



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

August 2021

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Policy & Regulation

TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances

The EPA is proposing reporting and recordkeeping requirements for Per- and Polyfluoroalkyl Substances (PFAS) under the Toxic Substances Control Act (TSCA). In accordance with obligations under TSCA, as amended by the National Defense Authorization Act for Fiscal Year 2020, EPA proposes to require persons that manufacture (including import) or have manufactured these chemical substances in any year since January 1, 2011, to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards. EPA is requesting public comment on all aspects of this proposed rule and has also identified items of particular interest for public input, which can be found in the federal register notice. In addition to fulfilling statutory obligations under TSCA, this proposed rule will enable EPA to better characterize the sources and quantities of manufactured PFAS in the United States.

EPA is extending the public comment period on the proposed reporting and recordkeeping requirements. The comment period was set to close on August 27; the comment period will be extended until September 27, 2021. Comments can be submitted to docket ID number EPA-HQ-OPPT-2020-0549.

EPA will use feedback received during the public comment period to inform the final rule. [View EPA's announcement of the proposed rule here](#) and [view the docket here](#).

New Source Review Regulations; Correction

EPA is amending several New Source Review (NSR) regulations by making the following types of changes: Correcting typographical and grammatical errors, removing court vacated rule language, removing or updating outdated or incorrect cross references, conforming certain provisions to changes contained in the 1990 Clean Air Act (CAA or Act) Amendments, and removing certain outdated grandfathering or transitional exemptions. This final rule is effective on August 18, 2021. EPA has established a docket for this action, found on the [Federal Register Docket ID No. EPA-HQ-OAR-2019-0435](#).

EPA Intends to Bolster Limits on Water Pollution from Power Plants

On July 26, 2021, EPA announced that it is initiating a rulemaking process to strengthen certain wastewater pollution discharge limits for coal power plants that use steam to generate electricity. EPA is committed to ensuring that our nation's vital water resources are healthy and support safe drinking water, recreation activities, agriculture, industry, and vibrant communities.

EPA undertook a science-based review of the 2020 Steam Electric Reconsideration Rule under Executive Order (E.O.) 13990, finding that there are opportunities to strengthen certain wastewater pollution discharge limits. For example, treatment systems using membranes continue to rapidly advance as an effective option for treating a wide variety of industrial pollution, including from steam electric power plants. EPA expects this technology to continue advancing and the agency will evaluate its availability as part of the new rulemaking.

While the agency pursues this new rulemaking process, the current regulations will be implemented and enforced. The 2020 rule made modifications to only certain aspects of the 2015 Steam Electric Effluent Limitation Guidelines (ELGs) rule, such that requirements promulgated in 2015 and 2020 are currently in effect. The current requirements provide significant environmental protections relative to a 1982 rule that would otherwise be in effect. The 2015 and 2020 rules are leading to better control of water pollution from power plants while reducing the cost of controls such as biological treatment systems and membrane treatment systems. The agency's approach will secure progress made by the 2015 and 2020 rules while the Agency undertakes a new rulemaking to consider more stringent requirements.

Because this rulemaking could result in more stringent ELGs that are the subject of petitioners' claims in litigation pending in the Fourth Circuit Court of Appeals, the Department of Justice—in coordination with EPA—is filing a request to the Court to hold the litigation in abeyance. The agency intends to issue a proposed rule for public comment in the fall of 2022.

To read EPA's notice and learn more about Steam Electric ELGs, visit: <https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines>

EPA Identifies Drinking Water Contaminants for Potential Regulation

On July 12, 2021, EPA announced Draft Contaminant Candidate List 5 (CCL 5), which provides the latest list of drinking water contaminants that are known or anticipated to occur in public water systems and are not currently subject to EPA drinking water regulations. As directed by the Safe Drinking Water Act, EPA's CCL 5 identifies priority contaminants to consider for potential regulation to ensure that public health is protected.

EPA plans to consult with the Science Advisory Board (SAB) on the Draft CCL 5 in the fall of 2021. The agency will consider public comments and SAB feedback in developing the Final CCL 5, which is expected to be published in July 2022. After a final CCL is published, the agency will undertake a separate regulatory determination process to determine whether or not to regulate contaminants from the CCL.

EPA is seeking comment on the Draft CCL 5 for 60 days after this action publishes in the Federal Register. For more information, visit: <https://www.epa.gov/ccl/contaminant-candidate-list-5-ccl-5>.

EPA Announces Path Forward for TSCA Chemical Risk Evaluations

On June 30, 2021, EPA announced important policy changes surrounding risk evaluations issued under the Toxic Substances Control Act (TSCA). TSCA requires EPA to review the risks associated with high-priority chemicals already on the market, then take action to manage any unreasonable risks found. The following changes will position EPA to move forward with actions to ensure the public is protected from unreasonable risks from chemicals in a way that is supported by science and the law.

Read the detailed news release at <https://www.epa.gov/newsreleases/epa-announces-path-forward-tasca-chemical-risk-evaluations>.

EPA Starts Strategic Planning Process for FY 2022-2026

EPA held a meeting with governmental organizations, such as NGA, ACWA, ASDWA, ECOS, USCM and NACO, where they announced their Draft FY 2022-2026 EPA Strategic Plan Framework. The Framework sets out the agency's vision for the next five years. The Framework identifies four cross agency strategies to achieve the agency's mission of protecting human health and the environment: 1) Ensure Scientific Integrity and Science-Based Decision Making; 2) Consider the Health of Children and Other Vulnerable Populations in Our Work; 3) Advance EPA's Organizational Excellence and Workforce Equity and 4) Strengthen Tribal, State, and Local Partnerships and Enhance Engagement. The Plan also identifies 7 goals that will focus the agency's work: 1) Tackle the Climate Crisis; 2) Take Decisive Action to Advance Environmental Justice and Civil Rights; 3) Enforce Environmental Laws and Ensure Compliance; 4) Ensure Clean and Healthy Air for All Communities; 5) Ensure Clean and Safe Water for All Communities; 6) Safeguard and Revitalize Communities; and 7) Ensure Safety of Chemicals for People and the Environment. EPA will seek formal comment on the draft FY2022-2026 EPA Strategic Plan in late fall 2021 and issue the final plan in early winter 2022.

Key Dates and Upcoming Opportunities

AHERA Designated Person Training Series

EPA will host a four-part webinar training series designed to assist Asbestos Hazard Emergency Response Act (AHERA) designated persons in understanding their responsibilities to help local education agencies comply with federal asbestos in schools regulations.

Registration is now open and recordings will be made available online after the live event:

Part 1: Introduction to Asbestos @ 12:00PM – 1:30 PM CST– 8/13/21 register [here](#)

Part 2: Local Education Agency/Designated Person Requirements @ 9:00AM – 10:30AM CST – 8/16/21 register [here](#)

Part 3: The AHERA Inspection and Surveillance – 8/26/21 @1:00PM – 2:30PM CST register [here](#)

Part 4: AHERA Operation and Maintenance Program - 9/2/21 @ 11:00AM – 12:30PM CST register [here](#)

Reminder: EPA Methane Detection Technology Virtual Workshop

EPA will hold a virtual public workshop August 23 and 24, 2021 to hear perspectives on innovative technologies that could be used to detect methane emissions from the oil and natural gas industry. The

workshop is part of the Agency's broad public outreach effort to gather stakeholder input on reducing methane and other harmful pollutants from new and existing sources in the oil and natural gas industry.

Nearly one-third of the warming due to greenhouse gases observed today is attributable to methane emitted since the industrial revolution, and the oil and gas industry is the largest human-caused source of methane pollution in the U.S. EPA is considering strengthening existing requirements for new, modified, and reconstructed oil and gas sources, and proposing new requirements to reduce methane pollution from existing oil and gas sources nationwide.

The August virtual workshop will focus on methane-sensing technologies that are not currently approved for use in EPA's New Source Performance Standards for the oil and natural gas industry, and how those applications could be applied in the oil and gas sector. EPA's state, local and Tribal regulatory partners, along with members of the public are encouraged to attend the workshop and will have an opportunity to submit questions for the panelists. Register to attend the workshop at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-methane-detection-technology-workshop> by August 18, 2021.

Tools & Resources Webinar: PFAS Technical Support and Scientific Advancements, August 18

This webinar will share examples of EPA Office of Research and Development (ORD) projects conducted in collaboration with and designed by states and tribes to use ORD's expertise to identify and improve the understanding of what PFAS are present within various media in local areas of concern. Projects range from environmental sampling around manufacturing facilities to evaluation of the effectiveness of well and wastewater treatment. [Register for the EPA Tools & Resources Webinar: PFAS Technical Support and Scientific Advancements | US EPA](#)

EnergyStar Training

ENERGY STAR is offering a variety of webinar trainings to help small businesses track their energy and water use using a free national standard tool for comparing baseline energy and water use, and for tracking savings and pollution prevention.

To view and register for the webinar trainings go [here](#).

For more information, visit www.energystar.gov/buildings/resources_audience/small_biz.

Recording: Climate Change Adaptation Webinar via EPA Watersheds Academy

A recording and associated materials from EPA's Watershed Academy webcast, "Climate Change Adaptation" held on June 23, 2021 is available [here](#). The webcast "Addressing and Managing Plastic Pollution" held on April 21, 2021 is also now available for viewing [here](#).

EPA to Hold NEJAC Public Meetings on August 18 & 19, 2021

EPA is holding the next National Environmental Justice Advisory Council (NEJAC) public meetings on August 18 and 19, 2021. These free meetings are open to the public. Members of the public are encouraged to provide comments relevant to the specific issues being considered by the NEJAC. These meetings are being held from approximately 3:00-7:00 pm (ET) each day. Registration is REQUIRED to attend either meeting. [Register here](#).

EPA and Army Announce Public Meeting Schedule, Solicit Pre-Proposal Recommendations on “Waters of the United States”

EPA and Army are announcing a series of engagement opportunities on defining “waters of the United States”, including an opportunity for stakeholders and the public to provide written recommendations; a series of public meetings in August; and a plan for regionally-focused and inclusive roundtables during the fall and winter. There is a listening session for small entities – small businesses, small governments, and small non-profits – scheduled for August 25, 2021, from 3-5 pm Eastern.

The agencies intend to revise the definition of “waters of the United States” following a process that includes two rulemakings. A forthcoming foundational rule would restore the regulations defining WOTUS that were in place for decades until 2015, with updates to be consistent with relevant Supreme Court decisions. A separate, second rulemaking process would refine this regulatory foundation and establish an updated and durable definition of “waters of the United States.” For more information on the Agency’s outreach plan go [here](#) and [Register for the WOTUS Small Entity Meeting](#)

EPA Announces \$50 Million to Enhance Air Pollution Monitoring

EPA will make \$50 million in American Rescue Plan (ARP) funding available to improve air quality monitoring in communities across the United States. This funding builds on the agency’s recent announcement of \$50 million for environmental justice projects under the ARP, bringing the total to \$100 million in EPA funding designated by Congress to address health outcome disparities from pollution and the COVID-19 pandemic.

EPA is beginning to coordinate on the grant competition with communities and state, Tribal, and local agencies and plans to issue the calls for proposals in fall 2021. For more information, please visit <https://www.epa.gov/amtic/american-rescue-plan>

Ask SBEAP

Dear SBEAP:

Lately I’ve been hearing the term “environmental justice” and am not sure how it applies to my small business, or how it might be related to this topic. My business is located in a large industrial park where other companies have higher air emissions and hazardous waste generation issues than I do. Is there any way to make sure I am not contributing to a problem in the residential area around the park?

Sincerely,
Justin Thyme

Dear Justin:

Thank you for this important question. The basic tenets of [environmental justice](#), as described by the [EPA](#), are the “fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, and with a goal of ensuring everyone has the same

degree of protection from environmental and health hazards and equal access to environmental decision making.”

As a small business located in an industrial park near a residential area, being aware of the pollution your business creates and evaluating your compliance with applicable regulations is a good start to understanding how you may be contributing to the overall pollution that could be impacting residents living near the park or in your community. Positive communication and being transparent about your operations and the pollution they create, as well as concerted efforts to inform your community on how your company mitigates, controls or reduces the pollution from your processes, are important ways to ensure you are involving the community and helping them be aware of your facility and its efforts to comply with regulations and protect the environment.

Free assistance is available from the Small Business Environmental Assistance Program to help small businesses such as yours evaluate your environmental footprint and regulations that apply to you. Please reach out to your State Small Business Environmental Assistance Provider (SBEAP) for further help or call 800-578-8898.

Spotlight

EPA’s National Compliance Initiatives: Vehicle Emissions

Every three years, EPA selects several topics—areas with serious environmental compliance issues—focusing its enforcement and compliance assurance resources to develop and implement national program priorities, called National Compliance Initiatives (NCIs). The NCIs are in addition to the EPA’s core compliance and enforcement work. Over the coming months, SmallBiz@EPA will Spotlight one of the six NCIs for FY 2020-2023 to help businesses and others understand the issues and how to improve environmental conditions for our communities.

EPA uses compliance assistance, self-audits, and informal and formal enforcement actions to achieve the goals of each NCI. The Spotlight will focus mostly on compliance assistance.

How Clean is Your Car or Truck? Be Sure Repairs Meet Emissions Standards.

EPA regulates air emissions from vehicles by setting standards for vehicle manufacturers. These standards protect human health by keeping the air as clean as possible while allowing us to move people and goods from place to place. To meet these standards, vehicle manufacturers install emissions controls. Emissions controls are all vehicle parts that may affect emissions, such as catalyts, filters, the electronic control unit, the fuel system, and the onboard diagnostic system. Emissions controls prevent respiratory disease, premature death, and environmental harm, and removing or disabling these parts is illegal. It is also illegal to manufacture or sell parts or components for vehicles that bypass, defeat, or render inoperative emissions controls.

These prohibitions apply to anyone who services any emissions-related aspect of any EPA-certified vehicle, engine, or piece of equipment. These prohibitions also apply to anyone who manufactures, distributes, or installs emissions-related parts. EPA enforces these prohibitions to protect public health and the environment. To stay in compliance with the law, do not remove or alter emission controls on any EPA-certified vehicle, engine, or piece of equipment.

Before you sell aftermarket parts, have proof that the parts will not increase emissions—for example, get emissions test results or an Executive Order from California Air Resources Board demonstrating no

illegal emissions increase for the intended use of the part. Before you work on a vehicle or engine, have proof that it will be returned to its original, stock configuration after installation; or have proof that the work will not increase emissions.

See the EPA Enforcement Alert on this topic at <https://www.epa.gov/enforcement/aftermarket-defeat-devices-and-tampering-are-illegal-and-undermine-vehicle-emissions>. To report a violation of these requirements, email EPA at tampering@epa.gov.

For more information about this NCI go to <https://www.epa.gov/enforcement/national-compliance-initiative-stopping-aftermarket-defeat-devices-vehicles-and-engines>. For more information about vehicle emissions guidance go to <https://www.epa.gov/enforcement/air-enforcement-policy-guidance-and-publications#Mobile>

EPA, Forest Service Release Improved Tools to Equip the Public with Information and Resources on Wildfire Smoke

EPA and the U.S. Forest Service have released updates to the popular AirNow Fire and Smoke Map to help protect communities across the country from the devastating impacts of wildfire smoke.

To give users the most localized air quality information possible, the Fire and Smoke Map pulls data from monitors that regularly report to AirNow, temporary monitors such as those the Forest Service and air agencies have deployed near fires, and crowd-sourced data from nearly 10,000 low-cost sensors that measure fine particle pollution, the major harmful pollutant in smoke. The map also provides easy access to smoke forecast outlooks, which the Forest Service provides when Air Resource Advisors have been deployed to wildland fires. Visit the Fire and Smoke Map at <https://fire.airnow.gov/>

New Interactive Maps and Resources Empower the Public and Policymakers to Act on Environmental Justice

The U.S. Environmental Protection Agency (EPA) is publishing a new web resource with interactive maps and supporting materials that combine information on air pollution emitted by fossil fuel-fired power plants with key demographical data on nearby communities. The Power Plants and Neighboring Communities initiative advances the Biden-Harris Administration's commitment to environmental justice by empowering the public and policymakers with information and tools to better understand the disproportionate impacts of air pollution in overburdened communities.

“We know air pollution affects some people worse than others. Achieving environmental justice starts with improving our understanding of the impacts of air pollution, especially in overburdened and historically underserved communities,” **said EPA Administrator Michael S. Regan**. “This web resource equips users with actionable, science-based data on air quality in communities near power plants, many of whom are suffering the worst from pollution.”

The mapping tool improves access to data on power plant emissions and can increase understanding of how the power sector affects the air quality and environmental health of surrounding communities. By highlighting what groups of people might be impacted and how, the Power Plants and Neighboring Communities webpage provides state and local policymakers with information that can be used to protect their most vulnerable populations.

The Power Plants and Neighboring Communities webpage includes explanatory text, supplemental graphs and maps, and data sets. The supplemental graphs compare six key population groups of the communities near power plants to the rest of the nation. The groups tracked are the following: low-income; people of color; those with less than high school education; people who are linguistically isolated; children under 5; and those over age 64.

To explore the webpage, visit <https://www.epa.gov/airmarkets/power-plants-and-neighboring-communities>

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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