



FAST AND FURIOUS EPA: FIVE CRITICAL ISSUES FACING REGULATED FACILITIES IN 2023

April 20, 2023

by Zoom only

Presented by



Program Schedule

Thursday, April 20, 2023

- 7:30 a.m. Tech Check for Participants**
KEVIN PERRY, Assistant Director, REGFORM
- 7:55 a.m. Welcome**
ROGER WALKER, Executive Director, REGFORM
- 8:00 a.m. Environmental Justice**
Environmental justice (EJ) is increasingly at the core of regulatory and state environmental policymaking using tools and policies outlined by EPA. How companies interface with the community is going to be a front and center conversation around permit negotiations, and even inspections and enforcement. The EPA's Office of General Counsel recently released a document that provides, for the first time, examples of legal authorities

that regulators can use to identify and address cumulative impacts in permitting, regulatory actions, and grant-funding decisions.

DAVID COZAD, OECA Director, US EPA Region 7
J. MICHAEL SHOWALTER, Partner, ArentFox Schiff

- 8:45 a.m. PFAS**
PFAS issues continue to move at lightning speed in many different directions. Lifetime health advisories have been issued and soon drinking water standards. Required wastewater sampling is right behind which will impact treatment systems, pretreatment, direct discharges and biosolids. Proposals are being considered to designate certain PFAS materials as "hazardous substances" under the Superfund law and as "hazardous constituents" and "hazardous wastes" under RCRA. Consumer, personal injury, and property damage lawsuits have been filed, with more are on the horizon.
JAMES "JIM" PRICE, Partner, Spencer Fane

9:15 a.m. BREAK

9:30 a.m. PM_{2.5} and CSAPR

Recent proposed changes to tighten NAAQS for PM_{2.5} cut across most if not all industrial sectors. EPA is proposing to revise the primary standard from 12.0 µg/m³ to 9.0-10.0 µg/m³ but is accepting comments on revising the standard down in the range of 8.0 µg/m³ to 11.0 µg/m³.

KASI DUBBS, Principal Consultant, Trinity Consultants

10:00 a.m. CSAPR FIP

EPA plans to release a final rule imposing a federal implementation plan on many states to expand the Cross-State Air Pollution Rule (CSAPR). The final rule will tighten existing state NO_x caps, enlarge CSAPR to include new states, and for the first time ever impose NO_x emission limits to non-utility industries such as pulp and paper, refining, and cement manufacturing.

KASI DUBBS, Principal Consultant, Trinity Consultants

10:30 a.m. NEPA

The National Environmental Policy Act continues to have a crucial impact on federal priorities. Changes in NEPA regulations issued by the Council on Environmental Quality allow agencies greater autonomy to assess climate change, emerging contaminants, and environmental justice – all of which have the potential to increase the timing and scope for critical projects.

AIMEE DAVENPORT, Partner, Stinson

AARON BALL, Team Leader, Olsson Associates

11:15 a.m. EPA Enforcement Priorities

In 2022, EPA's inspections increased significantly – more than 75% over FY2021. It also conducted 55% of its on-site inspections in EJ areas, exceeding its goal of 45%, and continued to increase its use of desktop

inspections, which are accomplished via Information Requests that allow the agency to conduct more inspections without going on-site. In addition, EPA's Office of Enforcement and Compliance Assurance (OECA) has proposed new priorities for fiscal years 2024-2027 focusing on climate mitigation and addressing PFAS contamination. EPA's OECA is also asking for comment on whether to launch new initiatives aimed at addressing coal ash and lead contamination. EPA is also asking for comment on other initiatives.

DAVID COZAD, OECA Director, US EPA Region 7

12:00 p.m. END OF SEMINAR

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