download the

following PPP borrower application form to see the information that will be requested from you when you apply with a lender: [Paycheck Protection Program First Draw Borrower Application Form](#) (revised 01-08-21). For further information please visit https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program?utm_medium=email&utm_source=govdelivery

EPA Announces \$46 Million in Funding Available to Reduce Emissions from Diesel Engines

On January 15, 2021, EPA announced the availability of grant funding to implement projects which reduce emissions from the nation's existing fleet of older diesel engines. EPA anticipates awarding approximately \$46 million in Diesel Emissions Reduction Act (DERA) grant funding to eligible applicants, subject to the availability of funds. Under this competition, EPA anticipates awarding between 40 and 70 assistance agreements.

EPA is soliciting applications nationwide for projects that significantly reduce diesel emissions and exposure, especially from fleets operating at goods movements facilities in areas designated as having poor air quality. Eligible applicants include regional, state, local or tribal agencies, or port authorities with jurisdiction over transportation or air quality. Nonprofit organizations may apply if they provide pollution reduction or educational services to diesel fleet owners or promote air quality and clean transportation.

Applicants may apply until March 16, 2021. Applicants must request funding from the EPA regional office which covers the geographic project location. The maximum amount of federal funding that may be requested per application varies by Region. For more information and to access the Request for Applications, visit www.epa.gov/dera/national. For more information on the DERA Funding Program, visit www.epa.gov/dera. [Read the full press release.](#)

Award Applications Welcome!

[Small Business Environmental Stewardship Award applications](#) are due March 1, 2021. This award recognizes the accomplishments of a Small Business that has worked with a local, state, territory, and/or national Small Business Ombudsman or Small Business Environmental Assistance Program in the areas of improving environmental performance, pollution prevention, sustainability, and mentoring. Please [contact your state SBEAP](#) for application assistance.

Ask SBEAP

Dear SBEAP,

I own and operate a small dry-cleaning business and use PERC as my cleaning solvent. I recently heard EPA has issued a risk evaluation for PERC. How will this affect my operation?

Sincerely,
Mr. Klean

Dear Mr. Klean,

Perchloroethylene (PERC) is a high-priority chemical evaluated under the amended Toxic Substances Control Act or TSCA. Using feedback from the public as well as scientific data, the EPA has issued the report [Final Risk Evaluation for Perchloroethylene](#). It showed unreasonable risks to workers, occupational non-users, consumers, and bystanders from 59 of 61 conditions of use evaluated, one of which was the PERC dry-cleaning chemical. The EPA now has one year to propose regulations that

may include restrictions on how the chemical is used, as well as limits to its manufacture, processing, distribution, and disposal. Because the EPA is currently accepting public comments, you may want to provide your direct feedback about the risk evaluation. If so, contact lloyd.tyler@epa.gov or your [state SBEAP](#). Now may be the time to consider a less-toxic cleaning alternative, one that will also reduce your regulatory burden and risk. The [National SBEAP](#) hosts a dedicated webpage for [dry cleaners](#) that summarizes the regulation, includes compliance tools, links to the risk evaluation and lists six less-toxic alternatives. As always, reach out to your state [SBEAP](#) for more assistance or call 800-578-8898.

Spotlight

Construction Industry Compliance Assistance Center Focuses on What a Business Needs to Know About Lead Paint Rule

Doing maintenance or construction on older buildings? You probably need to follow the [RRP Rule](#). Home improvement contractors and building maintenance professionals who renovate or repair housing, child-occupied facilities or schools built before 1978 must comply with the Lead Renovation, Repair and Painting (RRP) Rule. The RRP Rule is designed to help protect you and building occupants from the dangers of lead paint.

The RRP rule has four main requirements for any construction or maintenance professional working on the covered pre-1978 buildings:

1. **Training and Certification**—Anyone paid to do work that disturbs paint in pre-1978 housing or child-occupied facilities must be certified and get training. Each job must be assigned to a certified renovator trained in lead-safe work practices by an EPA or an authorized state-accredited training provider. Other workers must also be trained.
2. **Education/Notification**—Before doing work, you are required to distribute [EPA's Renovate Right pamphlet](#) to the building owner and occupants.
3. **Lead-Safe Work Practices**— Work Practices Requirements ensure lead chips and lead-containing dust do not contaminate living and other areas where they can harm human health. Lead-safe work practices prevent dust and debris from leaving the work area and prohibit some practices, such as open-flame burning or power tools without high-efficiency particulate air (HEPA) exhaust control. A thorough clean up followed by a verification is also needed.
4. **Recordkeeping**—You must keep copies of the certified renovator's training certificates at the job site and keep records of your proper implementation of the RRP rule for each job for three years.

The RRP Rule applies to renovation, repair and painting activities in buildings built before 1978. You must assume that all paint in pre-1978 buildings is lead-based and follow the RRP Rule unless you test the paint and find it does not contain lead. See Recordkeeping for instructions on paint testing. Window replacement and demolition always require following the RRP Rule. Some states and one tribe administer their own RRP program. See all the information you need, including links to training search, recordkeeping tools, the Compliance Guide and more at <http://www.cicacenter.org/leadrrp.php>. See it all in Spanish at https://www.cicacenter.org/sp/sp_leadrrp.php.

EPA Honors Clean Air Projects for 17th Year

On January 12, 2021, EPA recognized seven groups and individuals for their innovative work on clean air projects. The 2020 Clean Air Excellence Awards were given to state, local, tribal, and private sector

programs that educate the public in improving air quality or reducing harmful air pollutants that threaten health and the environment.

This year's winners include:

- Clean Air Technology Award: Caterpillar Inc. (Deerfield, Ill.) – Changing the Dynamic in Dual Fuel: Cat 3512E Tier 4 DGB
- Community Action Award: Louisiana Department of Environmental Quality (Baton Rouge, La.) – TLC Ambient Air Monitoring Program
- Education/Outreach Award: South Coast Air Quality Management District (Diamond Bar, Calif.) – South Coast AQMD Mobile App
- State/Tribal/Local Air Quality Policy Innovations Award: National Tribal Air Association, administered by Northern Arizona University's (NAU) Institute for Tribal Environmental Professionals (Flagstaff, Ariz.)
- Transportation Efficiency Innovations Award: Aperia Technologies (Burlingame, Calif.) – Halo Tire Inflator
- Gregg Cooke Visionary Program Award: Port of Long Beach (Long Beach, Calif.) – Port of Long Beach Community Grants Program
- Thomas W. Zosel Outstanding Individual Achievement Award: Lucinda Smith (Fort Collins, Co) Lucinda Smith, City of Fort Collins Environmental Services Department Director

Established in 2000, the Clean Air Excellence awards recognize programs and individuals that serve as pioneers in their fields, advance public understanding of air pollution, and improve air quality. Entries are judged by the EPA and the Clean Air Advisory Committee, and winners were recognized at a virtual awards ceremony. For more information about the award winners, visit <https://www.epa.gov/caaac/clean-air-excellence-awards>. [Read the full press release.](#)

EPA Region 6 Releases 2020 Year in Review

On January 19, 2021, EPA Region 6 released the 2020 Year in Review outlining major accomplishments and environmental progress over the past fiscal year (FY).

“In the face of unprecedented challenges, the staff and management team of Region 6 showed ingenuity and dedication to produce impressive environmental benefits for communities across Arkansas, Louisiana, Oklahoma, New Mexico, and Texas,” said Regional Administrator Ken McQueen. “I am proud to have worked with these public servants as they found ways to adjust their processes, and in many cases improve their results, during 2020.”

2020 EPA accomplishments include:

- Received the National Excellence in Performance Management Award for developing and directing a voluntary drinking water sampling initiative under the EPA 3T's Guidance (Train, Tell and Take Action) to address lead exposure in Native American children, protecting more than 4,000 children from the harmful effects of lead exposure in drinking water.
- Negotiated a judicial settlement in the largest Clean Water Act case in the country, with the City of Houston, Texas, regarding violations of its National/Texas Pollutant Discharge Elimination System permits, involving 40 wastewater treatment plants and providing for a \$4.4 million civil penalty and injunctive relief extending over the next 20 years.
- Led the nation for the seventh year in Resource Conservation and Recovery Act (RCRA) enforcement actions and penalties with 38 percent of the nation's actions, despite the inability to conduct onsite inspections for half of the year.

- Lodged one of the largest sanitary sewer overflows settlement in the nation with the City of Corpus Christi, with an agreement from the city to pay a civil penalty of \$1.14 million and implement injunctive relief costing \$725 million over 15 years.
- Lodged a settlement with Churchill Downs, the largest EPA assessed penalty to a concentrated animal feeding operation facility with a \$2.79 million penalty and \$5.6 million innovative injunctive relief measures.
- Concluded 24% of all enforcement actions in the nation, with 348 administrative enforcement actions and three judicial enforcement actions in FY20.
- Reduced the backlog of new National Pollutant Discharge Elimination System (NPDES) permits to be issued by 66% and permits to be renewed by 50% and reviewed all NPDES permits for delegated states in a timely manner.
- Accomplished 96 Brownfields assessments in FY20, exceeding the Government Performance and Results Act goal by 33 percent.
- Awarded the New Mexico Environment Department's first-ever Performance Partnership Grant including more than \$1.6 million in federal funds for its Air, Public Water System Supervision, and Radon programs.
- Led development of a Natural Resource Damage Assessment Louisiana Trustee Implementation Group restoration plan, including three projects which will restore more than 1,300 acres of wetlands and incorporate more than 25 miles of linear protection measures, 12.5 miles of which will be oyster barrier reef.
- Coordinated with the Texas Commission on Environmental Quality and New Mexico Environment Department to identify significant emissions from oil and gas facilities in the Permian Basin through 153 off-site Partial Compliance Evaluations, reducing VOCs by 9.5 million pounds.
- Completed a multi-year ambient air monitoring project in LaPlace, La., in the neighborhoods surrounding the Denka Performance Elastomer Facility, LLC, collecting over 2,500 air samples from six locations and reducing emissions of chloroprene from the facility by 85 percent.

[Read the full press release.](#)

Share with the small business community through EPA's SmallBiz@EPA Bulletin

Do you have a story, upcoming event, resource, or information that may be beneficial to the small business community? Please email us at asbo@epa.gov to provide a brief submission with a suggested title, your contact information, and a website link for more information on the topic.

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