



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

November 2021

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Policy & Regulation

Proposed Rule to Sharply Cut Methane Pollution that Threatens the Climate and Public Health

EPA is proposing comprehensive new protections to sharply reduce pollution from the oil and natural gas industry – including, for the first time, reductions from existing sources nationwide. The proposed new Clean Air Act rule would lead to significant, cost-effective reductions in methane emissions and other health-harming air pollutants that endanger nearby communities.

Key features of the proposed rule include:

- a comprehensive monitoring program for new and existing well sites and compressor stations;
- a compliance option that allows owners and operators the flexibility to use advanced technology that can find major leaks more rapidly and at lower cost than ever before;
- a zero-emissions standard for new and existing pneumatic controllers (with a limited alternative standard for sites in Alaska);
- standards to eliminate venting of associated gas, and require capture and sale of gas where a sales line is available, at new and existing oil wells;
- proposed performance standards and presumptive standards for other new and existing sources, including storage tanks, pneumatic pumps, and compressors; and
- a requirement that states meaningfully engage with overburdened and underserved communities, among other stakeholders, in developing state plans.

EPA also is requesting information on additional sources of methane for the Agency to consider in developing a supplemental proposal and taking comment on how to structure a community monitoring program to empower the public to detect and report large emission events for appropriate follow-up by owners and operators. EPA intends to issue the supplemental proposal in 2022, and to issue a final rule before the end of 2022.

EPA will take comment on the proposed rule for 60 days after it is published in the Federal Register. The Agency also will hold a virtual public hearing, and will host virtual trainings to help communities, Tribes and small businesses learn more about the proposed rule and the public comment process. Trainings begin November 16.

For more information on the proposed rule and to register to attend a training, visit <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>

Draft NAAQS Policy Statement Available for Comment

EPA made available for public comment a draft document titled, Policy Assessment for Reconsideration of the National Ambient Air Quality Standards for Particulate Matter, External Review Draft (Draft PA). This draft document was prepared as a part of the current reconsideration of the 2020 final decision on the National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM). When final, the PA is intended to “bridge the gap” between the scientific and technical information assessed in the 2019 Integrated Science Assessment for Particulate Matter (2019 ISA) and Supplement to the 2019 Integrated Science Assessment for Particulate Matter (ISA Supplement) and the judgments required of the Administrator in determining whether to retain or revise the existing PM NAAQS. Comments must be received on or before December 14, 2021.

For more information or to submit a comment, visit:

<https://www.federalregister.gov/documents/2021/10/08/2021-22067/release-of-the-draft-policy-assessment-for-the-particulate-matter-national-ambient-air-quality>

EPA Acts on Petitions to Cut Climate-Damaging HFCs, Will Begin AIM Act Rulemaking Process

On October 8, 2021, EPA announced it is granting or partially granting 11 petitions that were submitted under the American Innovation and Manufacturing (AIM) Act to restrict the use of climate-damaging hydrofluorocarbons (HFCs) in the refrigeration and air conditioning, aerosols, and foam sectors. EPA will now have two years to propose and finalize rulemakings addressing these petitions and expects the forthcoming rules will provide a clear regulatory landscape that will help the transition to more climate friendly alternatives. Today’s action is an initial step in supporting the phasedown final rule signed by Administrator Regan in September 2021.

HFCs are extremely powerful greenhouse gases that accelerate climate change, which threatens society with costly health and environmental impacts such as floods, wildfires, drought, and increasingly severe weather events. The bipartisan AIM Act authorizes EPA to address HFCs in three main areas: phasing down the production and consumption of listed HFCs, maximizing reclamation and minimizing releases in equipment such as refrigerators and air conditioners, and facilitating the transition to next-generation technologies by restricting the use of HFCs in particular sectors or subsectors. Today’s action falls under the third authority.

The AIM Act authorizes EPA to restrict the use of HFCs in sectors where they are used, either fully, partially, or on a graduated schedule. To date, EPA has received over a dozen petitions – from companies, industry associations, non-governmental environmental organizations, and states – requesting that the Agency promulgate rules that restrict the use of HFCs in more than 40 subsectors in the refrigeration and air conditioning, aerosols, and foams sectors. Several petitions contain overlapping or identical requests to restrict HFCs in specific sectors.

After reviewing the petitions, the Administrator is granting ten petitions and partially granting one petition. EPA is continuing to evaluate the other petitions the Agency has received and intends to move swiftly to develop a proposal responding to the petitions, while continuing to engage with stakeholders. Granting a petition does not mean the Agency will propose or finalize requirements identical to those requested in the petition. For more information on the AIM Act and petitions on technology transitions, visit: <https://www.epa.gov/climate-hfcs-reduction>

Comprehensive National Strategy to Confront PFAS Pollution

On October 18, 2021, EPA announced the agency’s comprehensive Strategic Roadmap to confront PFAS contamination nationwide. The Roadmap is the result of a thorough analysis conducted by the EPA Council on PFAS that Administrator Regan established in April 2021. EPA’s Roadmap is centered

on three guiding strategies: Increase investments in research, leverage authorities to take action now to restrict PFAS chemicals from being released into the environment and accelerate the cleanup of PFAS contamination.

The Roadmap lays out:

- Aggressive timelines to set **enforceable drinking water limits**
- **A hazardous substance designation** under CERCLA, to help hold polluters financially accountable
- Timelines for action on **Effluent Guideline Limitations for nine industrial categories**
- **A review of past actions on PFAS under Toxic Substances Control Act** to ensure protective
- Increased **monitoring, data collection and research** to identify needed actions
- A final **toxicity assessment for GenX**, which can be used to develop health advisories
- Efforts to build the technical foundation needed on PFAS air emissions to inform future actions

EPA's Strategic Roadmap is a critical step forward in addressing PFAS pollution. Every level of government – from local, to state, to Tribal, to federal will need to exercise increased and sustained leadership to continue the momentum and make progress on PFAS. A budget proposal for more than \$10 billion in funding to address PFAS contamination will enable EPA and other federal agencies to meet the PFAS challenge.

For additional information on the Strategic Roadmap, visit: www.epa.gov/pfas.

EPA Takes Next Step to Broaden TRI Reporting Requirements for Ethylene Oxide

EPA is taking a critical first step to expand the scope of Toxics Release Inventory (TRI) reporting requirements to include certain contract sterilization facilities that are not currently reporting on ethylene oxide (EtO) releases. EPA has sent letters to 31 facilities providing notice that it is considering requiring those facilities to report EtO releases to the TRI. Some of these facilities will receive notice that they may also be required to report ethylene glycol releases to the TRI.

Workers in facilities that use EtO and communities—including historically underserved communities—located adjacent to these facilities are at the highest risks of exposure to EtO. Making more information about releases of EtO publicly available through the TRI will assist EPA in identifying and responding to any human health and environmental threats those releases cause. EPA believes these 31 contract sterilization facilities use the highest amounts of EtO in the contract sterilization facilities sector. The selection of these 31 facilities are the first stage of an ongoing effort to broaden TRI reporting requirements for contract sterilizers. EPA will continue to monitor additional contract sterilization facilities using EtO that might be required to report to the TRI and, if appropriate, notify them that EPA is considering whether to require reporting. The notice letters give each facility 30 days to respond to EPA to help inform the agency's final decision. To view the letters sent to facilities and learn more about TRI, visit: www.epa.gov/tri.

TSCA Significant New Use Rule

EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances which were the subject of premanufacture notices (PMNs). This action requires persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use by this rule. This action further requires that persons not commence manufacture or processing for the significant new use until they have submitted a Significant New Use Notice (SNUN), EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken any risk management actions as are required as a result of that determination. This rule is effective on December 6, 2021.

Key Dates and Upcoming Opportunities

EPA Seeks Applicants for 2021 Environmental Education Grants

EPA announced that up to \$3 million in funding for locally focused environmental education grants is now available under the 2021 Environmental Education (EE) Local Grant Program. EPA will award grants in each of EPA's 10 Regions, for no less than \$50,000 and no more than \$100,000 each, for a total of 30-40 grants nationwide. Applications are due Dec. 6, 2021, and the Request for Application (RFA) notice is now posted on www.grants.gov.

The 2021 EE Local Grant Program includes support for projects that reflect climate change adaptation and mitigation strategies, preventing future water quality and human health issues, and other environmental topics. Funded projects will increase public awareness of those topics and help participants to make informed decisions. An RFA containing regional details will be issued by each of the 10 EPA Regions. EPA intends to provide financial support for projects that design, demonstrate, and/or disseminate environmental education practices, methods, or techniques, that will serve to increase environmental literacy and encourage behavior that will benefit the environment in local communities, especially in underserved communities. EPA recognizes underserved communities as people or communities of color, Tribal and Indigenous populations that may be disproportionately impacted by environmental harms and risks, high-poverty areas, persistent poverty counties, and Title 1 schools for this grant program. The full list of solicitation notices are available at www.grants.gov and at <https://www.epa.gov/education/environmental-education-ee-grant-solicitation-notice>. The Office of Environmental Education will also host two webinars in the coming weeks on how to write a competitive application and to address commonly asked questions. Find out background information on the EE Grants Program and resources for applicants at <https://www.epa.gov/education/environmental-education-ee-grants>

EPA Training Webinar: Using the EPA Environmental Resilience Tools Wizard, Wednesday, December 1 from 3-4 PM ET

The [Environmental Resilience Tools Wizard](#) is a curated, online repository of EPA tools and resources designed to build community resilience to disasters. The wizard is designed to be used by state, tribal, and local environmental and emergency management agencies. It contains publicly available resources produced by EPA that address how to reduce disaster risks to the environment and human health. This webinar will provide an overview of the environmental dimensions of disasters and of building resilience and walk-through examples of how to conduct searches and evaluate the results. [Register and join the Environmental Resilience Tools Wizard training webinar!](#)

EPA Training Webinar: Smart Sewer Systems and Smart EPA Data Infrastructure

Register: Dec 7, 2021 01:00 PM – 2:00 PM, Eastern Time. EPA is hosting a two-part webinar series on smart sewer systems and smart data infrastructure. Smart sewer systems use real-time monitoring and other advanced technologies to improve decision-making regarding capacity, management, and operation and maintenance programs. Smart data infrastructure is the ecosystem of technology tools and solutions focused on the collection, storage, and/or analysis of water-related data. Both webinars will highlight how communities have implemented these approaches to improve their sewer system management and decision-making. Speakers: O.J. McFoy from the City of Buffalo, New York, Sewer Authority and Stacia Eckenwiler from City of Columbus, Ohio.

Ask SBEAP

Dear SBEAP,

I purchased an existing manufacturing business in 2020 and recently discovered that several process operations emit regulated air pollutants and are subject to a National Emission Standard for Hazardous Air Pollutants, or NESHAP. Also, I made some inquiries, and it doesn't look like the facility has ever been issued ambient air quality construction or operating permits. YIKES!! As a new small business owner, are there any considerations for recently discovering these violations of the air quality rules or should I just call a lawyer now?

Thanks for any guidance,

Sincerely,
Sans permit Ted

Dear Ted,

It never hurts to consult an environmental lawyer, but before you pay a retainer, you can anonymously contact your state Small Business Environmental Assistance Program, or SBEAP, for free, confidential technical assistance with your situation. Although SBEAPs do not provide legal advice, they are knowledgeable on their state-specific air-quality regulations and enforcement policies. If they do not have the answer, they can assist you in finding the answers while maintaining confidentiality with your business identity. Most states have an SBEAP and [you can look up the contact here](#).

Another consideration is to file a "voluntary disclosure." These programs have specific parameters for reporting but often provide incentives when businesses self-report violations within a reasonable period of discovery. Depending on the type of violation discovered, it is better to self-disclose than to have the regulatory agency discover the problem. Many state and EPA voluntary disclosure programs include reduced civil penalties, defined periods of time to correct the violation as well as regulatory assistance to help ensure compliance. As difficult as it is to face the realization that your facility may be operating outside the law, businesses that self-disclose can often be relieved that they are taking the right steps to get into compliance and maintain operations that protect public health and the environment.

If a violation was intentional, malicious or creates an imminent health hazard, the responsible business or party would NOT be eligible for voluntary disclosure and may face criminal and civil penalties. Although many states offer state-specific voluntary disclosure policies, [like this one from Indiana](#), other states use the EPA disclosure policy which is filed through an [EPA's edisclosure portal](#).

Once you resolve this issue, the best ways to prevent regulatory violations are to be proactive, attend environmental trainings hosted by the state regulator or the state SBEAP, ask for a compliance review or on-site visit by the state SBEAP and consult the [National SBEAP website](#). In addition to [air regulations](#), most SBEAPs can help identify [hazardous waste](#) and [stormwater](#) compliance obligations.

Spotlight

Small Business Economic Bulletin: November 2021

The Small Business Administration's (SBA) Office of Advocacy's bi-annual Economic Bulletin examines new data on how small businesses have recovered since the peak of the COVID-19 pandemic. Both self-employment and proprietor income have recovered since crashing in 2020. These indicators suggest that COVID-19 sparked the shortest recession in U.S. history. Importantly, banking and finance indicators were muted compared to the Great Recession.

To learn more, visit: SBA's [November 2021 Economic Bulletin](#)

EPA Releases Human Health Toxicity Assessment for GenX PFAS Chemicals

EPA released a final human health toxicity assessment for GenX chemicals, which are part of the per- and poly-fluoroalkyl substance (PFAS) group. GenX is a trade name for a processing aid technology used to make high-performance fluoropolymers. Industry developed GenX chemicals to replace perfluorooctanoic acid (PFOA), a legacy PFAS. The agency's final toxicity assessment represents a key step in advancing the scientific understanding of GenX chemicals and their effects on human health. In certain locations, GenX chemicals have been found in surface water, groundwater, drinking water, rainwater, and the air. EPA's final assessment for GenX chemicals focuses solely on the potential human health effects associated with oral exposure. Issuing the final toxicity assessment shares information with state and Tribal co-regulators who are working with their communities on this challenge.

The agency's final 2021 GenX chemicals assessment uses the state-of-the-art systematic review process, incorporates new data available since 2018, and applies revised uncertainty factors. These changes resulted in a lower, more protective toxicity value for GenX chemicals relative to EPA's 2018 draft toxicity assessment. EPA's release of the final GenX chemicals toxicity assessment is a key step toward developing a national drinking water health advisory for GenX chemicals, which the agency committed to publishing in Spring 2022 as part of the PFAS Roadmap. For more information, visit <https://www.epa.gov/pfas/epa-actions-address-pfas>.

EPA Releases 2020 Data Collected under Greenhouse Gas Reporting Program

EPA released 2020 greenhouse gas (GHG) data collected under EPA's Greenhouse Gas Reporting Program (GHGRP). In 2020, reported emissions from large industrial sources were approximately 9% lower than in 2019, reflecting both the economic slowdown due to the COVID-19 pandemic, and ongoing, long-term industry trends. More than 8,100 large facilities reported greenhouse gas emissions in 2020 to EPA.

To view the new data directly in FLIGHT, see: <https://ghgdata.epa.gov/ghgp/main.do>.

To view the new GHGRP Demographic Data Highlights Dashboard see:

<https://edap.epa.gov/public/extensions/GHGRP-Demographic-Data-Highlights/GHGRP-Demographic-Data-Highlights.html>.

EPA Award to Virginia Institute of Marine Science to Study Climate Change Impacts on Wetlands

EPA announced a \$292,324 grant to the Virginia Institute of Marine Science for a project to better understand the impact of climate change on wetlands restoration in coastal communities in Virginia. The project – “Enhancing development of strategies for coastal wetland conservation prioritization in Virginia under climate change” – will improve decision-making capacity leading to long-term

sustainability of coastal wetlands under sea level rise. Funding will support staff, supplies, travel, and a subaward to William and Mary Center for Conservation Biology to develop a method to monitor and assess marsh communities. The funds were provided through EPA's Wetland Program Development Grant program, which enables state, local and tribal governments, and others to conduct a range of projects that promote research and pollution reduction efforts related to wetlands.

For more information, visit: <https://www.epa.gov/wetlands/wetland-program-development-grants-and-epa-wetlands-grant-coordinators>.

EPA Announces Selections for \$3.8 Million in Grant Funding to Help Build Water Workforce

EPA is selecting ten organizations to receive \$3.8 million under a new grant program that will help build the water workforce by connecting individuals to jobs in the drinking water and wastewater utility sectors and expanding awareness about careers providing vital water services. The water industry is facing wide-spread shortages of qualified workers due to retirements, new investments in physical infrastructure, and new technical and scientific skill sets required to operate and maintain these systems. These grants will expand public awareness about job opportunities in the drinking water and wastewater utility sector and will address the workforce needs of these utilities. The selected recipients for the 2020 and 2021 Innovative Water Infrastructure Workforce Development Grant Program are located across the Nation. Projects that will be funded under this competition include internship and apprenticeship programs; education programs for elementary, secondary, and higher education students; industry and workforce development collaborations; learning laboratories in secondary educational institutions; and leadership development, training, or mentoring programs that ensure utility workers are prepared for supervisory or management positions. EPA expects to make awards once all legal and administrative requirements are satisfied.

For more information, see the RFA: <https://www.epa.gov/sustainable-water-infrastructure/rfa-innovative-water-infrastructure-workforce-development-program>

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.

EPA Asbestos and Small Business Ombudsman Program

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