EPA Releases Initial List of Programs Covered Under the Biden-Harris Administration’s Justice40 Initiative

On June 24, 2022, EPA released an initial list of programs covered under the Biden-Harris Administration’s Justice40 Initiative, which aims to deliver 40 percent of the overall benefits of climate, clean energy, affordable and sustainable housing, clean water, and other investments to disadvantaged communities. Under Administrator Michael S. Regan’s leadership, EPA has been integral to fulfilling President Biden’s whole-of-government approach to advancing environmental justice and delivering on the President’s Executive Order on Tackling the Climate Crisis at Home and Abroad.

EPA’s initial list includes 72 programs covered by the Justice40 Initiative. These programs range from the Agency’s Lead Risk Reduction Program to the newly created Clean School Bus Program, which was established through the Bipartisan Infrastructure Law. A full list of EPA programs covered by the Justice40 Initiative can be found here.

The initial list of announced Federal covered programs can be found at: www.whitehouse.gov/environmentaljustice/justice40. More information on Justice40 at EPA can be found at: epa.gov/environmentaljustice/justice40-epa. Read the press release.

Implementing Statutory Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory Beginning with Reporting Years 2021 and 2022

EPA is updating the list of chemicals subject to toxic chemical release reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA). Specifically, this action updates the regulations to identify five per- and polyfluoroalkyl substances (PFAS) that must be reported pursuant to the National Defense Authorization Act for Fiscal Year 2020 (FY2020 NDAA) enacted on December 20, 2019. As this action is being taken to conform the regulations to a Congressional legislative mandate, notice and comment rulemaking is unnecessary. This final rule is effective August 17, 2022. The docket for this action, identified by docket identification (ID) number EPA-HQ-TRI-2022-0453, is available at https://www.regulations.gov. Read the rule in the Federal Register.
Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule; Extension of Comment Period

On June 21, 2022, EPA published a proposed rule titled “Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule” (87 FR 36920). EPA is extending the comment period for this proposed rule. Comments must be received on or before October 6, 2022. Read the Federal Register Notice.

Community Right-To-Know: Adopting 2022 North American Industry Classification System (NAICS) Codes for Toxics Release Inventory (TRI) Reporting

EPA is proposing to update the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of Management and Budget (OMB) 2022 NAICS code revision. OMB updates the NAICS codes every five years. EPA currently uses 2017 NAICS codes and is proposing to implement the 2022 codes for TRI Reporting Year 2022 (i.e., facilities reporting to TRI would be required to use 2022 NAICS codes on reports that are due to the Agency by July 1, 2023). The actual data required by a TRI form will not change as a result of this rulemaking, nor will the rule affect the universe of TRI reporting facilities that are required to submit reports to the Agency under the Emergency Planning and Community Right-to-Know Act (EPCRA).

Comments must be received on or before September 20, 2022. Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2022-0387, through the Federal eRulemaking Portal at https://www.regulations.gov. Read the proposed rule in the Federal Register.

Improvements for Heavy-Duty Engine and Vehicle Test Procedures

This final rule includes corrections, clarifications, additional flexibilities, and adjustment factors to improve the Greenhouse gas Emissions Model (GEM) compliance tool for heavy-duty vehicles while more closely matching the outputs produced by the original GEM version 3.0 that was used to establish the CO2 standards for Model Years 2021 and later in the 2016 Heavy-duty Phase 2 final rule. Given the nature of this rule, there will be neither significant environmental impacts nor significant economic impacts.

This final rule is effective on August 29, 2022. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register as of August 29, 2022. Read the rule in the Federal Register.

Industrial, Commercial, and Institutional Boilers and Process Heaters: National Emission Standards for Hazardous Air Pollutants (NESHAP) for Major Sources

EPA has promulgated National Emission Standards for Hazardous Air Pollutants from three major source categories: Industrial boilers, commercial and institutional boilers, and process heaters. The final emission standards for control of mercury, hydrogen chloride, particulate matter (as a surrogate for non-mercury metals), and carbon monoxide (as a surrogate for organic hazardous emissions) from coal-fired, biomass-fired, and liquid-fired major source boilers are based on the maximum achievable control technology. In addition, all major source boilers and process heaters are subject to a work practice standard to periodically conduct tune-ups of the boiler or process heater. To learn more and read a pre-publication of the amendments, visit epa.gov/stationary-sources-air-pollution/industrial-commercial-and-institutional-boilers-and-process-0#rule-history.
Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program in Refrigeration, Air Conditioning, and Fire Suppression

Pursuant to EPA’s Significant New Alternatives Policy program, this action proposes to list certain substances as acceptable subject to use conditions in the refrigeration and air conditioning sector for chillers—comfort cooling, residential dehumidifiers, non-residential dehumidifiers, residential and light commercial air conditioning and heat pumps, and a substance as acceptable subject to use conditions and narrowed used limits in very low temperature refrigeration. Through this action, EPA is proposing to incorporate by reference standards which establish requirements for electrical air conditioners, heat pumps, and dehumidifiers, laboratory equipment containing refrigerant, safe use of flammable refrigerants, and safe design, construction, installation, and operation of refrigeration systems.

Additionally, this action proposes to list certain substances as acceptable subject to use conditions in the fire suppression sector for certain streaming and total flooding uses. Finally, EPA requests advance comment on potential approaches to SNAP listing decisions for very short-lived substances that have ozone depletion potentials similar to those of ozone-depleting substances scheduled to be phased out. Comments must be received on or before September 12, 2022, under Docket ID No. EPA-HQ-OAR-2021-0836. Read the proposed rule in the Federal Register.

Key Dates and Upcoming Opportunities

EPA Community Grants

In FY 2022, Congress appropriated resources for 483 congressionally directed water infrastructure projects (EPA Community Grants) totaling $841 million. These projects provide a valuable source of federal funding for water infrastructure that will complement the resources Congress provided in the Bipartisan Infrastructure Law and the annual appropriations process. EPA is working on a final implementation guidance to explain the grant process and requirements and to stand up administrative and program procedures for this new grant program.

In the meantime, EPA has issued Planning Instructions for Regions and Recipients, which describe how EPA plans to award and administer the community grants and provides an overview of associated requirements for recipients to receive grant awards. EPA conducted two webinars in July 2022 to discuss the Planning Instructions and to address questions from community grant recipients. Learn more about EPA Community Grants.

EPA Announces $8 Million in Grants Available for Tribes and Insular Areas to Replace Diesel Equipment and Reduce Harmful Emissions

On August 4, 2022, EPA announced the availability of grant funding to Tribal and certain Insular Area governments to implement projects aimed at reducing emissions from the nation's existing fleet of older diesel engines. EPA anticipates awarding approximately $8 million in Diesel Emissions Reduction Program (DERA) grants to eligible applicants, subject to the availability of funds.

Matching funds are not required for eligibility for the program. Application packages must be submitted electronically to EPA through Grants.gov by October 26, 2022 to be considered for funding. Although funding for both Tribes and Insular Areas is being announced under this single Request for Application, the applications will be reviewed separately.
EPA will host several information sessions regarding this funding opportunity. Webinar links and dial-in information for the information sessions can be found at: www.epa.gov/dera/tribal-insulararea. For more information and to access the Request for Applications, visit epa.gov/dera/tribal-insulararea. For general information on the DERA Program, visit epa.gov/dera.

Through separate funding under the Bipartisan Infrastructure Law, Clean School Bus program rebates are also available. Indian tribes, tribal organizations, or tribally controlled schools responsible for the purchase of school buses or providing school bus service for a Bureau of Indian Affairs funded school can apply for these rebates at epa.gov/cleanschoolbus/school-bus-rebates-clean-school-bus-program#overview by August 19, 2022. Read the press release.

**EPA Seeks Input on Latest Pollution Prevention Grant Opportunity Funded by $100 Million Investment from President Biden’s Bipartisan Infrastructure Law**

July 28, 2022, EPA announced two listening sessions to collect input on the development of a new grant opportunity made possible by the $100 million investment in the Agency’s Pollution Prevention (P2) program from President Biden’s Bipartisan Infrastructure Law. The new grant opportunity will encourage products, purchasing, and/or supply chains that are safer, more sustainable, and environmentally preferable and advance the Biden-Harris Administration’s bold environmental agenda. The P2 program also delivers on President Biden’s Justice40 commitments to deliver 40% of benefits from climate, clean energy and pollution reduction investments, including from the Bipartisan Infrastructure Law, to underserved or overburdened communities.

This new grant opportunity is in addition to the P2 grant opportunities announced earlier this year for states and Tribes to develop and provide businesses with information, training, and tools to help them adopt P2 practices. These included a new P2 grant opportunity of approximately $14 million funded by the Bipartisan Infrastructure Law, which built upon the traditional P2 grants program that has been administered by the Agency for over 25 years. EPA anticipates announcing the awardees for these opportunities in the coming months.

Register for the webinars using the following links:
- Register for the Sept. 7 listening session for tribes and intertribal consortia: 2-3:30 p.m. EDT
- Register for the Sept. 8 listening session for other potential applicants and stakeholders: 1-2:30 p.m. EDT

Written feedback will also be accepted through Sept. 30 at EPP_SaferChoice_Grants@epa.gov. Read more about P2 and the P2 Grant Program. Read the press release.

**EPA Announces Initial Availability of $11 Million for Technical Assistance Centers to Support Underserved Communities**

On August 5, 2022, EPA announced the availability of $11 million in initial grant funding to establish Environmental Justice (EJ) Thriving Community Technical Assistance Centers across the nation. The EPA funding is available under the first year of a partnership with the Department of Energy, with future phases of up to 10 multi-year awards for a maximum potential program value of $50 million.

The Centers will provide an unprecedented level of support to help ensure that federal resources are equitably distributed and meet the on-the-ground environmental justice challenges that communities have faced for generations. The Centers will provide technical assistance, training, and capacity-building support to communities with environmental justice concerns and their partners. They will also assist with navigating federal systems such as Grants.gov and SAM.gov, effectively managing and leveraging grant
funding, and translation and interpretation services for limited English-speaking participants. The initial $11 million in grant funding is being provided by EPA.

The support provided will focus on building community-centered collaborations through meaningful engagement, guidance on accessing other forms of support and technical assistance across the federal government, and assistance with writing grant proposals. This program will coordinate with and complement the Department of Transportation’s Thriving Communities Initiative that provides technical assistance and capacity building resources to improve and foster thriving communities through transportation improvements.

This opportunity is available to public and private universities and colleges; public and private nonprofit institutions/organizations; and collaborating tribal governments. Applications are due on October 4, 2022. Awards will be issued as cooperative agreements and EPA will be substantially involved in the operation of the centers.

For more information on this opportunity: [epa.gov/environmentaljustice/environmental-justice-thriving-communities-technical-assistance-centers]. For more information on other grant funding and technical assistance: [epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance]. Read the press release.

19th Annual EPA Drinking Water Workshop: Small System Challenges and Solutions

August 29, 2022 - September 1, 2022, Covington, KY
EPA's free annual drinking water workshop, held in partnership with ASDWA, will take place in person on August 29 - September 1, 2022, and will provide in-depth information and training on solutions and strategies for handling small drinking water system challenges. The workshop will begin on Monday evening with networking opportunities and will end on Thursday afternoon with in-depth training sessions. Several of the sessions will be offered via live broadcast webinar for those unable to attend in person. Primarily designed for tribal, state, and territory personnel responsible for drinking water regulations compliance and treatment technologies permitting, the workshop will provide current information, resources, and training needed to help in building systems capacity and sustainably and with providing equitable access to drinking water. System owners and operators, local and government personnel, academics, design engineers, technical assistance providers, and consultants may also benefit from attending workshop sessions. Learn more about the workshop.

Biden-Harris Administration Announces $132 Million for EPA’s National Estuary Program from the Bipartisan Infrastructure Law

On July 26, 2022, EPA announced an unprecedented investment of $132 million from President Biden's Bipartisan Infrastructure Law over the next five years for important work to protect and restore estuaries of national significance, funding projects to address climate resilience, prioritize equity, and manage other key water quality and habitat challenges across 28 estuaries along the Atlantic, Gulf and Pacific coasts and in Puerto Rico. EPA Administrator Michael S. Regan highlighted the historic investment during a visit to Caño Martín Peña tidal channel in the San Juan Bay Estuary system as part of his Journey to Justice tour visit to Puerto Rico.

For additional information regarding the National Estuary Program, visit: [epa.gov/nep]. For additional information regarding the Bipartisan Infrastructure Law funding for the National Estuary Program go to: [epa.gov/infrastructure]. Read the press release.
Dear Ms. Tammy Dell,

According to the Clean Water Act, each state must develop and implement Total Maximum Daily Loads, or TMDLs, for all the waters identified on their Section 303(d) list of impaired waters. TMDLs are developed to achieve water quality goals for the priority waterbodies with the collaboration of states, federal agencies, tribes, stakeholders and the public. Or in other words, TMDL is the maximum amount of pollutant that a body of water can receive while still meeting water quality standards for public health and healthy ecosystems.

TMDLs are developed using a range of techniques, from simple mass balance calculations (TMDL = WLA + LA + MOS) to complex water quality modeling approaches. Pollutant sources are characterized as either point sources that receive a waste load allocation, or WLA, or nonpoint sources that receive a load allocation, or LA. TMDLs must also account for seasonal variations in water quality and include a margin of safety, or MOS, to account for uncertainty in predicting how well pollutant reductions will result in meeting water quality standards.

The EPA’s regulations require public involvement in developing TMDLs, however, the level of citizen involvement in the TMDL process varies by state. Local citizens sometimes have more knowledge about their watersheds than state agencies, and this information can be a valuable aspect of TMDL development. Public participation is also encouraged for reviewing and commenting on a proposed TMDL. Call your state’s Small Business Environmental Assistance Program or the TMDL state contact and find out how you can be of help!

Spotlight

EPA Earns an “A+” on the Annual Small Business Procurement Scorecard

On August 5, 2022, Administrator Michael S. Regan acknowledged the Agency’s “A+” grade on the Fiscal Year (FY) 2021 Small Business Procurement Scorecard and recognized the collective efforts of EPA’s Office of Small and Disadvantaged Business Utilization and entire acquisition workforce. EPA has earned a scorecard grade of “A” for the last 13 consecutive years. Receiving the highest possible score in FY 2021 recognizes the Agency’s record of small business contracting support, exceeding all ten of the prime contracting and subcontracting small business goals.

“I am so proud of the hardworking teams that made this award possible, and even more proud of our long-standing record of support for our small businesses, which are the heart and soul of our nation’s economy,” said Administrator Michael S. Regan. “I know we will remain relentless in our commitment
to supporting small businesses as they continue to grow, innovate, and create generational wealth and sustainable communities across our country.”


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
1200 Pennsylvania Avenue, N.W.
Mail Code: 1230A
Washington, D.C. 20460

Hotline: 800-368-5888
Email: asbo@epa.gov
Website: epa.gov/resources-small-businesses/asbo