



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

January 2023

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Coming soon! A new look and subscription service for the SmallBiz@EPA monthly newsletter is on the way. Subscribers should look out for an upcoming email with more information and instructions to ensure no disruption of service.

Policy & Regulation

EPA Proposes Rule to Enhance Reporting of PFAS Data to the Toxics Release Inventory

On December 5, 2022, EPA proposed a rule that would improve reporting on per- and polyfluoroalkyl substances (PFAS) to the Toxics Release Inventory (TRI) by, among other proposed changes, eliminating an exemption that allows facilities to avoid reporting information on PFAS when those chemicals are used in small, or de minimis, concentrations. Because PFAS are used at low concentrations in many products, this rule would ensure that covered industry sectors and federal facilities that make or use TRI-listed PFAS will no longer be able to rely on the de minimis exemption to avoid disclosing their PFAS releases and other waste management quantities for these chemicals. If finalized, this proposal would also make the de minimis exemption unavailable for purposes of supplier notification requirements to downstream facilities for all chemicals on the list of chemicals of special concern, which also includes certain persistent, bioaccumulative and toxic chemicals like lead, mercury, and dioxins. This change will help ensure that purchasers of mixtures and trade name products containing these chemicals are informed of their presence in mixtures and products they purchase. Comments must be received on or before February 3, 2023. [Read the proposed rule in the Federal Register.](#) [Read the press release](#)

EPA Issues Guidance to States to Reduce Harmful PFAS Pollution

On December 6, 2022, EPA released a memorandum to states that provides direction on how to use the nation's bedrock clean water permitting program to protect against per- and polyfluoroalkyl substances (PFAS). The released guidance, which outlines how states can monitor for PFAS discharges and take steps to reduce them where they are detected, is part of the Agency's holistic approach to addressing these harmful forever chemicals under EPA's [PFAS Strategic Roadmap](#).

This action is a critical step in EPA's efforts to restrict PFAS at their source, which will reduce the levels of PFAS entering wastewater and stormwater systems and ultimately lower people's exposure to PFAS through swimming, fishing, drinking and other pathways. [Read the press release](#)

EPA Proposes Rule to Advance Transition to Safer, More Efficient Heating and Cooling Technologies

On December 9, 2022, EPA announced a proposed rule under the American Innovation and Manufacturing (AIM) Act to advance the transition to more efficient heating and cooling technologies by restricting the use of super-polluting hydrofluorocarbons (HFCs) in certain products and equipment where more climate friendly alternatives are available. The proposed rule, which would apply both to imported and domestically manufactured products, will help ensure a level playing field for American businesses that are already transitioning to next-generation, safer alternatives and more energy efficient technologies.

The bipartisan AIM Act provides the tools that allow the United States to implement a national HFC phasedown to comply with the Kigali Amendment, as well as provisions to help transition technologies away from HFCs and manage the use of HFCs through maximizing their reclamation and minimizing their release. EPA is planning to issue a proposed rule to address the management of HFCs and their substitutes next year.

Comments on the proposed rule are due 45 days after publication. There will also be an opportunity for a virtual public hearing within 15 days after publication. Please see the proposal for further information on how to comment. [Fact Sheet](#). [More information on the rule and how to comment](#). [Read the press release](#).

Significant New Use Rules on Certain Chemical Substances (21-1.5e)

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) and a Microbial Commercial Activity Notice (MCAN). 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 January 31, 2023. [Read the rule in the Federal Register](#)

EPA Takes Next Steps in Renewable Fuel Standard Program for 2023-2025

On December 1, 2022, EPA issued a multi-part proposal that will build on the strong foundation for the Renewable Fuel Standard (RFS) program started in the Biden-Harris Administration and seeks to advance the priorities of energy security, less pollution, and consumer protection. The RFS "Set" proposal requests public input on required volumes of biofuel for the next one to three years and on a series of important modifications to strengthen and expand the program. The agency is seeking public input on the proposal to help shape the RFS program in the years ahead.

This proposed rule would increase U.S. energy security by reducing U.S. oil imports by roughly 160,000 to 180,000 barrels of oil per year over the time frame of the proposed rule, 2023 to 2025. The anticipated value of the energy security benefits over the time frame of the proposed rule ranges from \$200-\$223 million per year. [Read the press release](#)

Final Amendments to Air Toxics Standards for Site Remediation

On December 14, 2022, the U.S. Environmental Protection Agency finalized amendments to the Site Remediation National Emission Standards for Hazardous Air Pollutants (NESHAP). This action completes the reconsideration to remove exemptions from the rule for site remediation activities performed under authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as a remedial action or a non-time-critical removal action, and for site remediation activities performed under a Resource Conservation and Recovery Act (RCRA) corrective action conducted at treatment, storage, and disposal facilities. EPA estimated two tons of reductions in hazardous air pollutant emissions from covered sources as a result of this final action.

Site remediations subject to the final rule are required to control emissions of organic HAP by meeting emissions limitations and work practice standards reflecting the application of maximum achievable control technology (MACT). The final rule applies to certain types of site remediation activities that are collocated at facilities where non-remediation sources are a major source of HAP emissions. [Read the fact sheet to the Final Amendments.](#)

EPA Preposes Updated Requirements to Regulation Governing State Plans for Existing Sources

On December 14, 2022, the U.S. Environmental Protection Agency (EPA) proposed updates to the Agency's regulations governing the timelines and other requirements for state plans to limit pollution from existing sources under section 111(d) of the Clean Air Act. The proposed updates to the Implementing Regulations would:

- Revise state plan timing requirements, including the allowed time for states to submit plans and for EPA to review them, for states to establish "increments of progress," and for EPA to issue a federal plan if a state does not submit a plan that is approvable.
- Add mechanisms to make state plan submission, review, approval and implementation more flexible and efficient, such as parallel processing, and partial approval and disapproval.
- Provide states clear guidance on when they can apply a less-stringent standard to a facility or class of facilities.
- Require states and EPA to conduct meaningful engagement as part of state plan and federal plan development, including with communities and Tribal Nations most affected by, and vulnerable to, the plans' impacts.
- Require states to submit plans electronically.

The proposal would also amend the definition of performance standard and would clarify compliance flexibilities that EPA could approve in a state plan. The proposed updates to the Implementing Regulations would apply to state plans developed for Emissions Guidelines published after July 8, 2019. The proposed updates would apply to all state plans, unless specific Emissions Guidelines include requirements that are different. In those cases, requirements in the Emissions Guidelines would supersede requirements in the Implementing Regulations.

EPA will take public comment on the proposed updates through Feb. 27, 2023, in addition to holding a virtual public hearing. [Read the Fact Sheet for the Proposed Rule](#)

Miscellaneous Organic Chemical Manufacturing: National Emission Standards for Hazardous Air Pollutants (NESHAP)

The national emission standards for hazardous air pollutants (NESHAP) for the miscellaneous organic chemical (MON) manufacturing industry established emission limits and work practice standards. These limits and standards are for new and existing MON manufacturing process units, wastewater treatment and conveyance systems, transfer operations, and associated ancillary equipment. They also implemented section 112(d) of the Clean Air Act (CAA) by requiring all major sources to meet hazardous air pollutants (HAP) emission standards to reflect application of the maximum achievable control technology (MACT).

The HAP emitted from MON manufacturing facilities include toluene, ethylene oxide, methanol, xylene, hydrogen chloride, and methylene chloride. Exposure to these substances may cause adverse health effects such as irritation of the lung, eye, and mucous membranes, effects on the central nervous system, and cancer. The final rule will reduce HAP emissions by 16,800 tons per year for existing facilities that manufacture miscellaneous organic chemicals. [Read the summary and proposed rule.](#)

Final EPA Standards for Heavy-Duty Vehicles to Slash Dangerous Pollution and Take Key Step Toward Accelerating Zero-Emissions Future

On December 20, 2022, EPA finalized the strongest-ever national clean air standards to cut smog- and soot-forming emissions from heavy-duty trucks beginning with model year 2027. The new standards, which is the first update to clean air standards for heavy duty trucks in more than 20 years, are more than 80% stronger than current standards.

[Learn more information on the Heavy-Duty NOx rule. Read the press release](#)

Key Dates and Upcoming Opportunities

EPA Announces \$52M in Grants for States to Support Clean Water, Flood Resilience, and Water Equity

On November 29, 2022, EPA announced the availability of \$52 million in grants to help communities improve essential stormwater infrastructure. EPA's Sewer Overflow and Stormwater Reuse Municipal Grants will be used by states to invest in projects that reduce flooding and help prevent contaminants from polluting waterways. The agency is also implementing new requirements under the Bipartisan Infrastructure Law to help states support projects in small and financially distressed communities. EPA will work with states to implement new requirements created by the Bipartisan Infrastructure Law that direct states to invest at least 25 percent of allotted funds in projects in small or financially distressed communities. The agency is enhancing flexibility related to non-Federal cost share, to remove a potential barrier from investing in these communities.

[Learn more about the Sewer Overflow and Stormwater Reuse Municipal Grant program and the Water Infrastructure Investments through the Bipartisan Infrastructure Law. Read the press release](#)

Deadline Extended to Apply for \$100 Million in Grants Toward Recycling Infrastructure and Education and Outreach!

On December 16, 2022, the U.S. Environmental Protection Agency (EPA) extended the grant application deadlines to February 15, 2023, at 11:59 p.m. (ET) for the Solid Waste Infrastructure for Recycling (SWIFR) grants for political subdivisions and the Recycling Education and Outreach (REO) grants. These two grant programs support improvements to local waste management systems and recycling education and outreach, meeting our nation's goal to create a stronger, more resilient, and cost-effective recycling system. After extensive stakeholder engagement and in response to numerous requests received in webinars and emails from interested parties, EPA has extended the original 60-day application timeline for 30-days for each funding opportunity. Community engagement and feedback is very important to EPA, and the Agency is committed to ensuring potential applicants have the extra time to prepare the best possible applications.

[For more information go to the Solid Waste Infrastructure for Recycling Grant Program webpage](#) and the [Consumer Recycling Education and Outreach Grant Program](#).

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 2022, and turn the calendar to 2023, 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 \(Boiler MACT 5D rule\)](#)
- [Plating and polishing NESHAP WWWW \(6W rule\)](#)
- [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 at https://nationalsbeap.org/states](https://nationalsbeap.org/states). As always, if you need additional assistance, you can email [Ask SBEAP \(info@nationalsbeap.org\)](mailto:AskSBEAP@nationalsbeap.org) or call us at 800-578-8898.

Spotlight

EPA Releases Annual Automotive Trends Report

On December 12, 2022, EPA released its annual Automotive Trends Report, which shows that model year (MY) 2021 vehicle fuel economy remained at a record high while emission levels reached a record low. The report also shows all 14 large automotive manufacturers achieved compliance with the Light-duty Greenhouse Gas (GHG) standards through at least MY2020.

Overall, advancements in technology are helping industry reach these carbon reduction achievements. [Read the full EPA Automotive Trends Report.](#) [Explore Trends data through EPA's interactive data tool.](#) [Read the press release](#)

EPA Announces FY 2022 Enforcement and Compliance Accomplishments

On December 16, 2022, EPA Office of Enforcement and Compliance Assurance (OECA) announced the FY 2022 Annual Environmental Enforcement Results report, highlighting increased inspections in the aftermath of the pandemic, reductions in significant noncompliance under the Clean Water Act, and aggressive actions to target the most serious water, air, land, and chemical violations that impact communities across the country

See [EPA's FY 2022 Annual Environmental Enforcement Results](#). Members of the public can help protect our environment by identifying and reporting environmental violations at [ECHO](#). [Read the press release](#)

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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