



Approval of the Clean Air Act, Authority for Hazardous Air Pollutants: Asbestos Management and Control; Clerical Corrections to Incorporation by Reference of Inactive Waste Disposal Rules; State of New Hampshire Department of Environmental Services

Environmental Protection Agency (EPA) is granting the New Hampshire Department of Environmental Services (NH DES) the authority to implement and enforce the amended Asbestos Management and Control Rule in place of the National Emission Standard for Asbestos (Asbestos NESHAP) as it applies to certain asbestos-related activities. NH DES's amended rule applies to all sources that otherwise would be regulated by the Asbestos NESHAP with the exception of inactive waste disposal sites that ceased operation on or before July 9, 1981. These inactive waste disposal sites are ready regulated by State rules that were approved by the EPA on January 11, 2013. This approval makes NH DES's amended Asbestos Management and Control Rule federally enforceable. In addition, EPA is correcting clerical errors in our regulations that incorporate by reference New



Hampshire rules regulating inactive waste disposal sites. This action is being taken in accordance with the Clean Air Act. This rule is effective on October 24, 2018.

For further information contact: Susan Lancy
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**DO YOU HAVE ARTICLES FOR THE SMALLBIZ@EPA
NEWSLETTER? FORWARD TO: ELNORA THOMPSON AT:
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EPA Proposes Affordable Clean Energy (ACE) Rule

The U.S. Environmental Protection Agency (EPA) proposed a new rule to reduce greenhouse gas (GHG) emissions from existing coal-fired electric utility generating units and power plants across the country. This proposal, entitled the Affordable Clean Energy (ACE) Rule, establishes emission guidelines for states to use when developing plans to limit GHGs at their power plants. The ACE Rule replaced the prior administration's overly prescriptive and burdensome Clean Power Plan (CPP) and instead empowers states, promotes energy independence, and facilitates economic growth and job creation. Pursuant to President Trump's Executive Order 13873, which directed Federal agencies to review burdensome regulations, the EPA undertook a review of the CPP. Many believed the CPP exceeded EPA's authority under the Clean Air Act, which is why 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the rule. Additionally, the Supreme Court issued an unprecedented stay of the rule.

The proposal will work to reduce GHG emissions through four main actions:

1. ACE defines the "best system of emission reduction" (BSER) for existing power plants as on-site, heat-rate efficiency improvements;
2. ACE provides states with a list of "candidate technologies" that can be used to establish standards of performance and be incorporated into their state plans;
3. ACE updates the New Source Review (NSR) permitting program to further encourage efficiency improvements at existing power plants; and
4. ACE aligns regulations under CAA section 111(d) to give states adequate time and flexibility to develop their state plans.

The proposed ACE Rule is informed by more than 270,000 public comments that EPA received as part of its December 2017 Advance Notice of Proposed Rulemaking (ANPRM).

EPA's Regulatory Impact Analysis (RIA) for this proposal includes a variety of scenarios. These scenarios are illustrative because the statute gives states the flexibility needed to consider unit-specific factors – including a particular unit remaining useful life – when it comes to standards of performance. Key findings include the following:

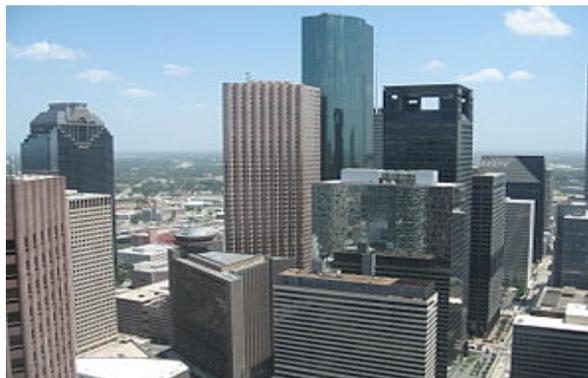
- EPA projects that replacing the CPP with the proposal could provide \$400 million in annual net benefits.
- The ACE Rule would reduce the compliance burden by up to \$400 million per year when compared to CPP.
- All four scenarios find that the proposal will reduce CO₂ emissions from their current level.
- EPA estimates that the ACE Rule could reduce 2030 CO₂ emissions by up to 1.5% from projected levels without the CPP – the equivalent of taking 5.3 million cars off the road. Further, these illustrative scenarios suggest that when states have fully implemented the proposal, U.S. power sector CO₂ emissions could be 33% to 34% below 2005 levels, higher than the projected CO₂ emissions reductions from the CPP.

EPA Updates the National Priorities List to Add Delfasco Forge Site in Grand Prairie, TX

The Environmental Protection Agency (EPA) announced its commitment to clean up the Delfasco Forge Site in Grand Prairie, TX, by adding the hazardous waste site to the Superfund Program's National Priorities List (NPL). This represents commitments from the Agency to advance cleanup to protect communities across the country. The former Delfasco Forge facility operated as a munitions manufacturing and forge operation since the 1950s. The facility ceased operations in 1998. The source of contamination is the soil and groundwater contaminated with chlorinated solvents.

For the first time, EPA is listing sites on the NPL based on subsurface intrusion, or intrusion of contaminants into occupied spaces. With this recent addition to EPA's system for assessing sites, EPA examined the threat of subsurface intrusion to support listing Rockwell International Wheel & Trim in Grenada, Mississippi and Delfasco Forge in Grand Prairie, TX.

Under the Trump Administration, the Superfund program has reemerged as a priority to fulfill and strengthen EPA's core mission of protecting human health and the environment. Since October 2017, EPA has deleted 10 full sites, and 2 partial sites from the NPL. The NPL includes the nation's most serious uncontrolled or abandoned hazardous waste sites. The list serves as the basis for prioritizing EPA Superfund cleanup funding and enforcement actions. Only sites on the NPL are eligible to receive federal funding for long-term, permanent cleanup.



EPA initiates Superfund involvement at sites when states, tribes, or communities ask for

the Agency's help, or when the Agency finds contamination during its own investigations. Sites are deleted from the NPL once the Agency completes all response actions and achieves all cleanup objectives. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), which established the Superfund program, requires EPA to update the NPL annually.

The Superfund program has been providing important health benefits to communities across the country for more than 35 years. Superfund cleanups also strengthen local economies. Data collected through 2017 shows that at 487 Superfund sites in reuse, approximately 6,600 businesses generated \$43.6 billion in sales and employed 156,000 people who earned a combined income of \$11.2 billion.

For further information contact: Media Contacts at R6Press@epa.gov or 214 665-2200.

SMALL BUSINESS ENVIRONMENTAL ASSISTANCE PROGRAMS (SBEAP) Q & A'S



Question: So, SBEAP, what is this new column all about?

Answer: Welcome to our new monthly segment, Ask the SBEAP professional. Specialists from the [National Small Business Environmental Assistance Program](#), known as SBEAP (pronounced ESS-beep), will answer your common environmental compliance questions through this new column in the ASBO Bulletin.

So what is SBEAP and how does it serve the business community? Basically, this program exists in every state and is designed to help small businesses with free, confidential, environmental compliance assistance. Ever wondered if you need state or federal air, waste or storm water permits? Your state SBEAP professional knows, or at least knows how to make getting the answer easier!

To contact your state SBEAP, simply go to our [national map](#) and click on your state. Then call or email us with your questions, and we will be happy to assist you...no strings attached. If you want to learn more about why SBEAP is a federally mandated program under the Clean Air Act Amendments of 1990, simply go to our "[About us](#)" page and read further.



EPA FEDERAL REGISTER NOTICES

SUBJECT: Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regional Haze Plan and Visibility Requirements for the 2010 Sulfur Dioxide and the 2012 Fine Particulate Matter Standards

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

SUBJECT: National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Whitehouse Oil Pits Superfund Site

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

Federal Register: Vol. 83, No. 182,
Wednesday, Sept. 19, 2018/Rule/Regulations
AGENCY: EPA
ACTION: File Rule

EPA Region 4 announces the deletion of the Whitehouse Oil Pits Superfund Site, also known as “Whitehouse Waste Oil Pits”, located in Whitehouse, Florida, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan. The EPA and the State of Florida, through the Florida Department of Environmental Protection, have determined that all appropriate response actions under CERCLA, other than operation and maintenance, monitoring, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund. For further information contact: Rusty Kestle, (404) 562-8819 email address: kestle.rusy@epa.gov

Federal Register: Vol. 83, No. 185,
Monday, Sept. 24, 2018/Rules/ Regulations
AGENCY: EPA
ACTION: Final Rule

SUMMARY: The EPA is approving a state implementation plan (SIP) revision submitted by the State of West Virginia. This SIP revision changes West Virginia’s reliance on the Clean Air Interstate Rule to reliance on the Cross-State Air Pollution Rule (CSAPR) with the purpose of addressing certain regional haze requirements and the visibility protection requirements for the 2010 sulfur dioxide (SO₂) national ambient air quality standards. EPA is approving this SIP revision and consequently converting the Agency’s prior limited approval or limited disapproval of West Virginia’s regional haze SIP revision to a full approval and withdrawing the federal implementation plan provisions for addressing our prior limited disapproval. Based on our full approval of West Virginia’s regional haze program, EPA is also approving the portions of West Virginia’s infrastructure SIP revisions for the 2010 SO₂ and 2012 fine particulate matter NAAQS addressing visibility protection requirements. This action is being taken under the Clean Air Act. For further information contact: Emlyn Velez-Rosa, (215) 814-2038, email at velez-rosa.emlyn@epa.gov.