



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

February 2022

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Policy & Regulation

EPA Takes Key Steps to Protect Groundwater from Coal Ash Contamination

On January 11, 2021, EPA took several actions to protect communities and hold facilities accountable for controlling and cleaning up the contamination created by decades of coal ash disposal. Coal combustion residuals (CCR or coal ash), a byproduct of burning coal in coal-fired power plants, contains contaminants like mercury, cadmium, and arsenic that without proper management can pollute waterways, groundwater, drinking water, and the air.

The actions advance the Agency's commitment to protecting groundwater from coal ash contamination and include (1) proposing decisions on requests for extensions to the current deadline for initiating closure of unlined CCR surface impoundments; (2) putting several facilities on notice regarding their obligations to comply with CCR regulations and (3) laying out plans for future regulatory actions to ensure coal ash impoundments meet strong environmental and safety standards. EPA is committed to working with states to ensure robust protections for communities. [Read the full press release](#)

EPA Requires Reporting on Releases and Other Waste Management of Certain PFAS, Including PFBS

On January 24, 2021, as part of the comprehensive Strategic Roadmap to confront the human health and environmental risks of PFAS, EPA announced the automatic addition of four per- and polyfluoroalkyl substances (PFAS) to the Toxics Release Inventory (TRI) list.

TRI data are reported to EPA annually by facilities in certain industry sectors, including federal facilities, that manufacture, process, or otherwise use TRI-listed chemicals above certain quantities. The data include quantities of such chemicals that were released into the environment or otherwise managed as waste. Information collected through the TRI allows communities to learn how facilities in their area are managing listed chemicals. The data collected also help inform EPA's efforts to better understand the listed substances.

As of January 1, 2022, facilities which are subject to reporting requirements for these chemicals should start tracking their activities involving these PFAS as required by Section 313 of the

Emergency Planning and Community Right-to-Know Act. Reporting forms for these PFAS will be due to EPA by July 1, 2023, for calendar year 2022 data.

EPA continues to act on Administrator Regan's PFAS Strategic Roadmap, announced in October 2021, a plan that delivers on the Agency's mission to protect public health and the environment and answers the call for action on these persistent and dangerous chemicals. In addition to continuing to add PFAS to the TRI, EPA also will soon announce a series of PFAS test orders that will require PFAS manufacturers to provide the Agency with toxicity data and information on PFAS. Read the full press release.

EPA Affirms Building Managers Responsible for Lead-Based Paint Safety Requirements When Performing Renovations

EPA announced it will proceed on March 21, 2022,, to withdraw previously published answers to two Frequently Asked Questions (FAQs) concerning property management companies and their compliance responsibility under the Toxic Substances Control Act (TSCA) and the Lead Renovation Repair and Painting (RRP) Rule. With the withdrawal of these FAQs, EPA affirms that property management companies (PMCs) that perform, offer, or claim to perform regulated renovations in pre-1978 housing or child-occupied facilities are required to obtain certification from the EPA and ensure that renovations in the homes they manage are performed by certified firms and employees trained to use lead-safe work practices. Withdrawing the PMC FAQs signals that EPA plans to hold both the PMCs and the contractors they hire responsible for compliance if the circumstances indicate that both entities performed or offered to perform renovations for compensation in target housing or child-occupied facilities. For more information about lead and lead regulations, please visit epa.gov/lead. Read the full press release.

Clean Air Act Section 112 List of Hazardous Air Pollutant: Amendments to the List of Hazardous Air Pollutants (HAP)

EPA is amending the list of hazardous air pollutants (HAP) under Clean Air Act (CAA) to add 1-bromopropane (1-BP) in response to public petitions previously granted by the EPA. This action amends the list of hazardous air pollutants initially listed under the CAA. This final rule is effective on February 4, 2022. Read the Federal Register Notice.

National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review

This proposal presents the results of EPA's residual risk and technology review (RTR) for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for major source Primary Copper Smelters as required under the Clean Air Act (CAA). Pursuant to the CAA, this action also presents the results of the technology review for the Primary Copper Smelting area source NESHAP. EPA is proposing new emissions standards in the major source NESHAP. EPA is also proposing to remove exemptions for periods of startup, shutdown, and malfunction (SSM) and specify that the emission standards apply at all times and require electronic reporting of performance test results and notification of compliance reports. Comments must be received on or before February 25, 2022. Read the Federal Register Notice.

EPA Releases Screening Methodology to Evaluate Chemical Exposures and Risks to Fenceline Communities

EPA released for public comment and peer review version 1.0 of a proposed screening level methodology to evaluate potential chemical exposures and associated potential risks to fenceline communities in Toxic Substances Control Act (TSCA) risk evaluations.

The proposed screening level methodology uses reasonably available data, information, and models to quantify environmental releases, evaluate exposures to fenceline communities and characterize risks associated with such releases and exposures for certain air and water pathways previously not evaluated in published risk evaluations.

The screening level methodology will next go through public and peer review, including by the Science Advisory Committee on Chemicals (SACC). EPA will then use this feedback to modify the proposed screening level methodology, as appropriate. EPA plans to use the screening level methodology to determine the risks to fenceline communities from the air and water pathways that were not assessed previously for seven of the first ten chemicals for which EPA published risk evaluations. For the next 20 chemicals undergoing risk evaluation and beyond, EPA plans to expand this first version of the framework to include a method to address broader potential environmental justice concerns and cumulative or aggregate exposures to chemicals.

EPA will hold a [public virtual meeting](#) of the SACC on March 15-17, 2022, to peer review the screening level methodology. This review will ensure that the approach incorporates independent scientific advice and recommendations, and that EPA follows a transparent process. Information on registering to attend the public virtual meeting will be available in February 2022 on the [SACC website](#). Written comments on the documents undergoing peer review should be submitted on or before February 22, 2022. Comments may be submitted to the public docket through www.regulations.gov (Docket No. EPA-HQ-OPPT-2021-0415). [Read the full press release](#).

NESHAP for Municipal Solid Waste Landfills Residual Risk and Technology Review; Correction

On Thursday, the Administrator of the U.S. Environmental Protection Agency (EPA) re-signed final technical revisions and clarifications for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Municipal Solid Waste (MSW) Landfills established in the March 26, 2020, final rule. These technical revisions were initially signed on January 14, 2022; however, due to an administrative error, were re-signed on February 3, 2022.

Again, this final rule corrects inadvertent errors and clarifies wellhead monitoring requirements for the purpose of identifying excess air infiltration; delegation of authority to state, local or tribal agencies for “emission standards”; applicability of the General Provisions to affected MSW landfills; and handling of monitoring data for combustion devices during periods of monitoring system breakdowns, repairs, calibration checks and adjustments. EPA is finalizing amendments to the MSW Landfills New Source Performance Standards (NSPS) at 40 CFR part 60, subpart XXX, to clarify the timing of compliance for certain requirements of the MSW Landfills NSPS for existing MSW landfills that have modified but previously triggered the requirement to install a gas collection and control system under related MSW landfill rules. EPA is also revising the definition of Administrator in the MSW Landfills Federal Plan that was promulgated on May 21, 2021. The revision makes the definition consistent with other Federal plans such as the Federal Plan Requirements for Sewage

Sludge Incineration Units (40 CFR part 62, subpart LLL), which distinguishes between the administrator of the federal plan and the administrator of a state plan.

For more information and a prepublication version of the rule, visit: <https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-national-emission-standards>

Key Dates and Upcoming Opportunities

Innovative Water Technologies for Lagoon Wastewater Systems in Small Communities Request for Applications (RFA)

Funding Opportunity Number: EPA-G2022-ORD-G1

Catalog of Federal Domestic Assistance (CFDA) Number: 66.521

Solicitation Opening Date: January 20, 2022

Solicitation Closing Date: March 7, 2022: 11:59:59 pm Eastern Time

EPA is seeking applications for the purpose of accelerating innovative and alternative wastewater treatment technologies in lagoon/pond systems serving small communities (population less than 10,000) that may require infrastructure improvements or process modifications in effluent quality for nutrients (total phosphorous and/or total nitrogen) and ammonia. In addition, the Request for Applications (RFA) is also looking for applications to help determine the performance, capital costs, operations and maintenance (O&M) costs, and O&M requirements of innovative water technologies that can efficiently and consistently remove nutrients. [Learn more about this opportunity](#)

EPA Extends Deadline for Enhanced Air Quality Monitoring for Communities Grant Applications

On January 20, 2022, EPA extended the grant application deadline to March 25, 2022, at 11:59 p.m. (ET) for communities, Tribes, states, local governments, and other eligible entities seeking funding for ambient air monitoring projects in communities with environmental and health outcome disparities stemming from pollution and the COVID-19 pandemic. EPA issued this 30-day extension in response to requests for more time to submit applications for enhanced air monitoring projects for communities in this competitive grant process.

Through the American Rescue Plan, the total estimated funding for this competitive opportunity is approximately \$20,000,000. Approximately \$2 million of this amount will be awarded to Tribal governments under a Tribal government set-aside, and approximately \$2 million will be awarded to eligible community-based organizations under a community-based organization set-aside. EPA anticipates awarding a total of approximately 50-70 assistance agreements (cooperative agreements or grants) from this announcement, subject to availability of funds, the quality of applications received, agency priorities, and other applicable considerations. [Learn more about this opportunity](#).

Ask SBEAP

Dear SBEAP,

My business wants to start on some projects to make our work more environmentally friendly, but the upfront costs of these projects make it hard for a small business like mine. Are there grants available to my business? How can I find them?

Sincerely,
Gloria Grant

Dear Gloria,

Many sources offer funding and other assistance to small businesses looking to reduce their impact. The best way to find federal grants is through [grants.gov](https://www.grants.gov). Click “Search Grants” and make sure to select “Small Businesses” under “Eligibility.” Note that “Environment” is an option under “Category,” but there are other categories that may be relevant, such as “Energy.” There may also be funding opportunities available through your state, county or city. For example, some state agencies are offering funds to help businesses replace their diesel or gasoline vehicles and equipment with less polluting electrical vehicles or equipment.

In addition to offering environmental technical assistance, your SBEAP can help you navigate available environmental funding and other types of assistance, such as loans and specialized technical assistance. Your [Small Business Development Center](#), part of SBA, may also be able to help you identify relevant funding. You can find your SBEAP on the National SBEAP state contact map. You can also reach out to National SBEAP directly for assistance at info@nationalsbeap.org or 800-578-8898.

Spotlight

EPA Recognizes WasteWise Award Winners for Innovations in Waste Reduction

National award winners for 2020 and 2021 prevented and diverted close to 408,000 tons of waste that would otherwise be disposed of in landfills or incinerators, contributing to climate change. Instead, they saved over \$22.5 million in avoided landfill costs and prevented emissions that contribute to climate change and other environmental impacts.

EPA recognizes WasteWise partners in several data categories that report the best overall improvement in waste prevention and recycling activities when compared to the previous year. This year, EPA also recognizes winners in narrative categories that achieved exemplary waste reductions in their organizations and businesses.

The WasteWise award winners achieved noteworthy accomplishments, such as reprocessing N95 respirators, implementing Sustainable Purchasing Guidelines at a university, and reusing shipping containers for return trips to avoid waste. More information about each winner is available at: epa.gov/smm/wastewise#AwardsandAwardWinners.

New EPA Initiatives Will Help State and Local Governments Cut Climate Pollution from Commercial Buildings

On January 21, 2022, EPA announced new initiatives related to commercial buildings that support President Biden’s ambitious climate agenda. Commercial and multifamily buildings, which contribute 19 percent of U.S. greenhouse gas emissions, are a critical part of the solution. The new initiatives include:

- Guidance to assist local and state governments in developing effective building performance policies.
- Enhancements to the ENERGY STAR Portfolio Manager® tool currently used by hundreds of thousands of building owners to assess their energy, water, waste, and emissions.
- A way to use Portfolio Manager data to estimate building emissions under different performance standards.

Later this year, EPA will launch a new tool providing access to aggregated, anonymized energy data from the hundreds of thousands of buildings in Portfolio Manager, enabling policymakers, building owners, and others to quickly understand how energy use varies based on the type of building, where it is located, how it is used, and other factors.

These initiatives support EPA's goals to accelerate emissions reductions and generate local jobs through increased energy efficiency and beneficial electrification across the residential, commercial, and industrial sectors. [Learn more about ENERGY STAR.](#) [Learn more about EPA's State and Local Climate and Energy Program.](#) [Read the full 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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