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This Week in Review

(1) EPA Announces Availability of Competitive Grants for Community Monitoring under the ARP (December 13, 2021)

EPA has announced the availability of \$20 million in competitive grants under the American Rescue Plan (ARP) for community air pollution monitoring. The grants are intended to enhance monitoring, especially for underserved communities and areas with health-outcome disparities across the country, and support community and local partnerships in those efforts. Eligible entities include state and local governments, tribes and community-based nonprofit organizations. The grants do not require matching funds from organizations that apply. To be considered, projects must address ambient monitoring for criteria pollutants (or a precursor) or hazardous air pollutants. EPA expects to award 50-70 grants or cooperative agreements, with approximately \$2 million of the total awarded to Tribal governments and another \$2 million to eligible community-based organizations. The deadline for applying is February 25, 2022. EPA will hold an informational webinar on the grant program on January 11, 2022 from 1:00 – 2:00 p.m. (Eastern time). This competitive grant program is part of \$50 million under the ARP specifically earmarked for air monitoring to address disproportionate environmental or public health harms in underserved communities. The other funds include \$22.5 million in direct grants to state, local and tribal air agencies for monitoring of criteria pollutants, \$5 million for agency mobile monitoring labs or air sensor loan programs and \$2.5 million for EPA's administrative support and oversight activities. For further information: <https://www.epa.gov/grants/enhanced-air-quality-monitoring-communities> or <https://www.epa.gov/arp/enhanced-air-quality-monitoring-funding-under-arp>

(2) EPA Awards \$14.1 Million in Grants to Fund Environmental Justice Projects (December 15, 2021)

– EPA announced that it is awarding 133 grants totaling \$14.1 million to fund environmental justice (EJ) projects through the EJ Small Grants program and the EJ Collaborative Problem-Solving Cooperative Agreement program. Most of the funding for the grants was appropriated through the American Rescue Plan. The 2021 EJ Small Grants program is awarding funding for 99 projects that will benefit communities in 37 states, Washington, D.C. and Puerto Rico. They cover a wide array of projects addressing issues across all environmental media, including air monitoring and indoor and outdoor air quality. Seven of these grants will support EPA’s Ports Initiative by addressing air quality issues at coastal and inland ports and railyards. The 2021 EJ Collaborative Problem-Solving Cooperative Agreement program is awarding 34 grants that will benefit communities in 24 states, Puerto Rico and the U.S. Virgin Islands. Many of these grants are also directed at environmental justice issues related to air quality. For further information: <https://www.epa.gov/newsreleases/epa-announces-141-million-fund-133-environmental-justice-grants>, <https://www.epa.gov/environmentaljustice/environmental-justice-small-grants-program> and <https://www.epa.gov/environmentaljustice/environmental-justice-collaborative-problem-solving-cooperative-agreement-5>

(3) Senate EPW Text of Build Back Better Bill Titles Includes Clean Air Agency Funding, Programs (December 16, 2021)

– The U.S. Senate Committee on Environment and Public Works (EPW) has released the bill text of its titles of the Build Back Better bill, the \$1.7 trillion legislative package that Democratic lawmakers are seeking to pass under reconciliation rules. Programs included in these titles remain similar to previous iterations of the bill, updated with technical modifications to accommodate Senate rules. (Please see related story in the October 23-29, 2021 Washington Update). These include, among others, a \$250 million grant program for state and local clean air agencies to engage in planning to reduce greenhouse gases (GHGs) under a new section of the Clean Air Act, and additional \$4.75 billion to implement those plans. In addition, the bill would appropriate \$2.6 billion in competitive grants for zero emission vehicles and equipment at ports; \$150 million for collaborative community wildfire grants; \$60 million in additional funds under the Diesel Emissions Reduction Act (DERA); \$117.5 million for fenceline monitoring, screening monitoring, national air toxics trend stations and other air toxics and community monitoring; \$50 million to expand the NAAQS monitoring network with new multipollutant monitoring stations; \$25 million in Clean Air Act grants to state and local agencies under Sections 103 and 105; and \$5 million for states to adopt GHG and zero-emission mobile source standards pursuant to Section 177 of the Clean Air Act. Numerous other U.S. Senate committees are still finalizing and advancing text of their titles of the bill, and once negotiations and procedural reviews have concluded on each committee’s titles, they can be taken up for consideration by the full U.S. Senate. For further information: <https://www.carper.senate.gov/public/index.cfm/2021/12/epw-committee-releases->

[updated-build-back-better-text](#) and <https://www.4cleanair.org/wp-content/uploads/govdoc20211216-234944.pdf>

(4) Environmental Groups Sue Over EPA's Denial of Petition for Reconsideration of Project Emissions Accounting Rule (December 10, 2021)

– The Environmental Defense Fund, Environmental Integrity Project, Natural Resources Defense Council and Sierra Club filed a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit challenging EPA's denial of their petition for administrative reconsideration and stay of the "Project Emissions Accounting" rule for New Source Review (NSR) permitting. Promulgated in November 2020, the Project Emissions Accounting rule revised the federal NSR regulations to state that both emissions increases and decreases resulting from a proposed project can be considered during "Step 1" of the two-step major modification applicability test. The environmental groups filed their administrative petition with EPA on January 21, 2021. In October, EPA rejected the petition on grounds that the groups did not raise their specific concerns during the public comment period on the proposed rule. However, the agency also determined that the objections raised in the petition "raise concerns that warrant further consideration" by EPA in a separate rulemaking effort, which it is now beginning to undertake. Previously, EDF, EIP, NRDC and Sierra Club filed a petition for review of the Project Emissions Accounting Rule itself, as did a coalition of seven states and the District of Columbia (*New Jersey v. EPA*, D.C. Cir. No. 21-1033 et al.). For further information: <https://www.epa.gov/nsr/notice-action-denying-petition-reconsideration-and-administrative-stay-project-emissions> and <https://www.epa.gov/nsr/notice-action-denying-petition-reconsideration-and-administrative-stay-project-emissions>

(5) Biden-Harris Administration Announces EV Charging Action Plan (December 15, 2021)

– The Biden-Harris Administration announced an electric vehicle (EV) charging plan to "fast track" investments made under the recently enacted Bipartisan Infrastructure Law. The Administration describes the plan as an outline of steps federal agencies are taking to support development and deployment of chargers across the nation. The Action Plan includes establishment, by the U.S. Department of Energy (DOE) and the U.S. Department of Transportation (DOT), of a Joint Office of Energy and Transportation to guide the electrification efforts required by the statute. The Administration says, "The initial focus will be building a convenient, reliable public charging network that can build public confidence, with a focus on filling gaps in rural, disadvantaged, and hard-to-reach locations." In addition, the Action Plan calls upon DOE and DOT to create an Advisory Committee on Electric Vehicles; the two agencies are seeking to appoint committee members by the end of the first quarter of 2022. The Action Plan also calls for the preparation and issuance of guidance and standards for cities and states, including, by February 11, 2022, DOT guidance on the strategic deployment of EV charging stations to build out the network along the national highway system and, by May 13, 2022, DOT performance, safety and accessibility standards for EV chargers in the national network. It is the goal of the Administration to have 500,000 public chargers in place by 2030; The Bipartisan

Infrastructure Law provides \$5 billion in formula funding for states to build a national charging network; each year, the DOT Secretary will set aside 10 percent of these funds for grants to help states expand the network. The law also includes \$2.5 billion for a competitive grants program to support innovative approaches and deployment of chargers that meet the Administration's goals of supporting rural charging, improving local air quality and increasing access to EV charging in disadvantaged communities. For further information:

<https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/13/fact-sheet-the-biden-harris-electric-vehicle-charging-action-plan/?source=email>

(6) Biden Administration's Fall Update to Unified Regulatory Agenda

Includes Slate of Clean Air Proposals (December 10, 2021) - The White House has released an update to its regulatory plan, the Fall 2021 Unified Agenda of Regulatory and Deregulatory Actions, which includes a number of EPA actions. Among the areas included are New Source Performance Standards (NSPS) for greenhouse gases (GHGs) from power plants, with a proposal estimate of July 2022 and a final rule estimated for 2023. The regulatory agenda also includes a proposed rule to tighten NOx emissions standards for heavy duty trucks in January of 2022, and a final rule by December 2022. The regulatory agenda has a final rule scheduled for Winter 2021 governing GHG emissions for light duty vehicles. On the toxics front, the regulatory agenda targets a proposed rule on the "Once In, Always In" policy for maximum achievable control technology by June 2022 and a final rule by June 2023. Reconsideration of the PM NAAQS remains on-track for a final rule in March 2023, according to the agenda. Historically, the regulatory agenda communicates an administration's potential actions, but its schedules are indicative rather than binding. For further information:

<https://www.reginfo.gov/public/do/eAgendaMain>

(7) Researchers Find PFAAs Traveling Long Distances in Aerosolized Sea Spray (December 15, 2021)

– A study published in the journal *Environmental Science and Technology* presents evidence that sea spray aerosols (SSA) may be an important source of perfluoroalkyl acids (PFAAs) in the air in coastal areas. The researchers noted that "long-range atmospheric transport is considered to substantially contribute to the ubiquitous presence of PFAAs, especially in remote areas such as the Arctic and Antarctic." The three major sources of PFAAs in the atmosphere are direct emissions, formation due to degradation from precursors and water-to-air transfer from SSA emissions. Based on laboratory studies showing that SSA could be a source of PFAAs in the air, the investigators collected 48-hour aerosol samples regularly between 2018 and 2020 at two coastal locations in Norway. Their observations suggest that SSA can be an important source of PFAAs in coastal areas but also that the particles can travel significant distances. In certain cases, a particle could spend 10 hours in the atmosphere and travel over 300 kilometers. As a result, they hypothesize that SSA containing PFAAs "may impact large areas of inland Europe and other continents in addition to coastal areas." For further information:

<https://pubs.acs.org/doi/10.1021/acs.est.1c04277>

(8) Study: Air Pollution Exposure Is More Linked To Race Than To Poverty (December 15, 2021) - A new paper published in the journal *Environmental Health Perspectives* finds that exposure to air pollution is influenced more by race and ethnicity than by income level. The paper, titled “Disparities in Air Pollution Exposure in the United States by Race/Ethnicity and Income, 1990—2010”, was authored by researchers at the University of Washington. The researchers normalized for numerous factors including location and time periods and concluded that “absolute racial/ethnic exposure disparities were distinct from and were larger than (on average, ~6 times larger than) absolute exposure disparities by income. The findings here are inconsistent with the idea that racial/ethnic exposure disparities can be explained by, or are “merely” a reflection of, income disparities among racial/ethnic groups”. For further information: <https://www.4cleanair.org/wp-content/uploads/EHP8584.pdf>

(9) Connecticut Executive Order Aims to Reduce Emissions, Protect Vulnerable Communities (December 16, 2021) – Connecticut Governor Ned Lamont (D) has issued a sweeping executive order aimed at meeting the state’s target of a 45 percent GHG emissions reduction by 2030, improving air quality in the state, and advancing environmental justice. Under the order, the state will review all public buildings for energy efficiency, develop home appliance standards and building codes aimed at reducing energy costs, convert all state transit buses to electric by 2035, and expand air quality monitoring statewide. A new Connecticut Equity and Environmental Justice Advisory Council will address disproportionate air pollution impacts to vulnerable communities, among other steps. For further information: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-21-3.pdf>

(10) House Oversight Chair Wants GAO Monitoring of Federal EJ Efforts (December 15, 2021) - The Chair of the U.S. House of Representatives Oversight and Government Reform Committee, Rep. Carolyn Maloney (D-NY), has sent a letter to the U.S. Government Accountability Office (GAO) calling for it to track outcomes of federal spending, including pollution impacts and environmental equity, to measure progress against the Biden administration’s Justice40 effort. Justice40 aims to focus 40% of the benefits from clean energy, climate, and other funding to vulnerable communities. “As part of GAO’s oversight, I request that GAO review relevant environmental, racial, socio-economic, and labor standards that measure the equitable distribution of federal investments in order to fully assess the initiative’s progress, providing Congress the tools it needs to be an effective partner in ensuring its success,” the letter reads. For further information: <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-12-15.CBM%20to%20Dodaro-GAO%20re%20Final%20J40%20Request.pdf>

(11) EPA Extends Comment Period for Oil and Gas Sector Methane Proposal (December 13, 2021) - EPA will extend the public comment period for the Agency’s November 2, 2021 proposal governing methane and VOC emissions from the oil and natural gas industry, “Standards of Performance for New,

Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review” (EPA Docket EPA–HQ–OAR–2021–0317). “EPA has received numerous requests to extend the comment period given the complexity and length of the proposed rulemaking, which is currently January 14, 2022. Accordingly, the EPA is extending the deadline of the comment period to January 31, 2022”. In a November 23, 2021 letter, NACAA and the Association of Air Pollution Control Agencies (AAPCA) jointly requested the extension of the comment period for at least 30 days to February 14, 2021 or later (see related story in the November 20-24, 2021 Washington Update). For further information: <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-extends-comment-period-proposed-new> and https://www.4cleanair.org/wp-content/uploads/O_G-Proposal-Request-for-Comment-Extension-Joint-AAPCA-NACAA-112321-1.pdf

The Week Ahead

- Congress in Recess – December 21, 2021 – January 3, 2022

NACAA
1530 Wilson Blvd., Suite 320
Arlington, VA 22209
(571) 970-6678
4cleanair@4cleanair.org