**Key Environmental Issues in U.S. EPA Region 2**

**May 19, 2023**

**Written Materials**

**Panel 1: Climate and Air Pollution**

Supplemental Notice of Proposed Rulemaking, Standards of Performance for New, Reconstructed and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review, at <https://www.federalregister.gov/documents/2022/12/06/2022-24675/standards-of-performance-for-new-reconstructed-and-modified-sources-and-emissions-guidelines-for>

Fact Sheets on EPA’s Supplemental Proposal To Reduce Methane and Other Harmful Pollution from Oil and Natural Gas Operations, at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/fact-sheets-epas-supplemental-proposal>

EPA Proposed Rule: Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium Duty Vehicles: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-multi-pollutant-emissions-standards-model#rule-summary>

EPA Proposed Rule: Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles- Phase 3: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-greenhouse-gas-emissions-standards-heavy>

US EPA Climate Adaptation Plan (Oct. 2021) & EPA Region 2 Climate Adaptation Implementation Plan (Oct. 2022): <https://www.epa.gov/climate-adaptation/climate-adaptation-plans>

Inflation Reduction Act: <https://www.congress.gov/bill/117th-congress/house-bill/5376/text>

News Release, EPA Releases Framework for Implementation of the Greenhouse Gas Reduction Fund as Part of President Biden’s Investing in America Agenda, at <https://www.epa.gov/newsreleases/epa-releases-framework-implementation-greenhouse-gas-reduction-fund-part-president>

Climate Leadership & Community Protection Act Scoping Plan, Chapter 17, Economywide Strategies

<https://climate.ny.gov/Resources/-/media/project/climate/files/Chapter17EconomywideStrategies.pdf>

Governor Hochul press release from January State of the State announcing cap-and-invest

[Governor Hochul Unveils Cap-and-Invest Program to Reduce Greenhouse Gas Emissions and Combat Climate Change | Governor Kathy Hochul (ny.gov)](https://www.governor.ny.gov/news/governor-hochul-unveils-cap-and-invest-program-reduce-greenhouse-gas-emissions-and-combat)

“Part TT” – Legislation from State budget advancing affordability components of cap-and-invest (attached)

Climate Leadership & Community Protection Act Legislation (attached)

National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and

Institutional Boilers Area Sources, 40 C.F.R. Part 63, Subpart JJJJJJ

<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-63/subpart-JJJJJJ>

United States v. City of New York and New York City Board of Education (No. 21-cv-05338, EDNY, November 24, 2021)

(attached)

Violations at Metal Recycling Facilities Cause Excess Emissions in Nearby Communities. EPA

Office of Enforcement and Compliance Assurance Enforcement Alert, Publication no. EPA 310-F-21-003, July 2021

<https://www.epa.gov/system/files/documents/2021-07/metalshredder-enfalert.pdf>

Advanced Clean Trucks Program, N.J.A.C. 7:27-31, and Fleet Reporting Requirements, N.J.A.C. 7:27-33 (53 N.J.R. 588(a) (April 19, 2021), 53 N.J.R. 2148(a)(Dec. 20, 2021))

* Proposal: <https://dep.nj.gov/wp-content/uploads/rules/proposals/20210419a.pdf>
* Adoption: <https://dep.nj.gov/wp-content/uploads/rules/adoptions/adopt_20211220a.pdf>

Greenhouse Gas Monitoring and Reporting Rule, N.J.A.C. 7:27E (see 53 N.J.R. 1063(a)(June 21, 2021), 54 N.J.R. 1018(a) (June 21, 2022))

* Proposal: <https://dep.nj.gov/wp-content/uploads/rules/proposals/20210621a.pdf>
* Adoption: <https://dep.nj.gov/wp-content/uploads/rules/adoptions/adopt-20220606a.pdf>

Control and Prohibition of CO2 Emissions Rule, N.J.A.C. 7:27-27F (53 N.J.R. 1945(a) (Dec. 6, 2021), 55 N.J.R. 14(a) (Jan. 3, 2023)

* Proposal: <https://dep.nj.gov/wp-content/uploads/rules/proposals/20211206a.pdf>
* Adoption: <https://dep.nj.gov/wp-content/uploads/rules/adoptions/adopt-20230103b.pdf>

Mobile Cargo Handling Equipment at Port and Intermodal Rail Yards, N.J.A.C. 7:27-34 (54 N.J.R. 7(a) (Jan. 3, 2022), 55 N.J.R. 142(b)(Feb. 6, 2023))

* Proposal: <https://dep.nj.gov/wp-content/uploads/rules/proposals/20211206a.pdf>
* Adoption: <https://dep.nj.gov/wp-content/uploads/rules/adoptions/adopt-20230206a.pdf>

Model Year 2027 or Later Heavy-Duty New Engine and Vehicle Standards and Requirements; Diesel Vehicle Inspection Tests and Procedures, N.J.A.C. 7:28A (54 N.J.R. 2007(a) Proposal: https://dep.nj.gov/wp-content/uploads/rules/proposals/proposal-20221107a.pdf

N.J. Global Warming Response Act 80x50 Report (October 2020) [nj-gwra-80x50-report-2020.pdf](https://www.nj.gov/dep/climatechange/docs/nj-gwra-80x50-report-2020.pdf)

Regional Greenhouse Gas Initiative Scoping Document: [rggi-scoping-document.pdf (nj.gov)](https://www.nj.gov/rggi/docs/rggi-scoping-document.pdf)

Executive Order 316 (Murphy) (target zero-carbon-emission space heating and cooling systems in 400,000 homes and 20,000 commercial properties and make 10 percent of all low-to-moderate income properties electrification-ready by 2030): <https://nj.gov/infobank/eo/056murphy/pdf/EO-316.pdf>

Executive Order 315 (Murphy) (accelerate target Of 100 percent clean energy by 2035, defined as 100% of the electricity sold in New Jersey to come from clean sources of electricity by January 1, 2035 through clean energy market mechanisms, paired with support for clean energy standard in New Jersey): <https://nj.gov/infobank/eo/056murphy/pdf/EO-315.pdf>

**Panel 2: Cross-cutting Issues**

 U.S. EPA, Updated Policy for EPA’s Enforcement and Compliance Initiatives (December 20, 2022)

<https://www.epa.gov/system/files/documents/2022-12/necimemo.pdf>

U.S. EPA, Principles and Best Practices for Oversight of State Implementation of Federal Environmental Laws (February 17, 2023)

[https://www.epa.gov/system/files/documents/2023-03/principles-and-best-practices-oversight-federal-environmental-programs-2023.pdf](https://www.epa.gov/system/files/documents/2023-03/principles-and-best-practices-oversight-federal-environmental-programs-2023.pdf" \t "_blank)

 U.S. EPA, Public Comments on EPA’s National Enforcement and Compliance Initiatives for Fiscal Years 2024-2027 (January 12, 2023)

[https://www.govinfo.gov/content/pkg/FR-2023-01-12/pdf/2023-00500.pdf](https://www.govinfo.gov/content/pkg/FR-2023-01-12/pdf/2023-00500.pdf" \t "_blank)

White House, Fact Sheet: President Biden Signs Executive Order to Revitalize Our Nation’s Commitment to Environmental Justice for All (April 21, 2023)

[https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/21/fact-sheet-president-biden-signs-executive-order-to-revitalize-our-nations-commitment-to-environmental-justice-for-all/](https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/21/fact-sheet-president-biden-signs-executive-order-to-revitalize-our-nations-commitment-to-environmental-justice-for-all/" \t "_blank)

 U.S. EPA, Office of Enforcement & Compliance Assurance, 2022 Lead Bulletin (October 2022)

<https://www.epa.gov/system/files/documents/2022-10/oecaleadbulletin102722_0.pdf>

New York State, Climate Act, Disadvantaged Communities Criteria

<https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>

Michael B. Gerrard & Edward McTiernan, “New York Passes Nation’s Strongest Environmental Justice Law,” New York Law Journal, May 10, 2023 (attached)

New Jersey Environmental Justice Law – Chapter 92

<https://dep.nj.gov/wp-content/uploads/ej/docs/ej-law.pdf>

New Jersey Environmental Justice Regulations – N.J.A.C. 7:1C

<https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_1c.pdf>

State of New Jersey, Governor Murphy Announces Nation’s First Environmental Justice Rules to Reduce Pollution in Vulnerable Communities (April 17, 2023)

<https://www.nj.gov/governor/news/news/562023/20230417a.shtml>

New Jersey Governor, Executive Order No. 23 (2017)

<https://nj.gov/infobank/eo/056murphy/pdf/EO-23.pdf>

N.J. Department of Environmental Protection, Environmental Justice Rules: Frequently Asked Questions

<https://dep.nj.gov/wp-content/uploads/ej/docs/ej-rule-frequently-asked-questions.pdf>

**Panel 3: Contaminated Site Cleanup and Redevelopment**

U.S. EPA, PFAS Strategic Roadmap: EPA’s Commitments to Action 2021-2024

[https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap\_final-508.pdf](https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf" \t "_blank)

U.S. EPA, EPA’s PFAS Strategic Roadmap: A Year of Progress (November 2022)

[https://www.epa.gov/system/files/documents/2022-11/PFAS%20Roadmap%20Progress%20Report\_final\_Nov%2017.pdf](https://www.epa.gov/system/files/documents/2022-11/PFAS%20Roadmap%20Progress%20Report_final_Nov%2017.pdf" \t "_blank)

N.Y. DEC, Remediation Guidance and Policy Documents

<https://www.dec.ny.gov/regulations/2393.html>

N.J. DEP, Site Remediation Program, Hazardous Discharge Site Remediation regulations

<https://www.nj.gov/dep/srp/regs/statutes/bcsra.pdf>

**Panel 4: Water Issues**

Phyllis Feinmark, U.S. EPA, Waters of the United States (WOTUS) Update

(attached – PPT presentation)

U.S. EPA, Bipartisan Infrastructure Law and the Clean Water and Drinking Water State Revolving Funds

(attached – PPT presentation)

U.S. EPA, EPA’s PFAS Strategic Roadmap: Commitments to Action 2021-2024

(attached – PPT presentation)

State of New Jersey, Climate Change Resilience Strategy (2021)

<https://www.nj.gov/dep/climatechange/docs/nj-climate-resilience-strategy-2021.pdf>

New Jersey Department of Environmental Protection, 2020 New Jersey Scientific Report on Climate Change (June 30, 2020)

<https://www.nj.gov/dep/climatechange/docs/nj-scientific-report-2020.pdf>

New Jersey Department of Environmental Protection, Resilient NJ (homepage)

<https://www.nj.gov/dep/bcrp/resilientnj/index.html>

U.S. Army Corps of Engineers, NY & NJ Harbor & Tributaries Focus Area Feasibility Study (HATS)

<https://www.nan.usace.army.mil/Missions/Civil-Works/Projects-in-New-York/New-York-New-Jersey-Harbor-Tributaries-Focus-Area-Feasibility-Study/>