

2022 (And Beyond) Lookahead

Is your EHS Budget Comprehensive?

An ALL4 Webinar

September 1, 2021



Logistics

Thank you for attending!

Questions?

- ❑ Please enter questions in the Question box
- ❑ We will address questions at the end

Will I get a copy of the slides?

- ❑ Yes, we will post webinar recording and slide deck on our website
- ❑ Link will be emailed to participants

Introduction

- ❑ Federal Regulation: a lot of churn, waiting for regulatory action
- ❑ Federal Enforcement: the approach is taking shape
- ❑ States: active with NGO involvement and EJ stakeholders
- ❑ Long and short: 2022 is still somewhat unpredictable
 -but we will try
- ❑ Purpose: highlight “above and beyond the routine” areas
- ❑ This will be high level – contact us with detailed questions!



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Agenda

- 2022 Planning Items
 - Environmental Justice
 - Small Sensor / Risk Modeling
 - Air Permitting Considerations
 - PFAS
 - NPDES
- Looming in 2023 (and beyond)
 - Climate regulation/legislation
 - SPCC / RMP regulatory changes
 - Lower NAAQS, more stringent state requirements
 - More electronic reporting



Presenters

- Rich Hamel on EJ and Climate
- Dan Dix on small sensors
- Amy Marshall on NSR and State Activity
- Kayla Turney on PFAS
- Paul Hagerty on NPDES and SPCC
- Eric Swisher on electronic reporting and emissions data management
- Stephanie Taylor on EHS data management

2022 PLANNING ITEMS

2022 - Environmental Justice

□ Background

- The new administration has made Environmental Justice (EJ) a cornerstone of its environmental policy.
- January executive order defined an “All of Government Approach”, meaning EJ, amongst other concerns, must be considered in the justification of all government projects.

□ Activity

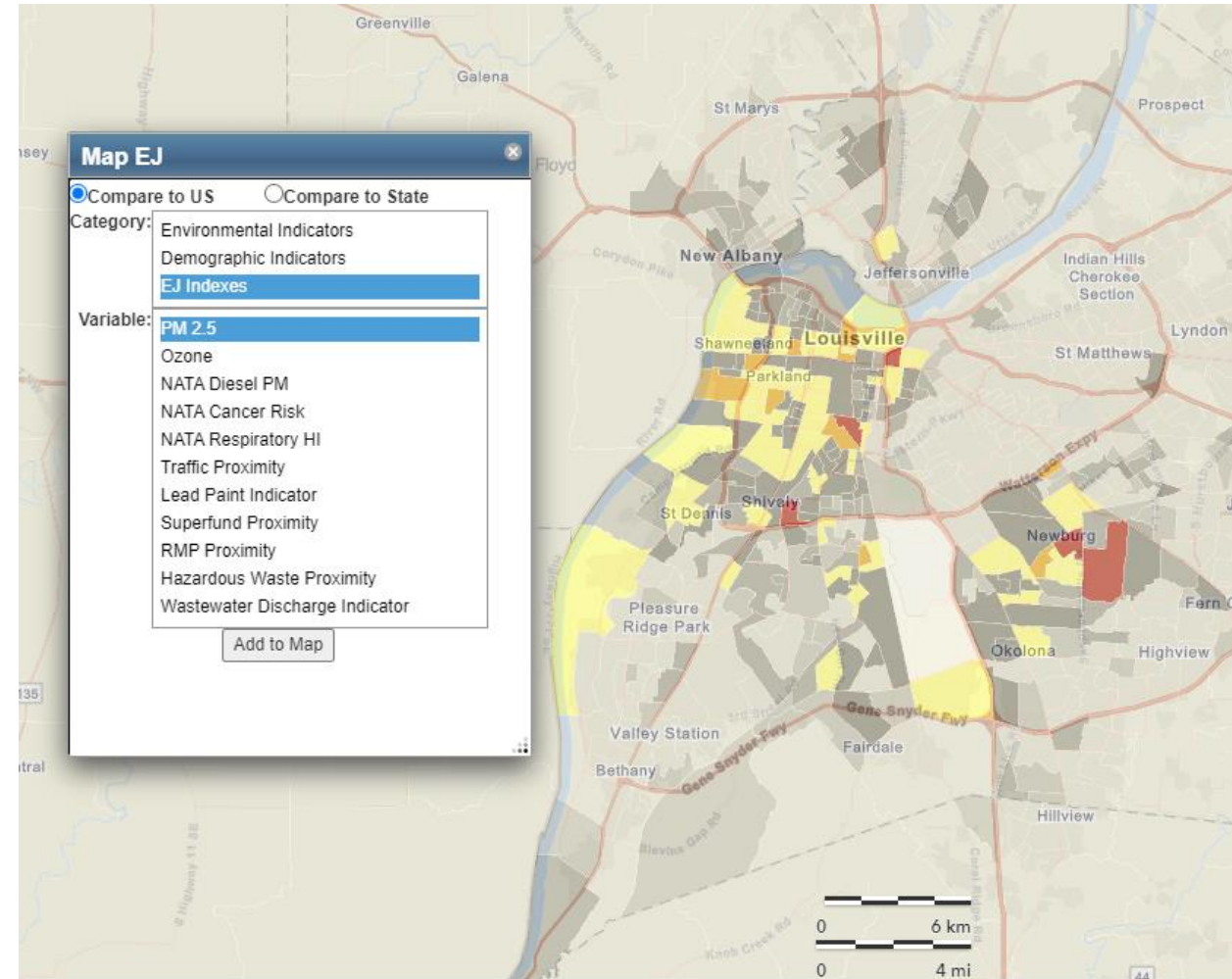
- Public stakeholders and NGOs getting more involved in permitting
- EPA weighing in on environmental permitting projects – CLEAN Future Act
- EPA busy improving and introducing new tools (EJSCREEN, Power Plants and Neighboring Communities Tool)
- Many states are actively ramping up EJ activity.



2022 - Environmental Justice

□ Budget Considerations

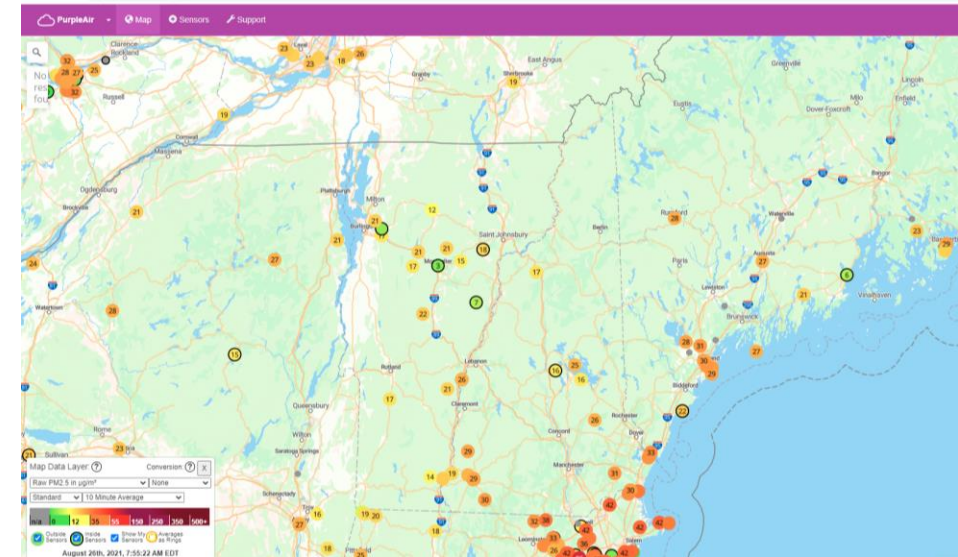
- Do you understand your risks?
- Look for comments on operating permit renewals and construction permits
- Talk with state agency about EJ policy and NGO involvement
- Budget for increased public meeting activity
- Consider proactive community outreach



2022 – Small/Low-Cost Sensors - Risk Modeling

□ Activity

- Increased public / crowdsourced monitoring
- Increased public funding for purchase of small/low-cost sensors
- Increased public involvement in zoning and environmental permitting processes
- EPA focus on cumulative risk

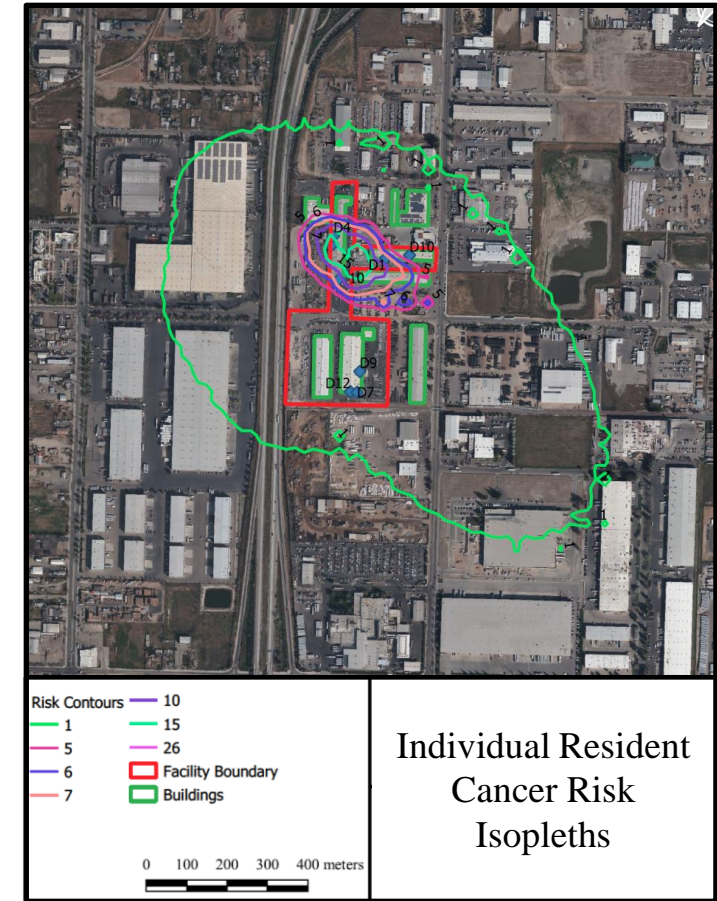


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2022 – Small/Low-Cost Sensors - Risk Modeling

□ Budget Considerations

- Consider doing some testing/monitoring/modeling
- Consider reviewing crowd sourced sensor data
- Talk with state agency about how they consider community monitor data
- Budget for increased public interest and effort to respond



2022 – Air Permitting

□ Activity

- EPA will reconsider PM_{2.5} NAAQS
- Litigation could impact helpful reforms (PEA, MM2A)
- Guidance Rule revoked, no current work on additional NSR guidance

□ Budget Considerations

- Evaluate five-year capital planning
 - What is strategic?
 - What projects can be moved up?
 - Budget accordingly for 2022 permitting groundwork
 - Consider gathering some site-specific PM_{2.5} data
 - Can you reclassify your facility?



2022 - PFAS



□ Activity

- NPDES Permitting implications
- TRI Reporting considerations
- Remediation standards including PFAS
- PFAS in some waste management general permits (PADEP)

□ Budget Considerations

- Identify facilities with water discharge permit renewals
 - Work with the agency to identify potential PFAS related effort/monitoring
- Consider how PFAS will be reported in TRI and PFAS compounds being added....extra effort?



2022 – NPDES

□ Activity

- EPA's three Clean Water Act National Initiatives are changing:
 - Sewage, stormwater (1) and animal waste (2) → NOT Continued
 - **Industrial discharge → Reduce by 50% NPDES Significant Noncompliance (SNC)**
 - 335,000 facilities with NPDES permits - 11,000 facilities had SNC
- **GAO 7/12/21** *EPA Needs to Better Assess and Disclose Quality of Compliance and Enforcement Data*
 - Data not reliable for identifying changes states may have implemented
 - GAO recommends EPA implement four actions to improve data accuracy

□ Budget Considerations

- Allocate ample resources towards NPDES discharge reporting
- Expect increase regulatory NPDES scrutiny



LOOMING IN 2023 (AND BEYOND)



2023 and Beyond - Climate

□ Background

- Like Environmental Justice, climate change is a key focus area of new administration
- US rejoined the Paris Climate Accord in February 2021
- Many Trump ERA rules being vacated / remanded (ACE Rule, etc.)

□ Activity

- Federal legislation to reduce GHG emissions
- State level GHG reporting / emissions reduction rulemaking
- ESG financial/KPI push
- Pressure from investors and end-users to set carbon-neutral goals



2023 and Beyond - Climate

- Future possibilities
 - Expanded carbon trading programs (RGGI)
 - Impact of a federal vehicle GHG emissions limit on company fleet
 - Increase in SEC disclosure requirements (ESG)
- Budget Considerations
 - Consider development of corporate climate / net-zero goals
 - Evaluate fuel and electricity efficiency projects



2023 and Beyond – SPCC

□ SPCC Activity

- EPA's OPA 90 addresses oil but not hazardous substances
- EPA was challenged July 2015 → Consent Decree and Proposed Rule:
 - June 25, 2018 → No new requirements per CWA framework AND no Final Rule
- EPA challenged again on CWA → NRDC Consent Decree (FR 2/3/2020)
 - EPA agreed to proposed rulemaking 24 months and 30 months for Final Rule

□ Be on the lookout for:

- 2/3/2020 + 24 Months = February 2022 NPR
- February 2022 + 30 months = Mid 2024 Final Rule



2023 and Beyond – State Regulatory Activity

- Additional activity around EJ
- Efforts to regulate CO₂ and join a regional trading program like RGGI
- Many states are tightening air toxics rules and adding pollutants (including PFAS)
- A lower PM_{2.5} or Ozone NAAQS will result in additional non-attainment areas and more stringent state requirements (e.g., RACT)



2022 and Beyond – Emissions Data Management

□ Activity

- Federal
 - Electronic Reporting Tool (ERT)
 - Compliance and Emissions Data Reporting Interface (CEDRI)
- Individual States
 - Efficiency
 - Compliance
- Companies
 - Investors/Stakeholders
 - Consumers
- “Whys” and “Hows”
 - Data Acquisition and Handling Systems (DAHS)
 - Environmental Management Information System (EMIS)



Digital Solutions – Synergies and Enablers

- Data Handling and Reporting
 - “Hands off” from data capture to reporting (DAHS/IoT→EMIS→eReporting)
- ESG
 - Auditable data/data systems required (SEC disclosure)
 - Ability to pull together metrics across multiple areas
 - Repurpose compliance data
- EJ Considerations
 - Assess, trend, analyze and act on publicly available data
 - Use technology to more cost effectively engage with the public
- Compliance/Permitting
 - Support reclassification efforts
 - Streamline addition of new pollutants/limits/permit obligations
 - “What if” scenarios to assess relative merits of new projects



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2021 Look Ahead: Priorities for a Year of Accelerated Change
Posted: January 21st, 2021
// Colin McCall Each year in our annual Look Ahead Article we face a challenge: assess the landscape in front of us as it exists in January, and attempt to predict how that landscape might shift to identify the most [...] [READ ARTICLE >](#)

ALL4's Texas 2021 Look Ahead
Posted: January 27th, 2021
Goodbye 2020! There has never been a year that literally everyone is unanimously looking to put in the history books and move on. 2020 brought so many challenges to many (all) of you, both personally and in your line of [...] [READ ARTICLE >](#)

U.S. EPA Reverses 2015 SSM SIP Policy
Posted: January 25th, 2021
On October 9, 2020, U.S. EPA released a guidance memorandum to the 10 U.S. EPA regional administrators entitled "Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans." As the title implies, the memo pertains to [...] [READ ARTICLE >](#)

4 THE RECORD: BEHIND THE SCENES
ALL4's Insider Podcast

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EPISODE 0: WELCOME!

Introduction
4 The Record: Behind The Scenes
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EPISODE 8: THE NEW FEDERAL ADMINISTRATION CLIMATE PRIORITY

Federal Administration Climate Priority
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EPISODE 7: THE FUTURE OF AIR QUALITY MODELING - PART 2 OF 2

The Future of Air Quality Modeling - Part 2
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Questions and Comments

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