

RAQPAC Notes – EPA Update

12/14/2023 Meeting

Locomotive Preemption Final Rule

On November 1, EPA issued final revisions to its regulations addressing preemption of state & local regulation of locomotives and engines used in locomotives. This is the result of efforts started in November 2022 responding to citizen petitions for EPA to take action on locomotive emissions, EPA committed to look at the regulations to see if states have more authority to address locomotive issues. This final rule will implement changes to 40 CFR 1074, effectively removing a paragraph of 1074 to align the regulations more closely with CAA section 209. The resulting policy change provides for exclusive Federal regulation of new locomotives and new locomotive engines while preserving the ability of California and other States to adopt and enforce certain State standards regulating non-new locomotives and engines. The final rule published in the Federal Register November 8, 2023 ([final rule](#)) / ([more info](#))

Oil & Natural Gas Sector Final Rule

Announced at COP 28/the UN Climate Change Conference on December 2, 2023, EPA has issued a final rule that will sharply reduce emissions of methane and other harmful air pollution from oil and natural gas operations – including, for the first time, from existing sources nationwide. The rule includes New Source Performance Standards to reduce methane and VOCs from new, modified, and reconstructed sources. It also includes Emissions Guidelines for states to follow as they develop plans to limit methane emissions from existing sources.

These and other elements of EPA's final rule will yield significant climate and health benefits for all Americans by achieving historic reductions in methane pollution, as well as smog-forming VOCs and toxic air pollutants like benzene and toluene. The rule will avoid an estimated 58 million tons of methane emissions from 2024 to 2038, which represents a nearly 80% reduction from projected methane emissions levels without the rule. As a co-benefit, the rule will also avoid 16 million tons of smog-forming VOC emissions and 590,000 tons of air toxics over the same period. The final rule has not yet published in the Federal Register, but more information and the pre-publication rule are available online – ([pre-publication final rule](#)) / ([press release](#)) / ([more info](#))

Reconsideration of EPA's December 2020 Decision to Retain 2012 Particulate Matter (PM) NAAQS (National Ambient Air Quality Standards)

EPA's final decision rulemaking is currently under Office of Management and Budget (OMB) interagency review, announcement of EPA's final decision is anticipated shortly after the rulemaking package clears OMB review.

In the event of a revised PM NAAQS, the final rulemaking begins a 2-year process of designating areas nonattainment (1st year for state recommendations, 2nd year for EPA evaluation & final designations).

Environmental and Climate Justice Community Change Grants

EPA's Environmental and Climate Justice Program (ECJ Program) was created by the Inflation Reduction Act (IRA) under CAA Section 138 to provide funding for financial and technical assistance for environmental and climate justice activities benefitting underserved and overburdened communities. Congress appropriated \$2.8 billion for financial assistance & \$200 million for technical assistance, EPA's Office of Environmental Justice & External Civil Rights is tasked with implementing. EPA must award

grants and technical assistance under the Environmental/Climate Justice Program by September 30, 2026.

A Notice of Funding Opportunity (NOFO) for these Community Change Grants was announced November 21, 2023, and it represents \$2 billion of the \$2.8 billion appropriated for financial assistance, and the entire \$200 million appropriated for technical assistance. The NOFO closes November 21, 2024 ([more info](#)) / ([Notice of Funding Opportunity](#))