

EPA National Environmental Justice Community Engagement Call

JANUARY 24, 2023

**Expanding the
Conversation**



**working for
environmental
justice**

Housekeeping



Please join by phone or computer, not both



You are on mute, please enter questions and comments into the Q&A pod



If selected to speak during dialogue, please limit comment to 1 minute



Recording and transcript will be available online in the near future

En Español

Tenemos interpretación en español disponible para aquellos que prefieren escuchar en español.

- Cómo cambiar el canal de audio en español
- Las personas pueden agregar preguntas en español al módulo de preguntas y respuestas
- Los materiales de la reunión estarán disponibles en español.



Spanish-language interpretation is available for those who prefer to listen in Spanish.

- ☐ *How to switch to Spanish language audio channel*
- ☐ *Individuals can add questions in Spanish to the Q&A Pod*
- ☐ *Meeting materials will be made available in Spanish.*

***MINDFULNESS
MOMENT***



mindful
EPA

AGENDA

- Welcome
- Mindfulness Moment
- Management Updates
- Office of Transportation and Air Quality (OTAC) Rail Study
- External Civil Rights Update and Form 4700-4 Process
- Secondary Lead New Source Performance Standards Proposal Office of Air Quality Planning and Standards (OAQPS)
- Adoption and Submittal of State Plans for Designated Facilities: Implementing Regulations Under Clean Air Act Section 111(D)
- Inflation Reduction Act (IRA) Updates with Q & A
- Closing Remarks/Adjourn

EPA Conflict Prevention and Resolution Center (CPRC)

EPA National EJECR Community Engagement Call

January 24, 2023



CPRC

Conflict Prevention and Resolution Center

CPRC mission

*Providing EPA with expert
collaboration and conflict
resolution services*



CPRC

Conflict Prevention and Resolution Center

Environmental Collaboration and Conflict Resolution (ECCR)

- Uses methods such as mediation and facilitation to prevent or resolve disputes between EPA and stakeholders
- Uses impartial third party, who has no stake in the outcome, to design and conduct a process for reaching agreement or facilitating discussions



CPRC

Conflict Prevention and Resolution Center

CPRC support for environmental justice and community engagement

- New approach to resolving Title VI civil rights complaints by engaging all parties in facilitated discussions to help resolve complaints
- Mediation services to resolve conflicts among grant recipients, with the goal of improving relationships and ensuring the sustainability of grant-funded work
- Design and facilitate workshops, meetings, and other forms of public involvement to support more meaningful engagement with communities, and in particular communities that have been historically neglected




CPRC

Conflict Prevention and Resolution Center

Project examples

- Facilitation of Superfund Community Advisory Groups
- Mediation and facilitation services for Title VI civil rights cases
- Module on conflict resolution and collaboration for Environmental Justice Academy
- Improved outreach to Latine community in Nampa, ID



Secondary Lead Smelters NSPS Proposal

EJ COMMUNITY ENGAGEMENT CALL
JANUARY 24, 2023

Background

- ▶ On September 11, 1974, EPA promulgated the NSPS for secondary lead smelting, which apply to new or modified facilities (subpart L).
- ▶ These standards require all new, modified, and reconstructed facilities that operate secondary lead smelters to control emissions of PM to the level achievable by the best demonstrated system of continuous emission reduction (BSER), considering costs, nonair quality health, and environmental and energy impacts.
- ▶ The 1975 NSPS were established based on BSER available at that time.

NSPS Review

- ▶ The Clean Air Act (CAA) section 111 requires EPA to determine the best system of emission reduction (BSER) for the source category and the degree of emission limitation achievable through application of the BSER (taking into account the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirements).
- ▶ EPA must then promulgate standards of performance for new sources that reflect that level of stringency.
- ▶ The CAA section 111 requires EPA to, “at least every eight years review and, if appropriate, revise,” the NSPS.

Actions

- ▶ On November 17, 2022, EPA proposed to amend the NSPS for Secondary Lead Smelters (40 CFR part 60, subpart L) and proposed a new subpart (La) that applies to affected sources constructed, reconstructed, or modified after the date of this action.
- ▶ Secondary lead smelting facilities recycle lead-bearing scrap material, mainly lead acid batteries, into elemental lead or lead alloys. The process of smelting separates lead from other metals and nonmetallic contaminants.
- ▶ There are 11 secondary lead smelters in the U.S. that are subject to the NSPS.
- ▶ Following a review of the NSPS, EPA is proposing:
 - ▶ Revisions to the definitions of blast furnace, reverberatory furnace, and pot furnace to more closely align the NSPS definitions with the definitions in the NESHAP (subpart X).

Actions

- ▶ Requirements for initial and periodic performance tests for particulate matter (PM) and opacity and incorporating the monitoring, recordkeeping, and reporting requirements, including electronic reporting of performance tests, to be more consistent with the NESHAP.
- ▶ Updated PM and opacity emissions limits under a new subpart La for blast, reverberatory, and pot furnaces that reflect the performance achieved by the BSER.
- ▶ These PM and opacity emissions limits under the new subpart La will apply at all times, including during periods of startup, shutdown, and malfunction.

Demographic, Environmental Justice and Tribal Analyses

- Based on preliminary analyses, there are five secondary lead facilities within 50 miles of 10 tribal lands.

Iowa (KS-NE)	Prairie Island
Kickapoo (KS)	Sac and Fox Nation
Kickapoo (KS) Reservation/Sac and Fox	San Manuel
Poarch Creek	Shakopee Mdewakanton Sioux
Prairie Band of Potawatomi Nation	Tampa

- The demographic profile within 5 km of the secondary lead facilities shows the following groups above the national average: African American, Hispanic, Other and Multi-racial, Hispanics, and People living in Linguistic Isolation as well as people that are 25 years old or greater without a High School Diploma.

Other Information

- ▶ EPA will accept comment on the proposal through February 1, 2023.
- ▶ Interested parties can download a copy of the proposed rule notice from EPA's website at the following addresses: <https://www.govinfo.gov/content/pkg/FR-2022-12-01/pdf/2022-25586.pdf> or <https://www.epa.gov/stationary-sources-air-pollution/secondary-lead-smelters-new-source-performance-standards-nsp>
- ▶ This action and other background information are also available electronically at <https://www.regulations.gov> using Docket ID No. EPA-HQ-OAR-2022-0481.
- ▶ For further technical information about the rule, contact Tonisha Dawson, EPA's Office of Air Quality Planning and Standards, at (919) 541-1454 or dawson.tonisha@epa.gov.



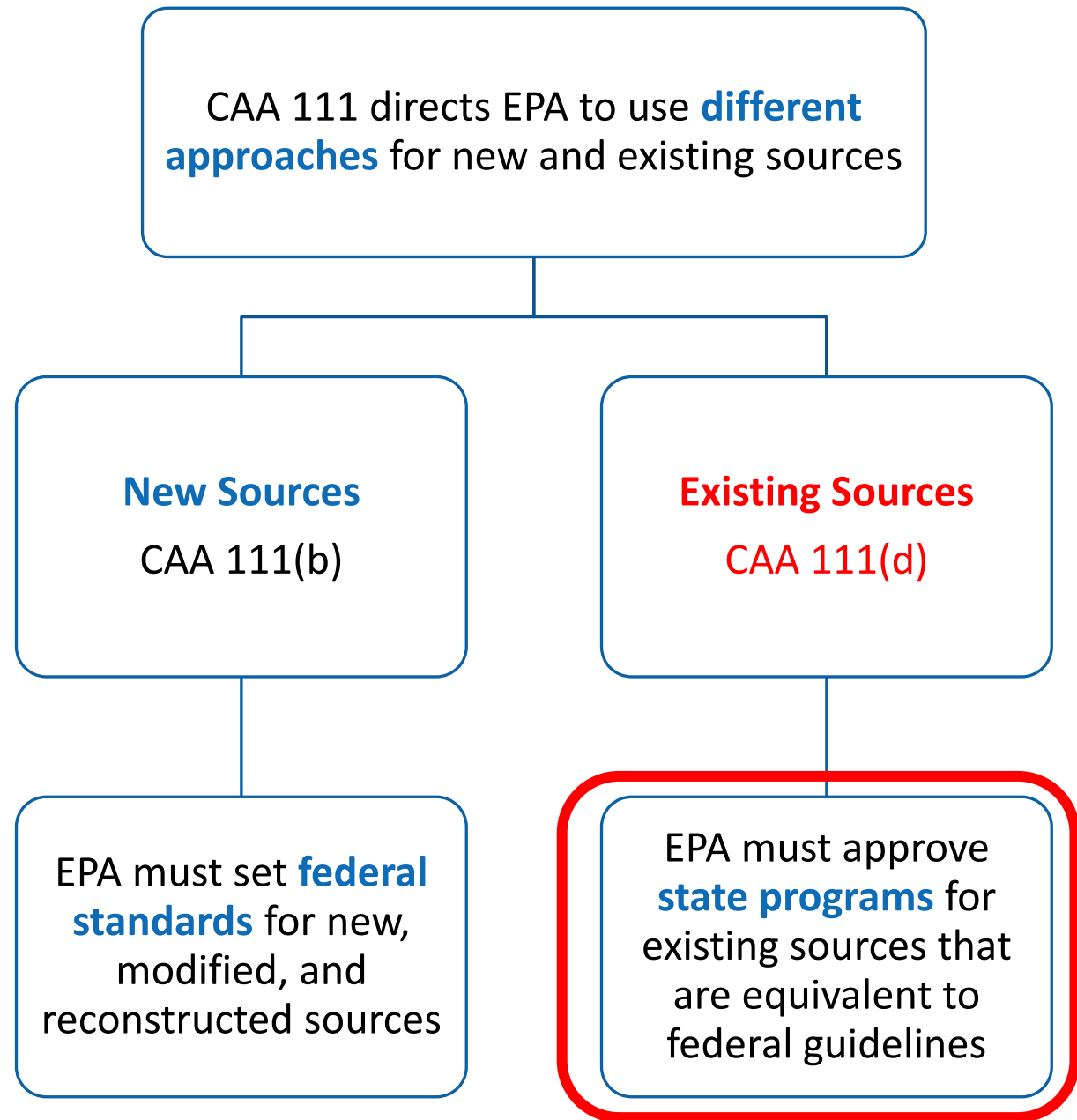
Proposed Amendments

Adoption and Submittal of State Plans for Designated Facilities: Implementing Regulations under Clean Air Act Section 111(d)

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Clean Air Act Section 111

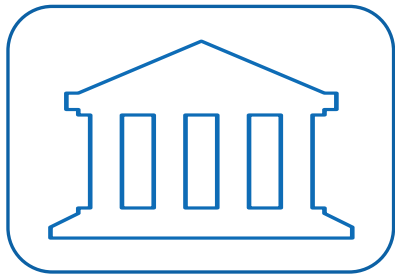
Clean Air Act (CAA) section 111 directs the Administrator to establish a mechanism for controlling certain air emissions from stationary source categories which “causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare”



Clean Air Act Section 111(d): Reducing Emissions at Existing Facilities

111(d) Implementing Regulations

40 CFR part 60 subpart Ba:
Adoption and Submittal of State Plans for
Designated Facilities



Congress
Clean Air Act
Section 111(d)



EPA
Sets **emission guidelines (EGs)**, including presumptive **standards of performance** based on the **best system of emission reduction (BSER)**



States/Tribal Nations
Develop State
Plans to submit to
the EPA



EPA
Reviews and
approves **State Plans** or issues
Federal Plans



Emissions Reductions

2022 Proposed Amendment Topics

1. Implementing Timelines
2. Meaningful Engagement with Pertinent Stakeholders
3. Remaining Useful Life and Other Factors (RULOF)

Other proposed topics:

4. Regulatory Mechanisms
5. Standard of Performance and Compliance Flexibilities
6. Updates/Electronic Submission of State Plans

Implementing Timelines

Process Step	Proposed
State Plan submission after Emission Guideline	15 months
EPA completeness determination	2 months after submission
EPA review of State Plan	12 months after completeness
EPA Federal Plan	12 months after submission deadline or disapproval if there is no approved State Plan
Requirements for Increments of Progress	If planned compliance is greater than 16 months

Meaningful Engagement

The EPA Proposes to:



Require states to identify all pertinent stakeholders and to conduct meaningful engagement during plan development



Extend minimum requirements for public notice and improve opportunities for participation by addressing potential barriers



Require states to include demonstration of meaningful engagement as part of the required completeness criteria

Remaining Useful Life and Other Factors (RULOF)

Clean Air Act section 111(d)(1) requires the EPA to **permit states to apply a different standard** to a particular existing source or class of existing sources based on the source's **remaining useful life and other factors**

The EPA is proposing clarifications and revisions for **when and how a state may seek to invoke RULOF** in its plan and for how **the EPA reviews** a submitted state plan

The proposed revisions are designed to improve **regulatory certainty and ensure consistency** during the planning and approval processes

Timing and Next Steps



Proposal

Published in the Federal Register on December 23, 2022



Outreach, and Comment

- 1) Outreach is ongoing
- 2) **Public Hearing**
January 24, 2023
- 3) **Training**
January 31, 2023
- 4) **Submit comments**
February 27, 2023



Final Rule

Planned for 2023

To read the proposed rule and summary resources, to register for the training, and for questions and comment submittal information please visit: <https://www.epa.gov/stationary-sources-air-pollution/adoption-and-submittal-state-plans-designated-facilities-40-cfr>

How to Comment

- Your comments may address any aspect of the proposal
- Comments EPA receives in writing get the same weight as comments received at the public hearing



Comment in Writing

- Comments must be received by **February 27, 2023**
- Label your comments with **Docket ID No. EPA-HQ-OAR-2021-0527**
- EPA prefers that you submit comments online through the Federal eRulemaking Portal at <https://www.regulations.gov/>
 - Type **EPA-HQ-OAR-2021-0527** in the search box
- For other ways to submit written comments, please see the published proposal at <https://www.epa.gov/stationary-sources-air-pollution/adoption-and-submittal-state-plans-designated-facilities-40-cfr>