

SMALLBIZ@EPA

EPA's Asbestos and Small Business Ombudsman Program

A MONTHLY NEWSLETTER FOR THE REGULATED SMALL BUSINESS COMMUNITY

TABLE OF CONTENTS

▶ Policy and Regulation

- ▶ Greenhouse Gas Reporting Rule...
- ▶ National Environmental Policy Act...
- ▶ EPA Advances Asbestos Part 2...
- ▶ EPA Releases Environmental Justice Toolkit for Lead Paint...
- ▶ Technical Corrections for Hazardous Waste...
- ▶ U.S. EPA OECA Issues FY 2024-2027...
- ▶ EPA Initiates New Review of the Ozone...
- ▶ Comment Period Extended for National...
- ▶ New Source Performance Standards...
- ▶ Alternate PCB Extraction Methods...

▶ Key Dates and Opportunities

- ▶ Biden-Harris Administration Announces Availability of \$115 Million...

▶ Ask SBEAP

▶ Spotlight

- ▶ EPA Releases Preliminary Data...
- ▶ National Academies of Sciences, Engineering, and Medicine Releases...
- ▶ EPA Marks One Year of Progress...
- ▶ EPA Releases Initial Nationwide...



POLICY AND REGULATION

Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems

EPA is proposing to amend requirements that apply to the petroleum and natural gas systems source category of the Greenhouse Gas Reporting Rule to ensure that reporting is based on empirical data, accurately reflects total methane emissions and waste emissions from applicable facilities, and allows owners and operators of applicable facilities to submit empirical emissions data that appropriately demonstrate the extent to which a charge is owed. The EPA is also proposing changes to requirements that apply to the general provisions, general stationary fuel combustion, and petroleum and natural gas systems

source categories of the Greenhouse Gas Reporting Rule to improve calculation, monitoring, and reporting of greenhouse gas data for petroleum and natural gas systems facilities. This action also proposes to establish and amend confidentiality determinations for the reporting of certain data elements to be added or substantially revised in these proposed amendments.

Comments must be received on or before October 2, 2023. [Read the proposed rule in the Federal Register](#)

National Environmental Policy Act Implementing Regulations Revisions Phase 2

The Council on Environmental Quality (CEQ) is proposing this “Bipartisan Permitting Reform Implementation Rule” to revise its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), including to implement the Fiscal Responsibility Act’s amendments to NEPA. CEQ proposes the revisions to provide for an effective environmental review process that promotes better decision making; ensure full and fair public involvement; provide for an efficient process and regulatory certainty; and provide for sound decision making grounded in science, including consideration of relevant environmental, climate change, and environmental justice effects. CEQ proposes these changes to better align the provisions with CEQ’s extensive experience implementing NEPA; CEQ’s perspective on how NEPA can best inform agency decision making; longstanding Federal agency experience and practice; NEPA’s statutory text and purpose, including making decisions informed by science; and case law interpreting NEPA’s requirements. CEQ invites comments on the proposed revisions. CEQ must receive comments by September 29, 2023. [Read the proposed rulemaking in Federal Register](#)

EPA Advances Asbestos Part 2 Risk Evaluation, Seeks Peer Review on White Paper

On August 2, 2023, EPA released a white paper as part of its Toxic Substances Control Act (TSCA) Risk Evaluation for Asbestos Part 2 - Supplemental Evaluation Including Legacy Uses and Associated Disposals of Asbestos for public comment and peer review. The white paper presents EPA’s quantitative approach for the human health assessment for part 2 of the risk evaluation for asbestos, which will include all fiber types and legacy uses. The agency will release the [draft risk evaluation for asbestos part 2](#) for public

comment early next year. EPA is releasing this white paper ahead of the full draft risk evaluation for public comment and peer review to allow for a focused review of key technical aspects that will benefit from independent expert review and advice. [Read the press release](#)

EPA Releases Environmental Justice Toolkit for Lead Paint Enforcement Programs

On August 7, 2023, EPA released the [Environmental Justice Toolkit for Lead Paint Enforcement Programs](#). The Toolkit provides strategies, examples, and other information for federal, state, Tribal and local government enforcement practitioners to use during all stages of environmental enforcement and compliance monitoring activities designed to eliminate harmful exposures to lead paint in housing. This resource is a compilation of best practices and supports commitments made in [EPA's Lead Strategy](#), which seeks to reduce lead exposures locally with a focus on underserved communities and promote environmental justice through a whole of government approach. [Read the press release](#)

Technical Corrections for Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule

EPA is taking direct final action on a number of technical corrections that correct or clarify several parts of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. These technical corrections correct or clarify specific provisions in the existing hazardous waste regulations that were promulgated in the Hazardous Waste Generator Improvements rule, the Hazardous Waste Pharmaceuticals rule, and the Definition of Solid Waste rule. This rule also makes other minor corrections that fall within the same sections of the hazardous waste regulations but are independent of these three rules. Examples of the types of corrections being made in this rule include, but are not limited to, correcting typographical errors, correcting incorrect or outdated citations, making minor clarifications, and updating addresses.

This rule is effective on December 7, 2023, without further notice unless the EPA receives adverse comment by October 10, 2023. [Read the rule in the Federal Register](#)

U.S. EPA OECA Issues FY 2024-2027 National Enforcement and Compliance Initiatives

On August 17, 2023, U.S. EPA's Office of Enforcement & Compliance Assurance (OECA) [announced](#) the [National Enforcement and Compliance Initiatives \(NECIs\) for Fiscal Years 2024-2027](#). EPA indicates that the Agency will focus its enforcement and compliance assurance resources on the most serious environmental violations by developing and implementing national program priorities, called NECIs. The NECIs are in addition to the EPA's core enforcement work, including protecting clean and safe water, reducing air pollution, and protecting safe and healthy land. The six NECIs for FY 2024– 2027 are:

- Mitigating Climate Change (new)
- Addressing Exposure to Per- and Polyfluoroalkyl Substances (PFAS) (new)
- Protecting Communities from Coal Ash Contamination (new)
- Reducing Air Toxics in Overburdened Communities (modified)
- Increasing Compliance with Drinking Water Standards (continued)
- Chemical Accident Risk Reduction (continued)

More information is available [here](#), including the [formal memorandum](#) issuing the NECIs. [Read the press release](#)

EPA Initiates New Review of the Ozone National Ambient Air Quality Standards to Reflect the Latest Science

On August 21, 2023, EPA announced a new review of the Ozone National Ambient Air Quality Standards (NAAQS) to ensure the standards reflect the most current, relevant science and protect people's health from these harmful pollutants. EPA Administrator Michael Regan reached this decision after carefully considering advice provided by the independent Clean Air Scientific Advisory Committee (CASAC). [Read the press release](#)

Comment Period Extended for National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting

EPA published a supplemental proposed rule titled "National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting." EPA is extending the comment period on this proposed rule that currently closes on September 7, 2023, by 15 days. The comment period will now remain open until September 22, 2023, to allow

additional time for Tribal Nations and stakeholders to review and comment on the proposal. [Read the proposed rulemaking in the Federal Register](#)

New Source Performance Standards Review for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels

EPA is finalizing amendments to the new source performance standards (NSPS) for electric arc furnaces (EAF) and argon-oxygen decarburization (AOD) vessels in the steel industry pursuant to the review required by the Clean Air Act. This final rule became effective August 25, 2023. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of August 25, 2023.

[Read the rule in the Federal Register](#)

Alternate PCB Extraction Methods and Amendments to PCB Cleanup and Disposal Regulations

EPA is finalizing an expanded set of extraction and determinative methods that can be used to characterize and verify the cleanup of polychlorinated biphenyls (PCBs) waste under implementing regulations for PCB-related authority in the Federal Toxic Substances Control Act (TSCA) (also referred to as the PCB regulations). These changes are expected to greatly reduce the amount of solvent used in PCB extraction processes, thereby conserving resources and reducing waste. This rule is effective February 26, 2024. [Read the rule in the Federal Register](#)



KEY DATES AND OPPORTUNITIES

Biden-Harris Administration Announces Availability of \$115 Million in Grants to Cut Harmful Diesel Engine Emissions

On August 2, 2023, EPA announced the availability of \$115 million in grant funding for projects that cut harmful pollution from the nation's existing fleet of older diesel engines. Under the Diesel Emissions Reduction Act (DERA) grant funding competition, EPA anticipates making 4-10 awards in each of EPA's ten regions to eligible applicants.

EPA is soliciting applications nationwide for projects that significantly reduce diesel

emissions and exposure, especially from fleets operating at goods movements facilities in areas designated as having poor air quality. The grant funding opportunity is open until Friday, December 1, 2023. For any questions on the application, applicants should email written questions to: dera@epa.gov. [Read the press release](#)



ASK SBEAP

Dear SBEAP:

I am a community leader and own a small metal manufacturing business in a medium- sized metropolitan area that is known for its aerospace manufacturing. My shop is considered a job shop that provides small metal parts to larger aerospace manufacturers in the same metro area. I have heard from community and university sources that the section of the city my shop (and home) is in is an environmentally overburdened, marginalized, or vulnerable community, sometimes referred to as a community with Environmental Justice concerns. Honestly, I don't understand what this means. Can you explain the concept of a community with environmental justice concerns to me as a small business owner and a community member? Are there any resources I should be aware of?

—Joe Job-shop

Dear Joe,

According to the EPA, the term “environmental justice” or EJ, is the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. If your business and/or home are located within a community with environmental justice concerns, it often means your area may be historically under resourced and disproportionately impacted by environmental or public health hazards. EJ strives to offer an equal degree of protection from environmental and health hazards as well as equal access to the community decision-making process related to ensuring a healthy environment and access to resources. **Environmental justice** is rooted in the same basic principles as **Title VI of the Civil Rights Act of 1964**, that no person should bear an unfair share of harm due to their race or national origin.

There are various tools that have helped community leaders **map out** and identify high-risk EJ areas in their communities. This is important because the Biden Administration

has a renewed commitment to advance Title VI and EJ and Congress has authorized funding for [16 Environmental Justice Thriving Community Technical Assistance Centers](#). These centers are being funded by the EPA and the Department of Energy to provide a variety of capacity-building services in communities with EJ concerns. For small businesses, capacity-building could include learning how to apply for grants that may fund pollution reduction equipment or access free services that can help you improve workplace and environmental compliance.

An existing resource that small businesses can access is the National Small Business Environmental Assistance Program found at nationalsbeap.org. This website is packed with compliance information related to air quality permits, hazardous waste management and water quality regulations. So stop wondering if any regulations apply to your small business and give your [state SBEAP](#) a call or send an email. In addition to answering your questions by phone or email, many state SBEAPs also offer on-site walkthrough visits to help them better understand your operations.



SPOTLIGHT

EPA Releases Preliminary Data for 2022 Toxics Release Inventory Reporting Year

On August 4, 2023, EPA published [preliminary Toxics Release Inventory \(TRI\)](#) data about chemical waste management, including releases, and pollution prevention activities that occurred during 2022 at more than 20,000 industrial and federal facilities across the country. [Read the press release](#)

National Academies of Sciences, Engineering, and Medicine Releases Peer Review Report on Draft IRIS Formaldehyde Assessment

On August 9, 2023, EPA announced the receipt of the National Academies of Sciences, Engineering, and Medicine's (NASEM) external peer review report of the draft Integrated Risk Information System (IRIS) Toxicological Review of Formaldehyde (Inhalation).

Formaldehyde is a chemical intermediate used in the manufacture of many products, such as plywood adhesives and resins, insulation, and fertilizers. The IRIS assessment of formaldehyde focuses on hazard identification and dose-response assessment of the potential noncancer and cancer human health effects that may result from inhalation exposure to formaldehyde for a lifetime. [Read the press release](#)

EPA Marks One Year of Progress Under President Biden’s Inflation Reduction Act

On August 16, 2023, EPA marked one year of progress implementing President Biden’s Inflation Reduction Act, the most ambitious climate law in U.S. history and a core pillar of Bidenomics and the President’s Investing in America Agenda. Since the legislation was signed into law, EPA has moved swiftly to put a historic \$41 billion dollars to work to reduce emissions, built a clean economy, lower energy costs for American households and businesses, create good-paying union jobs, and advance environmental justice across the country.

In just one year, EPA has made tremendous progress designing and implementing new Inflation Reduction Act programs. In November 2022, EPA was the first federal agency to award Inflation Reduction Act dollars by announcing more than \$30 million to expand [community air monitoring](#) in 37 states, followed by an additional [\\$25 million in clean air grants](#) to improve air quality across the country. Learn more about [EPA’s implementation of the Inflation Reduction Act](#). [Read the press release](#)

EPA Releases Initial Nationwide Monitoring Data on 29 PFAS and Lithium

On August 17, 2023, EPA announced the first set of data collected under the fifth Unregulated Contaminant Monitoring Rule (UCMR 5). In the latest action to deliver on [EPA’s PFAS Strategic Roadmap](#), UCMR 5 will provide new data that will improve EPA’s understanding of the frequency that [29 PFAS](#) and lithium are found in the nation’s drinking water systems, and at what levels. The monitoring data on PFAS and lithium will help the Agency make determinations about future actions to protect public health under the Safe Drinking Water Act. This action advances the Biden-Harris Administration’s commitment to combat PFAS pollution and safeguard drinking water for all people. [Read the press release](#)