SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

January 2022

Policy & Regulation

Dry Cleaning Facilities: National Perchloroethylene Air Emission Standards

The maximum achievable control technology (MACT) standards are being revised in a proposed rule to reduce emissions of Perchloroethylene (PCE) from new and existing dry-cleaning facilities in the industrial and commercial sectors of the dry-cleaning industry. Coin operated dry cleaning machines are exempt from the standards. Comments are due by February 22, 2022 and can be made in the docket at: https://www.regulations.gov/document/EPA-HQ-OAR-2005-0155-0529.
The final rule will reduce PCE emissions by an estimated 5,700 tons per year and will result in a net cost savings. By the fifteenth year, the final rule will reduce PCE emissions from co-residential sources by an additional 317 tons/year and cancer risks from all co-residential sources will be eliminated. For more information, go to:https://www.epa.gov/stationary-sources-air-pollution/dry-cleaning-facilities-national-perchloroethylene-air-emission

EPA Extends Public Comment Period on Proposal to Cut Methane Pollution from Oil and Gas Industry

EPA is extending the public comment period on the Agency's proposed comprehensive new protections to sharply reduce pollution from the oil and natural gas industry to January 31, 2022. The proposed Clean Air Act rules, announced November 2, 2021, would strengthen emissions reduction requirements for new, modified, and reconstructed sources in the oil and natural gas industry and require states to reduce methane emissions from existing sources nationwide for the first time. It also would encourage the use of innovative methane detection technologies and other cutting-edge solutions, many of which are being developed and deployed by small businesses.
For more information, go to:https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-extends-comment-period-proposed-new.

1-bromopropane (1-BP) Added to the Clean Act Act's List of Hazardous Air Pollutants

On December 22, 2021, the Administrator signed a notice adding 1-bromopropane (1-BP) to the Clean Act Act's list of hazardous air pollutants (also known as air toxics). This is the first time that EPA has added a pollutant to the list of hazardous air pollutants since Congress created the list through the 1990

Clean Air Act amendments. The chemical 1-BP is largely used in solvent degreasing, adhesives, furniture foam fabrication, and in other applications including the aerospace industry. EPA is modifying the list of hazardous air pollutants because the Agency has determined that 1-BP is a hazardous air pollutant and its emissions, ambient concentrations, bioaccumulation, or deposition are known to cause or may reasonably be anticipated to cause adverse effects to human health or the environment. Once added, facilities will need to include 1-BP in their assessment of their source size classification (i.e., area source or major source) for their facilities. EPA will be working to revise current NESHAP regulations and identify whether additional NESHAP are warranted. Under a separate action, EPA is developing a regulatory infrastructure that will address compliance and implementation issues that may arise from the addition of a chemical to the list of hazardous air pollutants. This regulatory infrastructure will be proposed for public notice and comment in 2022 and is expected to be finalized in early 2023.
For more information, including a fact sheet and pre-publication version of the action, go to:
https://www.epa.gov/haps/petitions-add-1-bp-npb-clean-air-act-list-hazardous-air-pollutants

Proposal to Amend Primary Copper Smelting for Major and Area Sources

On 12/22/21, the EPA Administrator signed a proposal to amend the 2002 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Copper Smelting major sources and the 2007 NESHAP for Primary Copper Smelting area sources. EPA has evaluated the risks remaining after fully implementing the 2002 National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Primary Copper Smelting major source category and determined that risks are unacceptable. To address these risks, EPA is proposing new emissions standards in the major source NESHAP for anode refining process fugitive emissions and work practices to minimize fugitive dust emissions, which will reduce risks to acceptable levels and provide an ample margin of safety to protect public health. EPA identified no additional cost-effective developments in practices, processes, or control technologies that would further reduce emissions of air toxics. Following a technology review conducted under the Clean Air Act, EPA is proposing minor amendments to the area source standards. EPA will accept comment on the proposed amendments for 45 days after publication in the Federal Register.
A pre-publication version of the proposed rule and a fact sheet are posted at
https://www.epa.gov/stationary-sources-air-pollution/primary-copper-smelting-area-sources-national-emissions-standards and https://www.epa.gov/stationary-sources-air-pollution/primary-copper-smelting-national-emissions-standards-hazardous-air

EPA Announces Intent to Strengthen Lead and Copper Regulations, Support Lead Service Line Removal

EPA will begin developing a new regulation to better protect communities from exposure to lead in drinking water. The agency will collaboratively work with local, state, and federal partners, to make rapid progress on President Biden's goal to remove 100% of lead service lines, with a focus on prioritizing communities disproportionately impacted by lead contamination. Beginning December 16, the Lead and Copper Rule Revisions will go into effect to advance critical lead service line inventories that are necessary to achieve 100% removal of lead service lines. The agency plans to issue guidance to assist its partners in implementation of the rule. EPA will also develop a new proposed rule, the Lead and Copper Rule Improvements, to replace all lead service lines as quickly as is feasible to more equitably protect public health.
EPA will allocate $2.9 billion in infrastructure funding to states, Tribes, and territories to remove lead service lines as the first of five allotments that will provide $15 billion in dedicated funding for lead service line replacements. In addition, the Law provides an additional $11.7 billion through the Drinking Water State Revolving Fund, which can also be utilized for lead removal projects.

For more information, go to https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/16/fact-sheet-the-biden-harris-lead-pipe-and-paint-action-plan/
https://www.epa.gov/ground-water-and-drinking-water/review-national-primary-drinking-water-regulation-lead-and-copper

EPA Grants Petition to Order Testing on Human Health Hazards of PFAS

On December 28, 2021, as a part of EPA's efforts to address the human health and ecological risks of per- and polyfluoroalkyl substances (PFAS), the Agency announced it was granting a petition from six North Carolina public health and environmental justice organizations to compel companies to conduct testing of certain PFAS. This advances efforts to improve understanding of, and to protect people from, the potential risks of PFAS.
For more information, go to: https://www.epa.gov/newsreleases/epa-grants-petition-order-testing-human-health-hazards-pfas

Comment on Draft Strategy to Reduce Lead Exposures and Disparities in U.S. Communities

On October 28, 2021, EPA released the draft Strategy to Reduce Lead Exposures and Disparities in U.S. Communities (Lead Strategy) for public comment public comment. The agency is seeking input from communities affected by lead contamination through virtual workshops nationwide. EPA has updated the draft Lead Strategy to include additional actions to address lead in water infrastructure and investment to replace lead pipes and provide additional funds for testing water in schools and childcare programs. EPA has extended the public comment period until March 16, 2022.
For more information, go to: https://www.epa.gov/lead/draft-strategy-reduce-lead-exposures-and-disparities-us-communities

EPA Takes Critical Step Towards Strengthening Science Used in Chemical Risk Evaluations

EPA released a draft Toxic Substances Control Act (TSCA) Systematic Review Protocol. The protocol will strengthen EPA's approach to reviewing and selecting the scientific studies that are used to inform TSCA chemical risk evaluations and ensure that EPA has the best tools under TSCA to protect human health and the environment. The draft TSCA Systematic Review Protocol includes key recommendations received from NASEM on the *Application of Systematic Review in TSCA Risk Evaluations*. It is a product of collaboration with the Office of Research and Development's IRIS program, and will continue to be improved by public feedback, examination of the recent NASEM report on the *ORD Staff Handbook for Developing IRIS Assessments, and evolution* of the state of the science in the field of systematic review. Additionally, the draft protocol will undergo peer review by at a meeting of the SACC on April 19-21, 2022, and the agency will also use this feedback to further improve the document. The date, time, and registration instructions, including information on making oral comments during the meeting, for the public peer review virtual meeting will be announced on the SACC website by early March 2022.
EPA is accepting comments on the draft protocol in docket EPA-HQ-OPPT-2021-0414 for 60 days until February 18, 2022. Read the Federal Register notice Learn More
https://www.epa.gov/newsreleases/epa-takes-critical-step-towards-strengthening-science-used-chemical-risk-evaluations-0

Significant New Use Rules on Certain Chemical Substances (20-2.5e)

EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances that were the subject of premanufacture notices (PMNs). The SNURs require persons who intend to manufacture (defined by statute to include import) or process any of these chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the use, under the conditions of use for that chemical substance, within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required by that determination. This rule is effective on February 8, 2022.
For more information, go to: https://www.federalregister.gov/documents/2021/12/10/2021-26683/significant-new-use-rules-on-certain-chemical-substances-20-25e

Key Dates and Upcoming Opportunities

Annual NSC Award Nominations Due February 28, 2022

The Small Business Environmental Assistance Program/Small Business Ombudsman (SBEAP/SBO) **National Steering Committee (NSC)** Awards are the States' premier awards program for recognizing outstanding environmental leadership among small businesses and small business assistance providers. Nominations are currently being accepted for the Annual NSC Awards.
These awards recognize small businesses, SBEAP/SBO programs or individuals, trade associations and other business assistance providers who have made significant contributions to protecting the environment. The awards program is sponsored by the SBEAP/SBO NSC in partnership with U.S. EPA Asbestos and Small Business Office.
Please consider submitting a nomination in one of the following categories:

- **Small Business Environmental Assistance Program Excellence**
- **Small Business Environmental Stewardship**
- **Business Assistance Provider Environmental Leadership**
- **Karen V. Brown Leadership**

Nomination open: *January 3, 2022*
Nominations close: *February 28, 2022*
Awards announced: During the 2022 National SBEAP/SBO Training
For more information and the nomination forms, go to the Nationalsbeap.org awards webpage: https://nationalsbeap.org/news-events/awards/2022

EPA Opens $20 Million Grant Competition for Community Air Pollution Monitoring

EPA announced the availability of $20 million in competitive grants through the American Rescue Plan (ARP) to enhance ambient air quality monitoring in communities across the United States, especially in underserved and overburdened communities. EPA will award funds to support community and local efforts to monitor air quality and to promote air quality monitoring partnerships between communities and Tribal, state, and local governments. Community-based nonprofit organizations, Tribes, states, and local governments may apply for the grants.
The $20 million for community monitoring is part of $50 million for monitoring. This is the largest investment in community-based monitoring systems in EPA history. The remaining $30 million will support state, Tribal or local air agencies for enhanced monitoring of fine particles and five other air pollutants regulated by the National Ambient Air Quality Standards under the Clean Air Act; cover administrative

costs; and invest in mobile monitoring labs or air sensor loan programs to improve EPA's ability to support communities in need of short-term monitoring and air quality information.
The application period closes February 25, 2022. To be considered for funding or for more information, go to:https://www.epa.gov/grants/enhanced-air-quality-monitoring-communities
OR https://www.epa.gov/arp/enhanced-air-quality-monitoring-funding-under-arp.

EPA Invites 39 New Projects to Apply for Water Infrastructure Loans

Projects will help modernize water infrastructure for 25 million Americans while creating up to 49,000 jobs. EPA announced that 39 new projects are being invited to apply for Water Infrastructure Finance and Innovation Act (WIFIA) loans and four projects are being added to a waitlist. The agency anticipates that, as funds become available, $6.7 billion in WIFIA loans will help finance over $15 billion in water infrastructure projects to protect public health and water quality across 24 states. EPA's WIFIA program will provide selected borrowers with innovative financing tools to address pressing public health and environmental challenges in their communities. Consistent with its announced priorities, the WIFIA program is making $1.2 billion in loans available to support infrastructure needs in historically underserved communities. Additionally, 14 projects will help protect infrastructure from the impacts of extreme weather events and the climate crisis. New and innovative approaches, including cybersecurity, green infrastructure, and water reuse, are included in 24 projects. By diversifying its geographic reach and the types of selected borrowers, the WIFIA program will also expand the types of projects it supports. For the first time, entities in Connecticut, Delaware, and Hawaii are invited to apply. Three small communities, with populations of 25,000 or less, are selected for WIFIA loans totaling nearly $62 million. In addition, seven projects submitted by private borrowers and public-private partnerships totaling over $1.5 billion in WIFIA financing are included.
EPA is also inviting state agencies in Indiana and New Jersey to apply for a total of $472 million in WIFIA loans through EPA's state infrastructure financing authority WIFIA (SWIFIA) program. EPA's SWIFIA loans are available exclusively to state infrastructure financing authority borrowers, commonly known as State Revolving Fund (SRF) programs, and will allow these programs to finance more infrastructure projects in their states. These programs will combine state resources, annual capitalization grants, and the low-cost, flexible SWIFIA loans to accelerate investment in drinking water and wastewater infrastructure to modernize aging systems and tackle new contaminants.
For more information, go to:https://www.epa.gov/fedfunds/epa-state-revolving-funds-and-wifia-available-water-and-wastewater-utilities

Ask SBEAP

Dear SBEAP,

As a small metal fabricating business, our facility is subject to a national emissions standard for hazardous air pollutants, or NESHAP, informally known as the "6X rule." We filed our initial notification and notification of compliance, but do we also need to file an "annual certification and compliance report?"

Sincerely,
Annual reporting Ed

Dear Ed:

As we close out 2021, and turn the calendar to 2022, industries subject to air quality rules and regulations, such as NESHAPs, need to review and possibly report on their compliance status. The

end of the year or beginning of a new year is a good time to go over your facility's requirements and plan for the new year of recordkeeping and reporting.
Your first step should be to review your permits and note the specific recordkeeping and reporting requirements, as well as dates any reports are due. If you do not have a copy of the air permits for your facility, you should contact the permitting agency in your state for a copy.
The 6X rule does require an annual compliance report, which are due by Jan. 31 each year and, depending on your requirement for visual emissions reporting, there may be two different forms. The purpose of these forms is to certify your compliance and allow you to report any deviations and associated corrections. Your regulatory agency understands deviations sometimes occur. The important thing is that you identify and correct them.
Please note, not all NESHAPs require annual compliance reporting and many that do have a different reporting due date than Jan. 31.
Below are a few NESHAPs that require annual compliance certification reports of one kind or another, due Jan. 31 each year.

- Stationary Reciprocating Internal Combustion Engines RICE MACT ZZZZ (MACT 4Z rule)
- Major source boiler MACT DDDDD (Boiler MACT 5D rule)
- Planting and polishing NESHAP WWWWWW (6W rule)
- Prepared feeds manufacturing NESHAP DDDDDDD (7D rule)

Because environmental regulations can vary from state to state, Ask SBEAP recommends you contact your state SBEAP who 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.

Spotlight

EPA's National Compliance Initiatives: Reducing Accidental Releases
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. SmallBiz@EPA is highlighting all 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.
Keep People and the Environment Safe by Reducing the Risks of Chemical Accidents
Thousands of facilities nationwide, many of which are small businesses or in vulnerable communities, make, use, and store extremely hazardous substances. Catastrophic accidents at these facilities—historically about 150 accidents each year—can result in fatalities and serious injuries, evacuations, and other harm to human health and the environment. These facilities are regulated under Clean Air Act (CAA) Section 112(r) through the chemical accident prevention regulations, also known as the Risk Management Program (RMP). The regulations apply to stationary sources that have a listed chemical in a process at or above an established threshold quantity. A broader statutory obligation under CAA § 112(r)(1), the General Duty Clause (GDC), applies to all stationary sources with regulated substances or other extremely hazardous substances, regardless of the quantity of chemical involved. The GDC requires facilities to identify hazards that may result from accidental releases by using appropriate hazard assessment techniques, design and maintain a safe facility, take such steps as are necessary to prevent releases, and minimize the consequences of those accidental releases that do occur. Facilities regulated under CAA § 112(r) are found in every state. EPA inspections have revealed significant noncompliance and an ongoing need for additional compliance assistance.

The goal of this NCI is to reduce the risk to human health and the environment by decreasing the likelihood of chemical accidents by having regulated facilities and industry associations work to improve safety; increase compliance with risk management plan and GDC requirements; and promote coordination and communication with state and local responders and communities.
Ammonia refrigeration is a commonly used process throughout the United States and makes up approximately 20 percent of the facilities regulated under the Risk Management Program. Many of these facilities are small businesses. Some key compliance assistance resources are:
Compliance Assistance Tools and Resources for the Ammonia Refrigeration Sector
Key Safety Standards for Ammonia Refrigeration
Improving Safety at Facilities in New England with Smaller Ammonia Refrigeration Systems
The fertilizer distribution sector makes up about 30 percent of the facilities regulated by the Risk Management Program. Many of these facilities are also small businesses. EPA developed a list of key safety measures for this sector that can be found here.
EPA has also developed two enforcement alerts to inform regulated entities of the risks of improper handling of hazardous chemicals, the related regulations, and how to comply. See:
Risks of Improper Storage of Hazardous Chemicals at Chemical Warehouses and Distribution Facilities OR Risk of Chemical Accidents During Process Startup.
For more information about this NCI, go to: https://www.epa.gov/enforcement/national-compliance-initiative-reducing-accidental-releases-industrial-and-chemical

EPA Announces Over $3 Million for Small Businesses to Develop Environmental Technologies

EPA announced $3,089,894 in funding to 30 American small businesses to develop novel technologies to address pressing environmental and public health problems. These companies are employing innovative approaches like an automated waste sorting system at the point of disposal; a system that employs technology to capture and destroy airborne bacteria and viruses; and a monitoring system that can map methane concentrations and emissions over large areas.
EPA's Small Business Innovation Research (SBIR) Program runs an annual, two-phase competition for funding. Thirty small businesses were selected to receive up to $100,000 of Phase I funding for six months for "proof of concept" of their proposed technology. Companies that complete Phase I can then apply to receive Phase II funding of up to $400,000 to further develop and commercialize their technology.
This regulation is effective December 15, 2021. Objections and requests for hearings must be received on or before February 14, 2022 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the SUPPLEMENTARY INFORMATION). Contact: Marietta Echeverria, Acting Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; (703) 305-7090, RDFRNotices@epa.gov.
https://www.epa.gov/newsreleases/epa-announces-over-3-million-funding-small-businesses-develop-environmental

14.1 Million to Fund Environmental Justice Grants

EPA announced they are providing $14.1 million in environmental justice grant funding for 133 grants. Ninety-nine recipients have been selected to receive up to $75,000 each, and 34 grant recipients have been selected to receive up to $200,000 each. EPA has indicated that the "2021 Environmental Justice Small Grants program selections will benefit communities in 37 states, as well as Washington DC and Puerto Rico." These projects cover a number of topics including "impacts of the COVID-19 pandemic, air monitoring, indoor/outdoor air quality, food access, community planning, water treatment training,

community agriculture, green jobs and infrastructure, emergency preparedness and planning, toxic exposures, water quality, and healthy homes projects."
For more information, go to EPA's press release.

EPA Finalizes Greenhouse Gas Standards for Passenger Vehicles, Paving Way for Zero-Emissions Future

EPA finalized the most ambitious federal greenhouse gas (GHG) emissions standards for passenger cars and light trucks ever. The final standards, for Model Years (MY) 2023 through 2026, leverage advances in clean car technology to unlock $190 billion in net benefits to Americans, including reducing climate pollution, improving public health, and saving drivers money at the pump. The final rule also delivers more net benefits to consumers than the proposed rule showcasing how zero-emission vehicles are more affordable and more efficient for consumers. EPA is planning to initiate a separate rulemaking to establish multi-pollutant emission standards under the Clean Air Act for MY 2027 and later that will speed the transition of the light-duty vehicle fleet toward a zero-emissions future.
The finalized standards are the most ambitious vehicle emissions standards for greenhouse gases ever established for the light-duty vehicle sector in the United States. They are based on sound science and grounded in a rigorous assessment of current and future technologies with supporting analysis that shows the standards are achievable and affordable. EPA's final standards for 2025 and 2026 deliver greater net benefits and emissions reductions than those proposed in the initial rulemaking stage in August of 2021. Through 2050, the program will result in avoiding more than 3 billion tons of GHG emissions which is equivalent to more than half the total U.S. CO2 emissions in 2019.
These ambitious standards are cost-effective and achieve significant public health and welfare benefits, exceeding the costs by as much as $190 billion. Benefits include reduced impacts of climate change, improved public health from lower pollution, and cost savings for vehicle owners through improved fuel efficiency. American drivers will save between $210 billion and $420 billion through 2050 on fuel costs. On average over the lifetime of an individual MY 2026 vehicle, EPA estimates that the fuel savings will exceed the initial increase in vehicle costs by more than $1,000 for consumers. While these standards are ambitious, they provide adequate lead time for manufacturers to comply at reasonable costs. The final standards have been calibrated to align with and support auto company investments in clean vehicles. Companies are announcing unprecedented plans for an increasing diversity and production volume of zero- and near-zero emissions vehicle models, while also implementing a broad array of advanced gasoline vehicle GHG emission-reducing technologies. $7.5 billion infrastructure improvements are allocated for EV charging and related programs with a target of having 500,000 public charging stations by 2030 to create a convenient national network. More than $7 billion is set aside for investments in battery manufacturing, materials, and recycling to drive down costs, increase sustainability, and build the batteries that will power the future. For more information on the final rule, please visit: epa.gov/LDV.
https://www.epa.gov/newsreleases/epa-finalizes-greenhouse-gas-standards-passenger-vehicles-paving-way-zero-emissions

New Report Shows Climate Change is Influencing Seasonal Events in the U.S. and Impacting Peoples' Health and Environment

EPA issued a new report, Seasonality and Climate Change: A review of observed evidence in the United States, showing how climate change is affecting seasonal events and processes across the United States. Longer growing seasons, more heat waves, earlier snowmelt, and changes in leaf and bloom dates: These are just a few of the ways in which climate change is altering the nature of seasonal events. The report uses long-term historical data tracking dozens of climate indicators to describe these changes and how they affect physical, ecological, and human systems, as well as our

everyday lives. Many of the changes underway can lead to harmful impacts on the environment and human health. More frequent heat waves can increase incidence of heat stroke, respiratory problems, and other adverse health conditions. Prolonged wildfire and pollen seasons can lead to increased exposure to unhealthy air quality and extra risks for people with asthma and allergies. Mountain snowpack plays a key role in the water cycle in the western U.S., and changes in mountain snowpack can affect agriculture, winter recreation, and tourism in some areas, as well as plants and wildlife. While a few changes can be beneficial– such as longer growing seasons for crops or reductions in winter heating fuel costs – the vast majority of effects on the climate are detrimental to human health and society.

The report considers three aspects of seasonality: 1) shifts in the timing of seasonal events such as the timing of first and last frost; 2) changes in the duration of seasonal events such as the length of the wildfire season; and 3) changes in the variability of events or processes that occur during certain times of the year such as the change in the number of major hurricanes or intensity of heat waves. The report can be found here:https://www.epa.gov/climate-indicators/seasonality-and-climate-change. In addition to support from the scientific literature, this report draws on data and findings from EPA's Climate Change Indicators resource. Information about Climate Change Indicators: https://www.epa.gov/climate-indicators. Information about climate change: ttps://www.epa.gov/newsreleases/epas-new-report-shows-how-climate-change-influencing-seasonal-events-us-and-impacting

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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