Message

From: Hickey, Maureen [Hickey.Maureen@epa.gov]
Sent: 4/19/2019 8:50:35 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
Subject: RA's weekly schedule April 22- May 31
Attachments: RA42219Weekly Agenda Style.pdf

Importance: High

FYI… RA's weekly schedule through May 31st.

Happy Easter!

M☺

April 22, 2019 - April 28, 2019

April 2019

Su	Mo	Tu	We	Th	Fr	Sa
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May 2019

Su	Mo	Tu	We	Th	Fr	Sa
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Monday, April 22

Annual Leave: W. Mugdan

Earth Day

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter

1:00pm - 2:00pm St. Gobain Performance Plastics site meeting (Room 27A) - Lopez, Peter

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

3:30pm - 4:00pm Briefing - FEMA Interagency Agreements (RA conference room/via VTC with Karst) - Lopez, Peter

Tuesday, April 23

Annual Leave: W. Mugdan

8:35am - 9:30am Leave NYRO for Lyndhurst, NJ - Lopez, Peter

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

10:00am - 11:00am Meeting with Passaic Elected Officials (250 Cleveland Ave, Lyndhurst, NJ 07071) - Lopez, Peter

11:20am - 12:20pm Drive to Edison, NJ office - Lopez, Peter

12:30pm - 1:00pm Lunch

1:30pm - 1:45pm Leave EPA, Edison for Middlesex Community College - Lopez, Peter

2:00pm - 3:00pm Earth Day Event - RA to deliver Keynote Address (Middlesex Community College (near Edison facility))

Wednesday, April 24

Administrative Professionals Day (United States)

Annual Leave: D. Kluesner

8:30am - 9:15am Briefing: Additional congressional funding for Chesapeake, LIS and Lake Champlain programs (RA conference

9:30am - 10:30am Daily Staff Meeting (RA C/R - Dial in: Conference Line/Code / Ex. 6 - Lopez, Peter

11:00am - 11:15am RA and ORA to meet with retiree Michael van Itallie (RA Office - 26th floor) - Lopez, Peter

11:30am - 12:00pm Meeting with Ben Barnes, Ben Barnes Group

1:00pm - 1:30pm Mid Year Review Javier Laureano (RA conference

1:30pm - 1:40pm Management time

2:00pm - 3:00pm Hudson River Team meeting (RA conference room

3:00pm - 3:30pm Mid-Year Review Rich Manna (RA conference

3:30pm - 3:40pm Management Time - Lopez, Peter

4:00pm - 4:30pm Mid Year Review Carmen Guerrero (RA conference

Thursday, April 25

Annual Leave: D. Kluesner, R. Manna

Timecards due

9:00am - 9:30am "Take Your Child to Work Day" welcoming remarks

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

10:30am - 11:00am Call with Vaughn Noga, CIO and DAA for Environmental Information, Office of Mission Support re: 209A

11:30am - 12:00pm Meeting on NYC Watershed (and discussion of upcoming National Academy of Sciences meeting) (RA conference

1:00pm - 1:30pm Mid Year Review Maureen Hickey (RA conference room) - Lopez, Peter

1:30pm - 1:40pm Management time

2:00pm - 2:30pm Mid Year Review Dore LaPosta (RA conference

2:30pm - 2:40pm Management Time - Lopez, Peter

4:00pm - 4:30pm Region 2 SF DD Weekly Conference Line/Code / Ex. 6

Friday, April 26

Annual Leave: D. Kluesner

Flex day

11:00am - 12:00pm Weekly ERRD call (RA conference room -- Dial in: Conference Line/Code / Ex. 6 Lopez, Peter

2:00pm - 2:45pm Call with Regional Administrators, Call-in Number: Conference Line/Code / Ex. 6 (3204 WJC-South) - Bodine, Susan

3:00pm - 4:00pm RSFLG USVI Working Group - WAPA (FEMA HQ | 500 C St. SW | Room 7NW-2803 | Conference Line: Conference Line/Code / Ex. 6

Saturday, April 27

Sunday, April 28

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April 29, 2019 - May 5, 2019

April 2019

Su	Mo	Tu	We	Th	Fr	Sa
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May 2019

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Monday, April 29

Annual Leave: D. Kluesner, R. Manna

8:45am - 9:15am Briefing: Chesapeake Bay Watershed - NYSDEC's Watershed Implementation Plan (RA conference room) - Lopez, Peter

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line #: Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter

11:45am - 12:15pm Mid Year Review Anahita Williamson (RA conference room) - Lopez, Peter

12:15pm - 12:45pm Management Time

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, April 30

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

11:00am - 11:30am Briefing: Seneca Nation - Water Quality Standards program authorization (RA conference room) - Lopez, Peter

Wednesday, May 1

RA AWL

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

11:30am - 4:00pm Hudson CAG (Saratoga Town Hall, Schuylerville, NY)

Thursday, May 2

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

11:00am - 11:30am Briefing: Report out on National NPDES branch chiefs meeting (RA conference room) - Lopez, Peter

1:00pm - 2:00pm Limetree Bay Workgroup (7208 WJC South/VTC set up/Call-in #: Conference Line/Code / Ex. 6 Tomiak, Robert

Friday, May 3

Flex day: S. Kopec, B. Soltani

11:00am - 12:00pm Weekly ERRD call (RA conference room -- Dial in: Conference Line/Code / Ex. 6 - Lopez, Peter

1:30pm - 2:30pm RA Meeting (Phone) - Benevento, Douglas

Saturday, May 4

Sunday, May 5

May 6, 2019 - May 12, 2019

May 2019

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June 2019

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Monday, May 6

W. Mugdan in DC for training

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, May 7

Hold for possible community meeting p.o.c. John Prince

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

11:00am - 11:30am RA and ORA to meet with retiree Mark Bean (RA office) - Lopez, Peter

1:00pm - 2:00pm RA and staff to meet with John Omana of ecoSPEARS re: Hudson River cleanup and technology (EPA Region 2 Office, 290 Broadway (between Duane and Reade Streets) 26th floor) - Lopez, Peter

Wednesday, May 8

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

10:00am - 12:00pm Confirmed: NJWEA's 104th Annual Conference in Atlantic City (Atlantic City, NJ)

Thursday, May 9

Timecards due

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

11:00am - 12:00pm Meeting with County Administrator, Steve Wilson re: Stream Bank project (U.S. EPA Region II, 290 Broadway (between Duane and Reade Streets), New York, NY 10007; 26th Floor Regional Administrator Conference Room) - Lopez, Peter

1:00pm - 2:00pm Briefing: Long Island Sound Showcase (RA conference room) - Lopez, Peter

4:00pm - 4:30pm Region 2 SF DD Weekly Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Fonseca, Silvina

Friday, May 10

Flex day

11:00am - 12:00pm Weekly ERRD call (RA conference room -- Dial in: Conference Line/Code / Ex. 6 - Lopez, Peter

2:00pm - 3:00pm Lunch Hour

Saturday, May 11

Sunday, May 12

Mother's Day (United States)

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May 13, 2019 - May 19, 2019

May 2019

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June 2019

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Monday, May 13

12:00am fyi - R2 ELMS Training this week

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 Lopez, Peter

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, May 14

fyi - R2 ELMS Training this week

9:00am - 2:00pm Speak at National Academy of Sciences Meeting for the Watershed Protection Program Review (Kaatskill Mountain Club Lodge in Hunter, NY - time to be given)

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

Wednesday, May 15

fyi - R2 ELMS Training this week

8:00am - 5:00pm Hold for PR/USVI Collaborative Meeting (Puerto Rico)

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

Thursday, May 16

fyi - R2 ELMS Training this week

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

1:00pm - 2:00pm Limetree Bay Workgroup (7208 WJC South/VTC set up/Call-in #: Conference Line/Code / Ex. 6 Tomiak, Robert

4:00pm - 5:00pm Canceled: Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

Friday, May 17

12:00am fyi - R2 ELMS Training this week

Flex day: S. Kopec, B. Soltani

11:00am - 12:00pm Weekly ERRD call (RA conference room -- Dial in: Conference Line/Code / Ex. 6 - Lopez, Peter

1:30pm - 2:30pm RA Meeting (Phone) - Benevento, Douglas

Saturday, May 18

Sunday, May 19

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May 20, 2019 - May 26, 2019

May 2019

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June 2019

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Monday, May 20

Graduation - RA to take personal day

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, May 21

8:00am Indian Nations Meeting

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

Wednesday, May 22

4:00pm Indian Nations Meeting

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

Thursday, May 23

Donna Vizian to visit Region 2

Timecards due

8:00am - 3:00pm RA Meeting FACE to FACE(HOLD) (Washington, DC) - Benevento, Douglas

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

11:00am - 11:30am Hold for Meeting with Donna Vizian and staff (Walter and Chris to attend) - Lopez, Peter

2:00pm - 3:00pm Hold: for all Employee Meeting - Lopez, Peter

4:00pm - 4:30pm Region 2 SF DD Weekly Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Fonseca, Silvina

Friday, May 24

Flex day

11:00am - 12:00pm Weekly ERRD call (RA conference room -- Dial in: Conference Line/Code / Ex. 6 Lopez, Peter

Saturday, May 25

Sunday, May 26

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May 27, 2019 - June 2, 2019

May 2019

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June 2019

Su	Mo	Tu	We	Th	Fr	Sa
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Monday, May 27

12:00am Hold for Annual Leave

Memorial Day (United States)

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, May 28

Hold for Annual Leave

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

Wednesday, May 29

Hold for Annual Leave

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

1:00pm - 3:00pm Bi-Weekly Response and Recovery Briefing (Room 27B - Via VTC with CEPD/Karst Conference Room - Dial in: Conference Line/Code / Ex. 6 - Lopez, Peter

Thursday, May 30

Hold for Annual Leave

9:30am - 10:30am Daily Staff Meeting (RA C/R) - Lopez, Peter

1:00pm - 2:00pm Limetree Bay Workgroup (7208 WJC South/VTC set up/Call-in #: Conference Line/Code / Ex. 6 Tomiak, Robert

Friday, May 31

12:00am Hold for Annual Leave

Flex day: S. Kopec, B. Soltani

11:00am - 12:00pm Weekly ERRD call (RA conference room -- Dial in: Conference Line/Code / Ex. 6 - Lopez, Peter

1:30pm - 2:30pm RA Meeting (Phone) - Benevento, Douglas

Saturday, June 1

Sunday, June 2

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Message

From: Simon, Paul [Simon.Paul@epa.gov]
Sent: 8/1/2018 5:43:27 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Iglesias, Ariel [Iglesias.Ariel@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Font, Jose [Font.Jose@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]; Kluesner, Dave [kluesner.dave@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]
CC: Mills, Flaire [Mills.Flaire@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]
Subject: Heads-up re Limetree

Importance: High

We just heard from OECA that the White House is interested in making a statement supporting the restart of the Limetree (LTB) refinery on St. Croix. Ex. 5 (Attorney Work Product) and Ex. 7(A)

Ex. 5 (Attorney Work Product) and Ex. 7(A)

Ex. 5 (Attorney Work Product) and Ex. 7(A) We will get you a summary or fact sheet as soon as possible.

Message

From: Mugdan, Walter [Mugdan.Walter@epa.gov]
Sent: 4/13/2018 3:14:33 PM
To: Johnson, Laura-S [Johnson.Laura-S@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]
CC: Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: RE: Region 2's entry for weekly report?
Attachments: Weekly Report to Administrator 4-13-18.docx

Dear Laura,

The report was submitted a short while ago; sorry for the delay. Here is another copy.

From: Johnson, Laura-S
Sent: Friday, April 13, 2018 11:13 AM
To: Lopez, Peter <lopez.peter@epa.gov>; Mugdan, Walter <Mugdan.Walter@epa.gov>
Cc: Hickey, Maureen <Hickey.Maureen@epa.gov>
Subject: Region 2's entry for weekly report?
Importance: High

Good morning Pete and Walter,

I'm reaching out regarding your weekly report submission. Do you have an entry for us to include?

Thanks,
Laura

Laura S. Johnson | U.S. Environmental Protection Agency
Special Assistant, Office of the Administrator | Cell (202) 819-4941
Office (202) 566-1273 | johnson.laura-s@epa.gov

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 04/12/18

Hot Issues:

not responsive

Limetree Bay Terminal (LBT), St. Croix, USVI, Air Permit Questions: On 4/5 the Assistant Administrator for Air signed EPA's response to questions raised by LBT regarding its plans to restart refinery operations at the facility. EPA concurred that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the Single Point Mooring project would be considered a modification to an existing emissions unit rather than a new emissions unit.

not responsive

Message

From: Kopec, Slawomir [kopec.slawomir@epa.gov]
Sent: 12/6/2018 3:24:14 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Brandt, Peter [Brandt.Peter@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: Weekly Reports
Attachments: Weekly Report 12-04-18.docx

Hello all.

Slawomir (Steve) Kopec
Special Assistant to Regional Administrator
U.S. EPA Region II
290 Broadway
New York, NY 10007
(212) 637-5037

WEEKLY HIGHLIGHTS
12/04/18

MAJOR MILESTONES REPORT – 12/4/18

Likely in December

not responsive

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not responsive

Likely in January 2019

not responsive

not responsive

February 2019

not responsive

Beyond February 2019

not responsive

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CLEAN AIR AND SUSTAINABILITY DIVISION

Hot Issues

Limetree Bay Terminals, USVI: On November 27, 2018, LBT electronically sent a Plantwide Applicability Limit application to CASD's Air Programs Branch. With this permit application Limetree Bay Refining, LLC, an affiliate of Limetree Bay Terminals (collectively, "Limetree Bay Terminals and Refining") is requesting that EPA issue a Plantwide Applicability Limits ("PAL") permit. A PAL is a pollutant-specific, source-wide emission limitation, expressed in tons per year (tpy), which provides a voluntary alternative for complying with PSD permitting program requirements. The PAL will allow LBT the flexibility to make changes within the facility (i.e., major stationary source) to adapt to market demands without any deterioration to the air quality by operating under the plantwide limitations. LBT stated that the proposed PAL for SO2, NOX, VOC, CO, PM, PM10, and PM2.5 was developed in accordance with the procedures at 40 CFR 52.21(aa)(6) for setting the 10-year actuals PAL. This application is 300 pages long so LBT also proposed to meet with region 2 technical staff to go over the application. We will meet with LBT on December 11, 2018, to understand and discuss the application and its approach. LBT has asked HQ to issue a PAL permit by June 2019, to meet its MARPOL related schedule. While the PSD regulation (this is an EPA permit action, but not a PSD permit), but and requires a permit decision within 12 months from a complete application, LBT's June 2019 schedule amounts to a decision within 7 months from receipt of an application.

Past Week

not responsive

not responsive

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CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Upcoming:

not responsive

Past Week:

CWA

not responsive

RCRA

not responsive

CERCLA

not responsive

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CLEAN WATER DIVISION

Upcoming:
Limetree Bay Terminal: The NPDES Section will participate in a conference call with personnel from the Limetree Bay Terminal on St. Croix, U.S. VI to discuss potential air pollution control technology that may affect the efficacy of the wastewater treatment plant at the facility. NPDES Section is working with VI DPNR regarding information required from Limetree Bay Terminal to issue a new TPDES permit to replace the administratively extended permit that was formerly issued to Hovensa.
(Contact: Karen O'Brien)

not responsive

Past Week:

not responsive

not responsive

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DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

not responsive

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DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Past Week:

not responsive

not responsive

Upcoming:

not responsive

not responsive

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EMERGENCY AND REMEDIAL RESPONSE DIVISION

Hot Issues:

not responsive

Past Week:

Upcoming:

not responsive

Other Items of Special Interest:

not responsive

not responsive

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OFFICE OF POLICY AND MANAGEMENT

Other Items of Interest:

not responsive

OFFICE OF REGIONAL COUNSEL

Past Week:

not responsive

not responsive

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PUBLIC AFFAIRS DIVISION

Hot Issues:

not responsive

Past Week:

not responsive

Upcoming Week:

not responsive

not responsive

Other Items of Special Interest:

not responsive

not responsive

not responsive

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OFFICE OF STRATEGIC PROGRAMS

Hot Issues:

not responsive

not responsive

Other Items of Special Interest:

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not responsive

Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 11/2/2017 11:36:36 AM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; McCabe, Catherine [McCabe.Catherine@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]
CC: Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Brandt, Peter [Brandt.Peter@epa.gov]; Chiang, Johnny [Chiang.Johnny@epa.gov]; Hwilka, Theresa [Hwilka.Theresa@epa.gov]
Subject: this week's highlights
Attachments: EPAR2 weekly highlights 11-02-17.pdf

Good morning everyone.

Thank you for submitting your highlights. Attached is the combined highlights for the region.

Have a good weekend.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

WEEKLY HIGHLIGHTS
WEEK OF 10/26/17

MAJOR MILESTONE REPORT

Confirmed Dates:

Likely in November

Not Responsive

Likely in December

Not Responsive

Not Responsive

▪ Issue permit modification public notice for the Landfarms Closure Plan at the Hovensa Refinery, St. Croix, USVI.
(CASD – Nidal Azzam)

Likely in January

Not Responsive

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CLEAN AIR AND SUSTAINABILITY DIVISION

Not Responsive

Not Responsive

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CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Not Responsive

Not Responsive

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Not Responsive

Not Responsive

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DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Not Responsive

Not Responsive

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DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Not Responsive

Not Responsive

Not Responsive

***

EMERGENCY REMEDIATION AND RESPONSE DIVISION

Not Responsive

Not Responsive

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OFFICE OF REGIONAL COUNSEL

Not Responsive

Not Responsive

Not Responsive

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OFFICE OF POLICY AND MANAGEMENT

Not Responsive

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OFFICE OF STRATEGIC PROGRAMS

Not Responsive

***

Not Responsive

Not Responsive

Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 6/14/2018 3:01:49 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
CC: Brandt, Peter [Brandt.Peter@epa.gov]; Chiang, Johnny [Chiang.Johnny@epa.gov]; Mishkin, Katherine [Mishkin.Katherine@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]
Subject: Highlights for this week.
Attachments: EPAR2 weekly highlights 06-15-18.pdf

Flag: Flag for follow up

Good morning everyone.

Thank you all for submitting your highlights. Attached is the compiled highlights for the Region.

Have a good weekend.

Mazeeda Khan, PE, PMP
US EPA Region 2
Special Assistant
Office of the Regional Administrator
phone (212) 637-3715

WEEKLY HIGHLIGHTS
WEEK OF 06/15/18

Confirmed Dates:

Likely in June

Not Responsive

Not Responsive

Not Responsive

Likely in September

Not Responsive

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CLEAN AIR AND SUSTAINABILITY DIVISION

Not Responsive

Not Responsive

Past Week:

Limetree Bay Terminal (LBT), St. Croix, VI: Single Point Mooring Project - The DPNR issued LBT the Final Authority to Construct Permit for its SPM and Marine Vapor Capture and Control System installation proposal. This final permit was issued on April 20, 2018.

Not Responsive

HOVENSA, St. Croix, USVI: Class 1 Permit Modification – It is anticipated that the approval letter will be transmitted to Division Director for signature during this week. Permittee's request is for extension of time for completing semi-annual corrective action status reports.

***

CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Not Responsive

Not Responsive

CLEAN WATER DIVISION

Not Responsive

Not Responsive

Not Responsive

***

DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Not Responsive

***

DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Not Responsive

Not Responsive

Not Responsive

Not Responsive

***

EMERGENCY AND REMEDIAL RESPONSE DIVISION

Not Responsive

Not Responsive

***

OFFICE OF POLICY AND MANAGEMENT

Not Responsive

Not Responsive

***

OFFICE OF STRATEGIC PROGRAMS

Not Responsive

Not Responsive

***

PUBLIC AFFAIRS DIVISION

Not Responsive

Not Responsive

Message

From: Guerrero, Carmen [guerrero.carmen@epa.gov]
Sent: 9/27/2018 3:12:43 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]
CC: Lyon, Christopher [lyon.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Font, Jose [Font.Jose@epa.gov]; Velez, Hector [Velez.Hector@epa.gov]
Subject: RE: PR/USVI Summary
Attachments: ACTION ITEMS - RA'S VISIT TO PR AND USVI (Sept 2018).docx; Briefing Paper - PR Economic Decline (9-10-18).docx

Flag: Flag for follow up

Buenos dias Pete! Please see attachment for your review with the list of action items from the notes taken in our meetings with PR and USVI officials last week. I appreciate if you and Slawomir may review this document and add any additional action items that we have missed. We have already started to respond to the action items.

In addition, please see attachment with briefing on economic issues in Puerto Rico for your review. We included this briefing in the fact sheets for the trip.

In regards to the unmet needs document, the Caribbean Recovery Team is working on finalizing the development of the briefing document. We will share the document soon.

Please do not hesitate to call me if you have any questions.

Thanks,
Carmen

-----Original Message-----
From: Lopez, Peter
Sent: Wednesday, September 26, 2018 1:47 PM
To: Guerrero, Carmen <guerrero.carmen@epa.gov>
Subject: PR/USVI Summary

Hi Carmen.

How are we doing with the summary of working notes from last weeks trip?

Also, where are we with the unmet needs and economic summary? I know you have your hands full, however, that one needs to be moving right along.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

ACTION ITEMS
REGIONAL ADMINISTRATOR'S VISIT TO PR AND USVI
WEEK OF SEPTEMBER 17, 2018

PUERTO RICO

Not Responsive

Not Responsive

US VIRGIN ISLANDS

DEPARTMENT OF PLANNING AND NATURAL RESOURCES:

Not Responsive

- Limetree - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Not Responsive

Message

From: Soltani, Beth [Soltani.Beth@epa.gov]
Sent: 4/13/2018 1:04:10 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: Weekly Highlights for your review

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 04/12/18

Hot Issues:

not responsive

Limetree Bay Terminal (LBT), St. Croix, USVI, Air Permit Questions: On 4/5 the Assistant Administrator for Air signed EPA's response to questions raised by LBT regarding its plans to restart refinery operations at the facility. EPA concurred that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the Single Point Mooring project would be considered a modification to an existing emissions unit rather than a new emissions unit.

not responsive

not responsive

Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 10/26/2017 5:39:37 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; McCabe, Catherine [McCabe.Catherine@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]
CC: Brandt, Peter [Brandt.Peter@epa.gov]; Chiang, Johnny [Chiang.Johnny@epa.gov]; Hwilka, Theresa [Hwilka.Theresa@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
Subject: weekly highlights
Attachments: EPAR2 weekly highlights 102617.pdf

Good afternoon.

Thank you everyone for your highlights. Attached are the highlights for this week.

Have a good weekend.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

WEEKLY HIGHLIGHTS
WEEK OF 10/26/17

MAJOR MILESTONE REPORT

Confirmed Dates:

Likely in October

not responsive

Likely in November

not responsive

ED_002591_00001729-00001

Likely in December

not responsive

▪ Issue permit modification public notice for the Landfarms Closure Plan at the Hovensa Refinery, St. Croix, USVI.
(CASD – Nidal Azzam)

Likely in January

not responsive

***

CLEAN AIR AND SUSTAINABILITY DIVISION

not responsive

not responsive

***

CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

not responsive

not responsive

***

Clean Water Division

not responsive

not responsive

not responsive

***

DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

not responsive

***

DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

not responsive

not responsive

not responsive

***

EMERGENCY REMEDIATION AND RESPONSE DIVISION

not responsive

not responsive

***

OFFICE OF REGIONAL COUNSEL

not responsive

not responsive

***

OFFICE OF STRATEGIC PROGRAMS

not responsive

***

Public Affairs Division

not responsive

not responsive

not responsive

Message

From: Pritchard, Eileen [Pritchard.Eileen@epa.gov]
Sent: 4/19/2019 10:30:22 AM
Subject: Administrators Weekly Report for week ending April 19, 2019
Attachments: Administrator's Weekly Report 04.19.2019.pdf; Administrator's Weekly Report 04.19.2019.docx

Good Morning, Administrator Wheeler and Colleagues,

Please see the attached report for the **Administrators Weekly Report,** which includes program offices and regional updates for the week ending April 19, 2019.

Have a nice weekend!

Eileen Pritchard
Special Assistant: Office of the Administrator
(202) 564-6578 (d)
pritchard.eileen@epa.gov

Region 1

Hot Topics

Not Responsive

Region 2

Hot Topics:

Not Responsive

Status of Limetree Bay Terminal's (LBT's) Plantwide Applicability Limit (PAL) Permit Application Review

APB is almost done with its review of the LBT PAL permit application (for SO2, NOX, VOC, CO, PM, PM10, and PM2.5) which was deemed complete on 12/28/2018. Compliance with the PAL will allow LBT the flexibility to make changes within the facility to adapt to market demands without further deterioration to air quality. APB plans to share a rough draft of the draft PAL permits with ORC next week for internal review. With regard to the EJ analysis, LBT sent a proposal on how to calculate the hourly emission rates that could be used to model the impacts of the short-term impacts of NO2, SO2, and PM2.5. The procedure calculates an estimate only. A call with their consultant is planned for further discussion. We hope to resolve this issue by the end of the week so that LBT may proceed with the analysis. APB is also in the process of amending LBT's PSD permits to reflect the shutdown of certain combustion units required pursuant to a 2011 CD. These units would be permanently shut down to achieve the NOX reduction required by the CD. APB also plans to consolidate existing two PSD permits into one. The draft amended permit is also undergoing internal review.

Not Responsive

Not Responsive

Region 3

Hot Topics

Not Responsive

Not Responsive

Region 4

Hot Topics

Not Responsive

Region 5

Hot Topics

Not Responsive

Not Responsive

Region 6

Hot Topics

Not Responsive

Not Responsive

Region 7

Hot Topics

Not Responsive

Region 8

Hot Topics

Not Responsive

Region 9

Hot Topics

Not Responsive

Region 10

Hot Topics

Not Responsive

Upcoming Major Decisions and Events

Not Responsive

Office of Air and Radiation

Not Responsive

Office of Chemical Safety and Pollution Prevention

Hot Topics

Not Responsive

Office of the Chief Financial Officer

Not Responsive

Office of the Congressional and Intergovernmental Relations

Not Responsive

Office of Enforcement and Compliance Assurance

Not Responsive

Office of General Counsel

Not Responsive

Office of International and Tribal Affairs

Not Responsive

Office of the Land and Emergency Management

Not Responsive

Office of Mission Support

Not Responsive

Not Responsive

Office of Policy

Not Responsive

Documents Submitted to OFR from April 11 - 17, 2019

Not Responsive

Not Responsive

Office of Research and Development

Not Responsive

Not Responsive

Office of Water

Not Responsive

Message

From: Soltani, Beth [Soltani.Beth@epa.gov]
on behalf of Lopez, Peter [lopez.peter@epa.gov]
Sent: 8/15/2018 7:36:25 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: Proposed Limetree Bay Meeting tomorrow, August 16th

Dear Colleagues,

This is a follow up to an invitation for tomorrow, August 16th at 2 p.m. regarding Limetree Bay. The intent of the session is to bring both affected Headquarters and Regional Staff together to discuss the status of Limetree Bay and Limetree applications and discuss any known points of sensitivity.

The intent is to ensure that all affected staff have an understanding of all aspects of the application and associated issues. It is also to ensure that unified guidance is provided to the Administrator, and particular, in the view of known interest from the White House of this project.

Please confirm your attendance with Beth Soltani, my Executive Assistant and please feel free to reach out to me for any further information.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Phone / Ex. 6

Message

From: Soltani, Beth [Soltani.Beth@epa.gov]
Sent: 4/13/2018 12:51:02 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: weekly report with revisions
Attachments: Weekly Report to Administrator 4-13-18.docx

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 04/12/18

Hot Issues:

Not Responsive

Limetree Bay Terminal (LBT), St. Croix, USVI, Air Permit Questions: On 4/5 the Assistant Administrator for Air signed EPA's response to questions raised by LBT regarding its plans to restart refinery operations at the facility. EPA concurred that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the Single Point Mooring project would be considered a modification to an existing emissions unit rather than a new emissions unit.

Not Responsive

Upcoming:

Not Responsive

Not Responsive

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 04/12/18

Hot Issues:

Not Responsive

Limetree Bay Terminal (LBT), St. Croix, USVI, Air Permit Questions: On 4/5 the Assistant Administrator for Air signed EPA's response to questions raised by LBT regarding its plans to restart refinery operations at the facility. EPA concurred that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the Single Point Mooring project would be considered a modification to an existing emissions unit rather than a new emissions unit.

Not Responsive

Upcoming:

Not Responsive

Message

From: Soltani, Beth [Soltani.Beth@epa.gov]
Sent: 11/14/2018 10:08:24 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: November 15th - Albany Meetings
Attachments: November 15th meeting.pdf

Hi Pete,
Please find attached your calendar for November 15th.
Best wishes,
Beth

Beth Soltani
Executive Assistant to the Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007
Office: 212.637.5038
Mobile: Personal Matters / Ex. 6

November 15, 2018
Thursday

All Day — **RA to have meetings in Albany**

9:00 AM - 9:45 AM

10:00 AM - 12:00 PM

Not Responsive

1:00 PM - 2:00 PM — **Limetree Bay Workgroup -- 7216 WJC South/VTC set up/Call-in #:** Conference Line/Code / Ex. 6

Conference Line/Code / Ex. 6

Limetree Bay Coordination W...

Point of Contact: Shelly Dawson, (202)564-2633

3:00 PM - 4:00 PM

Not Responsive

Message

From: Reed, Chris [no-reply@sharepointonline.com]
Sent: 9/26/2018 9:56:12 PM
To: Wood, Anna [Wood.Anna@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Krallman, John [krallman.john@epa.gov]; Sasseville, Sonya [Sasseville.Sonya@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Mills, Flaire [Mills.Flaire@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Dholakia, Umesh [Dholakia.Umesh@epa.gov]; Chan, Suilin [Chan.Suilin@epa.gov]; Ruvo, Richard [Ruvo.Richard@epa.gov]; Musumeci, Grace [Musumeci.Grace@epa.gov]; Azzam, Nidal [Azzam.Nidal@epa.gov]; Everett, Adolph [Everett.Adolph@epa.gov]; Stein, Carol [Stein.Carol@epa.gov]; Soto, Jose [Soto.Jose@epa.gov]; Siegel, Joseph [Siegel.Joseph@epa.gov]; Cox, Andrew [Cox.Andrew@epa.gov]; Sharpe, Kristinn [Sharpe.Kristinn@epa.gov]; Huff, Rebecca [huff.rebecca@epa.gov]; Shaw, Nena [Shaw.Nena@epa.gov]; Buzzelle, Stanley [Buzzelle.Stanley@epa.gov]
CC: Reed, Chris [Reed.Chris@epa.gov]
Subject: Reed, Chris is inviting you to collaborate on Limetree Bay Terminal Workgroup

Here's the site that Reed, Chris shared with you.

Go to Limetree Bay Terminal Workgroup

Follow this site to get updates in your newsfeed.

Get the SharePoint mobile app!

Message

From: Soltani, Beth [Soltani.Beth@epa.gov]
on behalf of Lopez, Peter [lopez.peter@epa.gov]
Sent: 4/18/2019 9:32:14 PM
To: Weekly Report Group [Weekly_Report_Group@epa.gov]
CC: Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: Region 2's Weekly Report to the Administrator
Attachments: Weekly Report to the Administrator 4-22-19.docx

Beth Soltani
Executive Assistant to the Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007
Office: 212.637.5038
Mobile: Personal Matters / Ex. 6

Message

From: Johnson, Valencia [Johnson.Valencia@epa.gov]
Sent: 7/30/2018 3:43:19 PM
Subject: News Clips

Flag: Flag for follow up

Region 2 News Clips

EPA to clean lead-tainted soil at 26 homes in Lockport (UNION-SUN & JOURNAL; July 27, 2018)
CLEANUP: Roughly 14,000 cubic yards of contaminated soil to be removed near Eighteen Mile Creek.

The U.S. Environmental Protection Agency has proposed cleaning up lead-contaminated soil at roughly 26 residences that are impacted by the former Flintkote Plant property at the Eighteen Mile Creek Superfund Site.

Coeyman acres Albany bought for its dump site now eyed as state wildlife area (ALBANY TIMES UNION; July 27, 2018)

Woods and fields in Coeymans once envisioned as a new dump for the city of Albany might instead become the state's newest nature preserve.

Many Queens areas will be sprayed with pesticide Tuesday as city amps up its war on mosquitoes (QUEENS COURIER; July 27, 2018)

The city plans on stepping up its war on mosquitoes in a big way throughout Queens this Tuesday night.

Everyone uses bottled water after Legionnaires' disease found in N.J. town hall (NJ ADVANCE MEDIA; July 27, 2018)

Employees at West Orange town hall were drinking bottled water and washing their hands with hand sanitizer after a colleague was diagnosed with Legionnaires' disease, and water at the public building tested positive for the bacteria that causes the disease.

N.J. sued to keep 'super-polluters' off the road. The Trump EPA just backed off, for now. (NJ ADVANCE MEDIA; July 27, 2018)

Gov. Phil Murphy's administration is getting its wish: those "super-polluting" trucks known as gliders won't be flooding the roads.

AG Challenges Federal Agency for Inadequate Review of Gas Pipelines (NJ SPOTLIGHT; July 27, 2018)
Gurbir Grewal among several attorneys general critical of FERC's decision to not take climate change into account in certification process

The Federal Energy Regulatory Commission is failing in its mission if it does not consider how new natural gas pipelines contribute to climate change, according to comments submitted yesterday by New Jersey's Attorney General Gurbir Grewal.

Chip Gaines releases lead paint safety video following EPA violations, $40G fine (FOX NEWS; July 27, 2018)

Chip Gaines certainly knows how to shine in front of the camera, although the former HGTV star's latest broadcast involves a more serious matter than shiplap or demo day: the dangers of lead paint.

EPA proposes excavating lead-laden soil at 26 Lockport homes (Buffalo News; July 27, 2018)

Stanley Czaplicki likes growing vegetables in his Lockport backyard.

EPA to clean lead-tainted soil at 26 homes in Lockport (Niagara Gazette; July 27, 2018)
CLEANUP: Roughly 14,000 cubic yards of contaminated soil to be removed near Eighteen Mile Creek.

The U.S. Environmental Protection Agency has proposed cleaning up lead-contaminated soil at roughly 26 residences that are impacted by the former Flintkote Plant property at the Eighteen Mile Creek Superfund Site.

Park it elsewhere: Public-housing tenants pan idea to put Double-D pool's stand-in on their pavement (Brooklyn Paper; July 27, 2018

They're shooting this pool plan down.

Cleanup proposed for Gibbstown superfund site (NJ BIZ; July 27, 2018)

The U.S. Environmental Protection Agency on Friday proposed a cleanup plan for the Hercules Inc. superfund site in Gibbstown.

Virgin Islands News

Mapp Thanks Lawmakers For Approval Of Limetree Bay Oil Refining Deal, Urges Quick Action On GERS, Hotel Development Measures (VI CONSORTIUM; July 26, 2018)

Governor Kenneth Mapp in a release issued Thursday thanked the members of the 32nd Legislature for the ratification of an agreement which will allow oil refining to resume on St. Croix, bringing hundreds of new jobs and millions in new revenues to the U.S. Virgin Islands.

Oil Refining On St. Croix To Restart As Senators Ratify Landmark Agreement (VI CONSORTIUM; July 26, 2018)

Six years after HOVENSA shuttered on St. Croix, oil refining is set to restart on the island at the same south shore facility that was once the location of a booming oil industry, this time under the leadership of Limetree Bay Terminals, whose owner is ArcLight Partners, LLC.

National News

Acting Administrator Wheeler

USA Today: Exclusive: Trump EPA to freeze Obama-era fuel standards for cars, light trucks

Clean Power Plan

Politico-EPA says carbon rule replacement to be in place by early 2019
E&E News-Agency won't replace climate rule until 2019

Enforcement
Fox News-Chip Gaines releases lead paint safety video following EPA violations, $40G fine

Glider Truck Rule
Reuters-EPA will enforce 'glider truck' limits after states sue

Gold King Mine
Associated Press-EPA seeks dismissal of Gold King Mine spill lawsuit

Officials
Washington Post- EPA tried to discredit retirees after The Post published their criticisms

PFAS
MLive-PFAS found in Parchment drinking water at 20 times advisory level

Pesticides & Chemicals
E&E News-EPA releases health assessment for weedkiller
Bloomberg Environment-Chemical Monitoring Has Room for Improvement, EPA Report Says

Superfund Sites
Bloomberg Environment-Companies Preparing Superfund sites for next major hurricane

Vehicle Emissions standards
The Hill-New EPA head: Obama 'jumped the gun' on vehicle emissions standards
New York Times-Top Trump Officials Clash Over Plan to Let Cars Pollute More

Full Articles

Region 2 News

UNION-SUN & JOURNAL

EPA to clean lead-tainted soil at 26 homes in Lockport
CLEANUP: Roughly 14,000 cubic yards of contaminated soil to be removed near Eighteen Mile Creek.

July 27, 2018

The U.S. Environmental Protection Agency has proposed cleaning up lead-contaminated soil at roughly 26 residences that are impacted by the former Flintkote Plant property at the Eighteen Mile Creek Superfund Site.

As part of a multi-phased, comprehensive cleanup of the Eighteen Mile Creek Site, the EPA is proposing the removal of roughly 14,000 cubic yards of contaminated soil and off-site disposal at facilities licensed to handle the waste. The excavated areas will be restored and backfilled with clean soil.

"EPA is committed to taking action to address the significant health threat lead contamination poses across the country," said EPA Regional Administrator Pete Lopez. "The plan proposed for this site will address the lead in the soil that children and families could be exposed to on these properties."

The agency said it has provided property owners with their specific soil sampling results and has discussed preventative measures to reduce exposure before an action can be taken. Once the EPA gets public input on its proposal and finalizes a plan for these properties, the agency officials said they will coordinate with the property owners to minimize impacts and inconveniences associated with construction.

Once the final plan is selected, EPA will take more soil samples to determine more conclusively the number of residential properties that need soil cleanup. EPA will monitor air near the work areas to ensure protection of residents and the surrounding community.

Eighteen Mile Creek has a long history of industrial use dating back to the 1800's. The headwaters of the Creek consist of an east and west branch beginning immediately north of the New York State Barge Canal in Lockport. Eighteen Mile Creek flows north approximately 15 miles and discharges into Lake Ontario in Olcott. Investigations at the site show that sediment and soil in and around Eighteen Mile Creek and nearby properties are contaminated with a variety of pollutants, including polychlorinated biphenyls (PCBs) and lead.

The former Flintkote Plant property located at 198 and 300 Mill Street operated between 1928 and 1971 and manufactured felt products.

ALBANY TIMES UNION

Coeyman acres Albany bought for its dump site now eyed as state wildlife area

By Brian Nearing

July 27, 2018

Woods and fields in Coeymans once envisioned as a new dump for the city of Albany might instead become the state's newest nature preserve.

The state Department of Environmental Conservation is eyeing purchase of 361 acres to the west of the Thruway, which the city has owned for a dozen years since its plans to build a landfill failed to materialize.

In a June 13 letter, DEC staffer Bruce O'Mara-Hulbert told Coeymans Supervisor Phillip Crandall that the state wants to buy the land off Old Ravena Road to create a Wildlife Management Area. It would be called the Coeymans Creek WMA. WMAs can be used for hunting, hiking, fishing, trapping, bird watching, and cross-country skiing.

The land was once slated to replace the current Rapp Road landfill in a plan pushed by former Mayor Jerry Jennings' administration. But it was stymied due to opposition from town officials and residents, as well as by the federal government marking much of the property, which contains Coeymans Creek, as protected wetlands.

"Our Town Board is supportive of this purchase by DEC," town Supervisor Phillip Crandall said. "We have sent a letter on this to the state."

Crandall said the town wants to avoid any potential repeat of plans to use the property for industrial development or waste storage. "The best we can hope for is for the state to purchase it," he said.

O'Mara-Hulbert's letter indicated the state anticipates paying for the property using the Environmental Protection Fund. The letter did not indicate a potential purchase price.

DEC issued a brief statement: "The city asked DEC to re-evaluate the property after the private purchaser fell through, and we are going through the process in consideration of acquiring the property."

A spokesman for Albany Mayor Kathy Sheehan declined comment.

In March, a deal by the city to sell the property for $620,000 to owner of the nearby Port of Coeymans collapsed because of access limitations caused by an expired right-of-way to Route 144. That access was part of the 1993 original sale agreement.

CM Recycling LLC, a subsidiary of Carver Cos. owned by Carver Laraway in Coeymans, intended to build a industrial park on the site, but withdrew the offer because it would not have adequate access for large commercial vehicles.

The city recently had the property appraised for $3.2 million.

Albany paid $5.2 million for the land between 1993 and 2006 under a complicated purchase option arrangement that — with legal delays — boosted the price from an original agreement of $3.9 million. The purchase was challenged unsuccessfully in court by Coeymans officials and dump opponents.

The land was sold to the city by Ten Eyck Powell Jr., a former Democratic Coeymans Town Board member, who owned about 201 acres; John Frangella, a former Republican assistant town assessor, and his wife, Judith, who owned about 87 acres; and the trust of Martha and Mary Kinley, which owned about 75 acres.

Dump opponents branded the inflated sale price to the city as evidence of a sweetheart deal among prominent Democrats and Republicans. The owners' lawyer, John T. Biscone, was a Coeymans supervisor, Democratic town chairman, part-time county public defender and Albany County Ethics Board member.

QUEENS COURIER

Many Queens areas will be sprayed with pesticide Tuesday as city amps up its war on mosquitoes

By Robert Pozarycki

July 27, 2018

The city plans on stepping up its war on mosquitoes in a big way throughout Queens this Tuesday night.

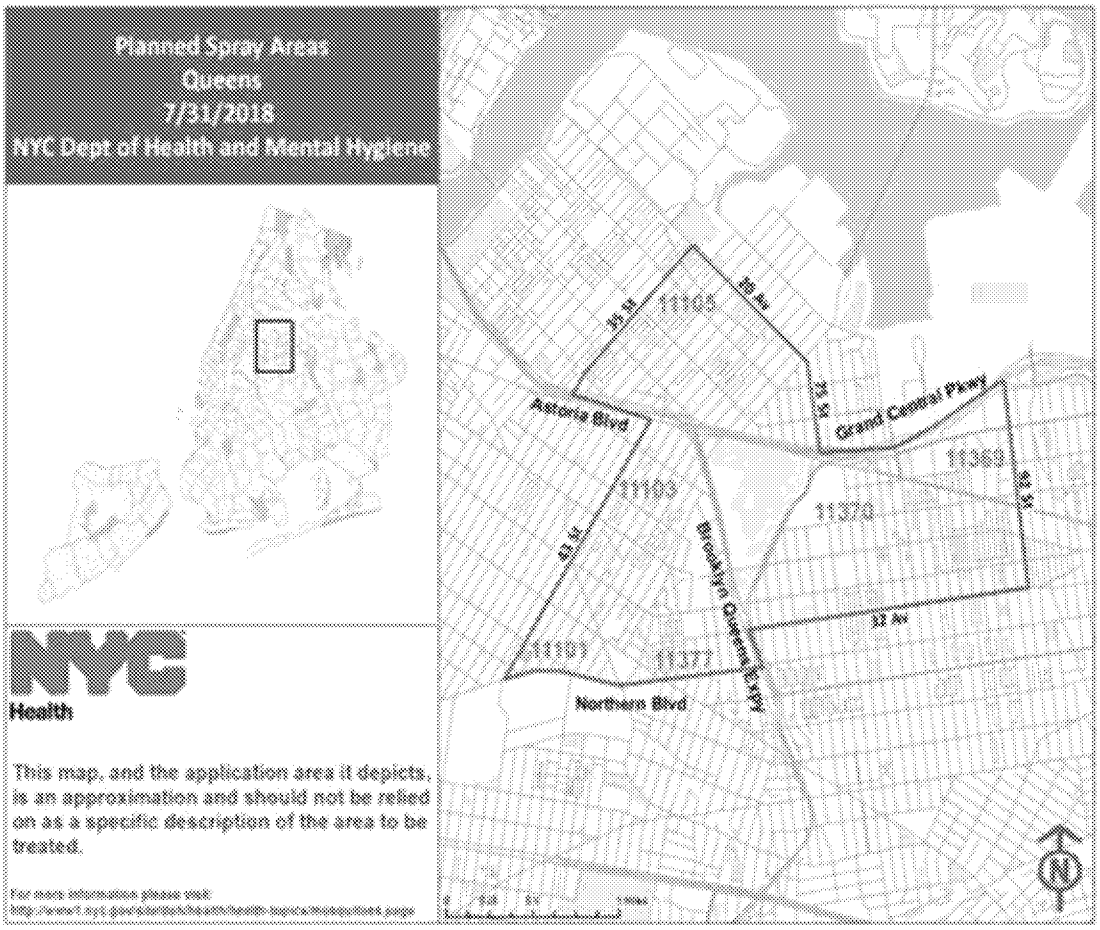
Three clusters of neighborhoods in northeast, northwest and central Queens will be sprayed with pesticide on July 31 from 9 p.m. and 6 a.m., weather permitting. Trucks will drive around spreading a very low concentration of DUET and/or Anvil 10+10, both of which target adult mosquitoes flying around.

Since June, the city has been using larvicide and pesticide across Queens and other parts of the city in an effort to control the mosquito population. The pests are known to carry the West Nile virus, a potentially deadly illness that's transmitted to humans through mosquito bites.

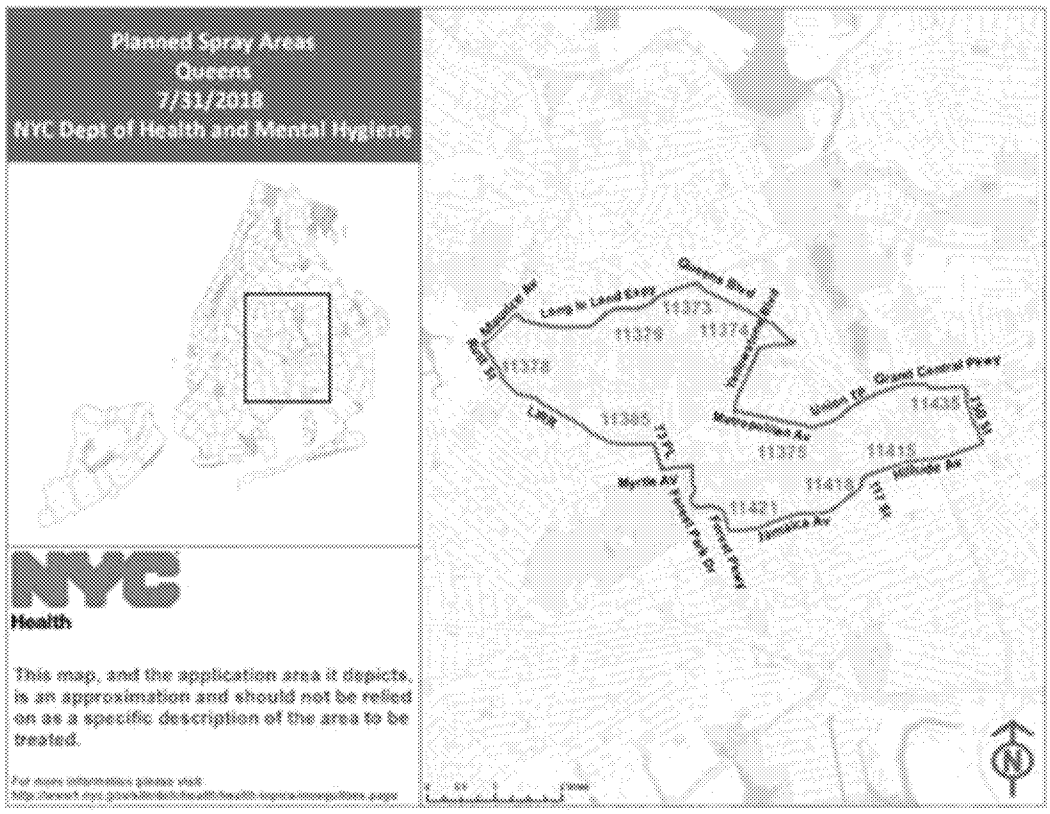
The pesticides pose low risks to humans and pets, but the city's Health Department suggests that residents — especially those with respiratory conditions that could be aggravated by exposure — stay inside during spraying hours. Air conditioners may be used, but you should keep the vents closed or use the recirculate function.

Before the spraying starts, you should bring inside any outdoor items; anything left outside should be thoroughly washed before reuse.

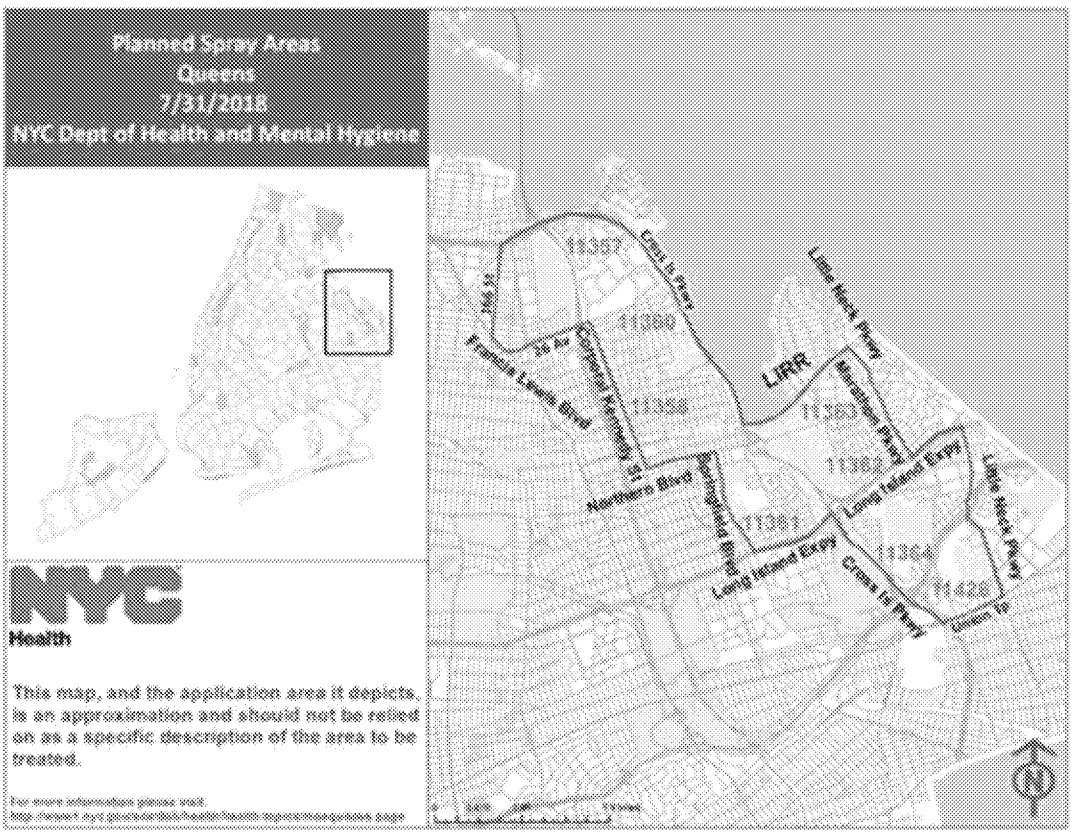
The three spraying areas in Queens to be sprayed on July 31 are as follows:



- Areas of Astoria, East Elmhurst, Jackson Heights and Woodside bounded by 20th Avenue, 75th Street and the Grand Central Parkway on the north; 32nd Avenue, the Brooklyn Queens Expressway and Northern Boulevard to the south; 92nd Street to the East; and 35th Street, Astoria Boulevard and 43rd Street to the west.



- Areas of Briarwood, Forest Hills, Glendale, Jamaica, Kew Gardens, Maspeth, Middle Village, Rego Park, Richmond Hill and Woodhaven bounded by the Long Island Expressway, Queens Boulevard, Yellowstone Boulevard, Metropolitan Avenue, Union Turnpike and Grand Central Parkway on the north; Hillside Avenue, 117th Street and Jamaica Avenue to the south; 150th Street to the east; and Forest Parkway, Forest Park Drive, Myrtle Avenue, 73rd Place, the Long Island Rail Road, Rust Street and Maurice Avenue on the west.



- Areas of Bayside, Bay Terrace, Beechhurst (Whitestone), Douglaston and Little Neck bordered by the Cross Island Parkway and Long Island Rail Road on the north; Union Turnpike, Cross Island Parkway, Long Island Expressway, Springfield Boulevard, Northern Boulevard, Corporal Kennedy Street and 26th Avenue to the south; Little Neck Parkway, Marathon Parkway and the Long Island Expressway to the east; and Francis Lewis Boulevard and 166th Street to the west.

In the event of inclement weather, the spraying will be postponed until Wednesday, Aug. 1, during the same timeframe. For more information, call 311 or visit nyc.gov/health/wnv.

Do your part to protect yourselves against mosquitoes this summer. Remember to drain any standing water on your property and, when outside, to use an approved insect repellant containing DEET, picardin, oil of lemon eucalyptus (except for children 3 years of age and under) or the active ingredient IR3535. Keep all swimming pools chlorinated, or covered when not in use.

NJ ADVANCE MEDIA

Everyone uses bottled water after Legionnaires' disease found in N.J. town hall

By Jessica Mazzila

July 27, 2018

Employees at West Orange town hall were drinking bottled water and washing their hands with hand sanitizer after a colleague was diagnosed with Legionnaires' disease, and water at the public building tested positive for the bacteria that causes the disease.

The longtime employee was hospitalized two weeks ago, West Orange officials confirmed Friday. Results of testing at town hall revealed Thursday that five of 10 samples of water contained elevated levels of the bacteria that causes Legionnaires' -- a severe and potentially deadly form of pneumonia.

The employee has since recovered, town officials said. The water at town hall was disconnected Thursday, and water at all other municipal buildings is being tested, officials said. Test results take two weeks.

Thursday night, filters were installed on all public water sources at the municipal building, officials said, the first of several remediation efforts being taken.

"We have been assured by outside consultants and experts that by shutting down the potable water supply, installing filters ... replacing the hot water heater which has already been disconnected and making plumbing repairs that the conditions will be remedied and safe," West Orange Mayor Robert Parisi said in a statement.

"The township is giving this health issue the importance and attention it demands."

Legionnaires' is not contagious from person to person, or caught by drinking or touching contaminated water. It is contracted by inhaling contaminated water mist, health officials say.

The town has had just this one case of the disease, and is not recommending town-wide testing of the water supply, a township spokeswoman said, adding that "it's up to individuals to test their homes, as in the event of any environmental matter."

NJ ADVANCE MEDIA

N.J. sued to keep 'super-polluters' off the road. The Trump EPA just backed off, for now.

By Michael Sol Warren

July 27, 2018

Gov. Phil Murphy's administration is getting its wish: those "super-polluting" trucks known as gliders won't be flooding the roads.

A week after New Jersey joined a coalition of states in suing the U.S. Environmental Protection Agency over a policy that would have allowed more "glider" trucks on American highways, the federal agency is changing its course.

In a memo released on Thursday, EPA Acting Administrator Andrew Wheeler decided that Obama-era regulations on the trucks were not "extremely unusual circumstances." Therefore, there could not be sudden policy change.

The EPA's decision to rollback the glider truck restrictions came on July 5 - the final day of Pruitt's scandal-plagued tenure as EPA administrator.

"I have concluded that the application of current regulations to the glider industry does not represent the kind of extremely unusual circumstances that support the EPA's exercise of enforcement discretion," Wheeler wrote in the Thursday memo.

In 2016, under President Obama, the EPA passed regulations that would limit the number of gliders that could be manufactured in the U.S. to just 300 per year, per manufacturer.

"Today, everyone in New Jersey can breathe easier knowing that production of glider trucks will continue to be limited," said New Jersey Department of Environmental Protection Commissioner Catherine McCabe.

Gliders, the vehicles in question, are rebuilt trucks with a new cab on an old engine. According to the EPA, most glider trucks use engines built before 2001. Those old engines often do not meet stricter emissions regulations, implemented by the Obama administration in 2010.

That matters because automotive emissions are the leading contributor to ozone pollution in New Jersey, according to the NJDEP.

While ozone is an important element of the atmosphere at high altitude's, near-surface ozone forms what is more commonly called smog. When inhaled, smog can caused inflammation in a person's respiratory system; it is sometimes described as sunburn for the lungs.

In its 2018 State of the Air report, the American Lung Association found that New Jersey continues to struggle with ozone pollution. That finding was echoed by an Environmental New Jersey report issued earlier this month.

Wheeler's directive may be just a temporary reprieve, however. In an interview with the Washington Examiner this month, Wheeler described the Obama glider regulations as being unfair to the truck manufacturers.

New Jersey was joined by California, Delaware, Illinois, Maine, Maryland, Massachusetts, Minnesota, New York, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Washington, D.C. in challenging the glider rule rollback.

"I was proud to stand up and challenge Scott Pruitt's final act as EPA Administrator, which put personal politics before the public's health and safety," said New Jersey Attorney General Gurbir Grewal. "States like New Jersey have been standing up to EPA ever since I took office, and EPA's decision to admit defeat and continue enforcing important limits on super polluting trucks shows why our work matters."

Environmental groups like the Sierra Club had also challenged to the rollback in separate action.

"This is the first real time we stopped Trump in a major attack on the environment," Jeff Tittel, the director of the New Jersey Sierra Club, said on Friday. "We need to remain vigilant and keep fighting Trump's rollbacks to protect our air and our lungs."

Since the Murphy administration took the reins in Trenton in January, Grewal has been aggressive in pushing for stricter federal environmental policies. Just this week, Grewal has called for the U.S. Supreme Court to reverse a lower court decision that restricts greenhouse gas regulations and pushed back against the federal government's approval process for natural gas pipelines.

3:06 p.m.: This story has been updated to included comments from New Jersey Attorney General Gurbir Grewal and NJDEP Commissioner Catherine McCabe.

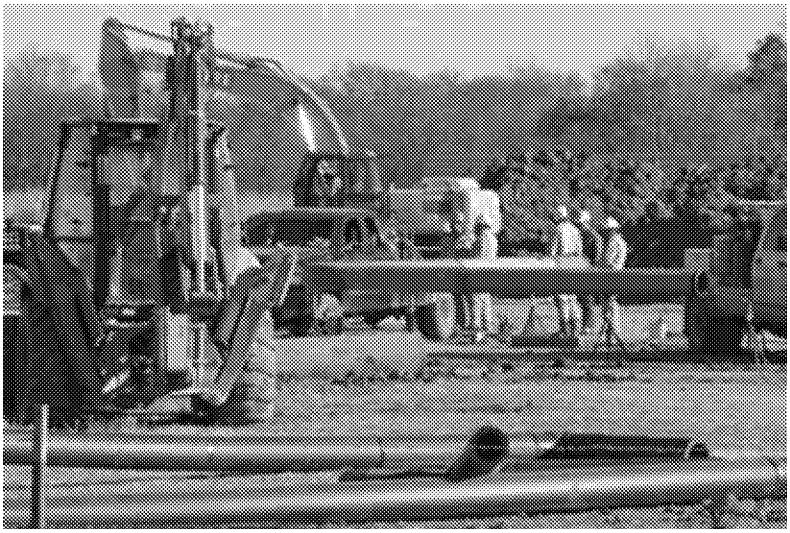
NJ SPOTLIGHT

AG Challenges Federal Agency for Inadequate Review of Gas Pipelines

Gurbir Grewal among several attorneys general critical of FERC's decision to not take climate change into account in certification process

By Tom Johnson

July 27, 2018



The Federal Energy Regulatory Commission is failing in its mission if it does not consider how new natural gas pipelines contribute to climate change, according to comments submitted yesterday by New Jersey's Attorney General Gurbir Grewal.

Joining five other states and the District of Columbia in a challenge to FERC's inadequate review of the pipelines, Grewal told the federal agency its present policy for pipeline review and certification does not fully satisfy its obligations to protect the public interest.

"Unless FERC considers how a new pipeline contributes to climate change, it cannot fulfill its statutory mission, because there is nothing more critical to the public interest,'' Grewal said in the accompanying comments. The agency is seeking input on updates to its gas pipeline certification policy, which was last updated in 1999.

Grewal and the other states' position contrasts with FERC's recent announcement that it will refuse to consider the greenhouse-gas impacts of new pipelines, a decision described by critics as the "wrong call.''

The federal agency has come under intense scrutiny in recent years as cheap natural gas supplies have led to a rapid expansion of pipelines across the country, including New Jersey. More than a dozen new gas pipelines have been proposed in the past few years, most triggering enormous opposition from residents and conservation groups.

Grewal: 'FERC needs to be much more careful'

The Attorney General's office has joined that fight also, challenging FERC's decision to grant a certificate authorizing the PennEast Pipeline Company, LLC, to move forward with a 120-mile project through parts of Pennsylvania and New Jersey.

Not only does FERC ignore climate-change implications, the Attorney General argued the agency fails to consider the full range of environmental impacts. "As the Attorney General for a state impacted by natural gas pipeline approvals, I know that FERC needs to be much more careful in its overall approach to pipelines,'' he said.

New Jersey Department of Environmental Protection Commissioner Catherine McCabe agreed, saying now is the time for the agency to analyze and reduce environmental harms. "Reducing and responding to climate change is a priority for the DEP,'' McCabe said, "and there is an urgent need for FERC to improve its review process to account for all environmental harms.''

The attorneys general who are challenging FERC argued that, by declining to account for greenhouse gas-emissions, the agency has failed to comply with the National Environmental Policy Act, which requires that all the environmental impacts of its decisions must be considered.

Other groups also called for an overhaul on how FERC reviews pipelines. The New Jersey Conservation Foundation argued that FERC should not accept contracts with a pipeline company's own affiliates as proof of market demand and should eliminate the authority to seize land through eminent domain before a pipeline has received all its permits.

FOX NEWS

Chip Gaines releases lead paint safety video following EPA violations, $40G fine

BY Janine Puhak, FOX NEWS

July 27, 2018

Chip Gaines certainly knows how to shine in front of the camera, although the former HGTV star's latest broadcast involves a more serious matter than shiplap or demo day: the dangers of lead paint.

On July 26, the home-renovation mogul from Waco, Tex., posted a video to Instagram of himself in a hazmat suit, which teased a clip on the Magnolia blog about the potential hazards of lead-paint removal. The clip also comes well over a month after Gaines and his wife Joanna were fined by the Environmental Protection Agency for violating lead-paint protocol.

"Listen, let me give you some advice. If you're ever considering renovating a pre-1978 home, hire someone to do it for you, because federal rules require them to be certified and trained to do it safely, to make sure the renovation activates don't spread lead dust," the 43-year-old says.

"There are additional state and local rules renovators have to follow to in some parts of the country to properly handle lead in renovations. If you hire someone to renovate your pre-1978 home, make sure you check to see that they're lead-safe certified."

"You don't have to be lead-safe certified if you do it yourself. The rules do not apply to DIYers," he adds in the five-and-a-half minute clip. "However, it's a very good idea for you to understand the rules to protect yourself and your family."

Back in June, Gaines and his wife Joanna were smacked with a $40,000 fine from the Environmental Protection Agency after the stars' company, Magnolia Homes, was accused of violating proper protocol regarding lead-based paint at 33 properties, Fox News reported at the time.

In addition, the parents of five agreed to spend an additional $160,000 to abate lead-based paint hazards in homes and child-occupied facilities in their hometown of Waco.

The EPA said it reviewed video footage of renovations of older homes in multiple seasons of "Fixer Upper" and found it "did not depict the lead-safe work practices" required by the Lead Renovation, Repair and Painting Rule (RRP). The agency said Magnolia "took immediate steps to ensure compliance with" regulations in the future, as soon as it was notified.

In compliance with the EPA settlement, Gaines addressed the hazards of lead paint on "Fixer Upper," has discussed lead-based paint safety on his social media account, and released the aforementioned video regarding the dangers of the substance.

The EPA said Magnolia was cooperative in its investigation and volunteered information.

Lead can affect the body's organs, and children are particularly susceptible to the dangerous effects, according to the EPA.

BUFFALO NEWS

EPA proposes excavating lead-laden soil at 26 Lockport homes

By Thomas J. Prohaska

July 27, 2018

Stanley Czaplicki likes growing vegetables in his Lockport backyard.

"Then all of a sudden I saw the EPA down at the other end of the street," he recalled Friday. "They were testing soil."

Now, the Environmental Protection Agency wants to excavate the soil on his property as well as 25 other parcels in the city's neighborhood east of the former Flintkote plant.

The federal agency Friday disclosed plans to excavate soil containing elevated levels of lead from the 26 properties. The Flintkote plant is believed to
be one of the primary sources of pollution that made a Superfund site of the entire length of Eighteen Mile Creek, from Lockport to Olcott.

Czaplicki still grows tomatoes, cucumbers and peppers this year, and plans to eat them, despite what the EPA advises.

"I asked one of the senior EPA guys if he thought that was a good idea," Czaplicki said. "He said, 'No, not really.' "

If the $6.7 million project wins final approval, work would begin next year or in 2020, EPA spokesman Michael Basile said.

Residential soil excavations are not unprecedented. The state Department of Environmental Conservation has been excavating soil for 22 years in Middleport because of high arsenic levels blamed on the FMC Corp. plant. The EPA excavated more than 100 properties near the NL Industries site at Walden Avenue and Transit Road in Depew between 2005 and 2010 because of lead contamination.

In Lockport in the meantime, Basile said residents have been told it's safe to live in Lockport's Lowertown district, but they should take precautions, such as cleaning their shoes after walking on their lawns.

"We kind of suggested to people if they were going to be putting in a garden, not to," Basile said.

The proposal calls for the removal and off-site disposal of about 14,000 cubic yards of soil from the properties on Mill, Chapel, North Adam, Porter and Frost streets. The EPA would replace the contaminated dirt with clean soil.

That means digging from 6 to 18 inches deep, depending on the test results on each property where soil samples were taken last year, Basile said.
"If we have to go deeper, we will," Basile said.

"Take it all. Fill it," said Czaplicki of North Adam Street.

"Get it out of here," agreed Harold Fitzsimmons of Mill Street, another affected resident. "I know they talked about one spot in the back of my backyard that they said that's the highest concentration."

Asked if he's worried about that, Fitzsimmons said: "After living here for 30 years, what's the point? If I got it, I got it."

"I'm not worried for me. I'm worried about the kids here in the neighborhood," Czaplicki said. "It's going to affect the young kids more than it's going to affect me."

EPA map of Eighteen Mile Creek Corridor in Lockport shows excavation zone in red at upper center. Flintkote property is in purple.

The EPA also evaluated a cheaper $3 million option, removing only 6 inches of soil and placing a membrane under the clean replacement soil to seal in any lead beneath it, but the agency decided that wouldn't do enough to protect residents.

Flintkote, which went out of business after a 1971 fire, produced sound-deadening felt for use in vehicles. The site had been a paper mill and, before that, a sawmill, dating back to the 1830s.

Basile said the EPA believes that wind blew the lead onto the home lots.

"The lead that we found matches the fingerprint from Eighteen Mile Creek, forensically," he said.

Test results on four other properties on North Adam Street are not in yet, so the number of excavated properties may rise to 30, Basile said.

One of those four homeowners, Kathleen Rounds, said she favors excavation if her yard's test results show high lead levels.

"I don't know if it makes me nervous because I've lived here so long," said Rounds, a 30-year resident. "I always make jokes about it. I say we have big-size ants because I live near the chemical company."

The EPA has called a public meeting on its plans for 7 p.m. Aug. 16 at the 4-H Training Center, 4487 Lake Ave., Lockport, and also began a 30-day public comment period on the plan Friday.

Residents were to receive phone calls from the EPA on Friday with an offer for private meetings about the lead on their properties, Basile said.
In 2013, the EPA decided to buy out five residents on Water Street, on the west bank of the creek across from the Flintkote plant, because high creek waters washed water containing cancer-causing PCBs onto their properties.

By 2015, the purchases were made and the houses were demolished. The EPA also tore down the ruins of Flintkote in 2014 and 2015.

Tests on the 26 properties to be excavated show few or no PCBs, but any there would be removed along with the lead, the report says.

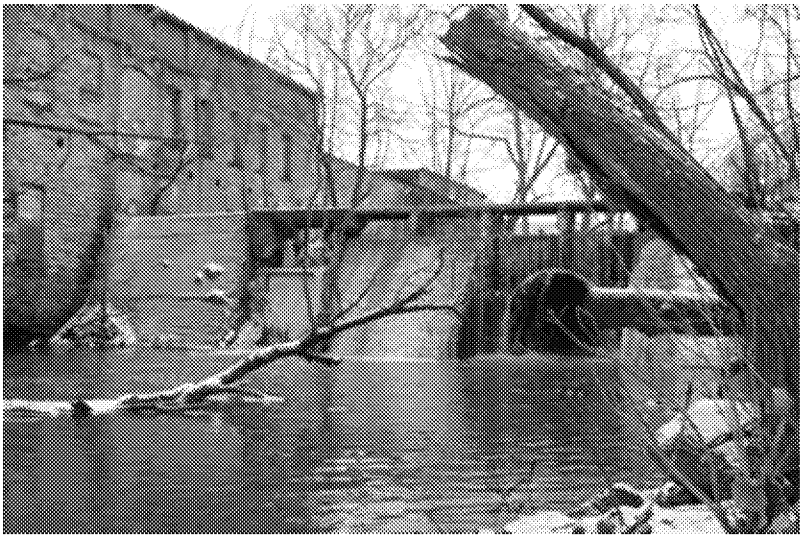
The EPA also has a $23 million plan on tap to removed contaminated sediment from the creek bed in Lockport.

Niagara Gazette

EPA to clean lead-tainted soil at 26 homes in Lockport
CLEANUP: Roughly 14,000 cubic yards of contaminated soil to be removed near Eighteen Mile Creek.

By Staff

July 27, 2018



This file photo shows Eighteen Mile Creek as it flows behind 62 Mill St. at the former Lockport Paperboard property. This section was on the EPA's list for dredging to remove PCBs, lead and other contaminants.

The U.S. Environmental Protection Agency has proposed cleaning up lead-contaminated soil at roughly 26 residences that are impacted by the former Flintkote Plant property at the Eighteen Mile Creek Superfund Site.

As part of a multi-phased, comprehensive cleanup of the Eighteen Mile Creek Site, the EPA is proposing the removal of roughly 14,000 cubic yards of contaminated soil and off-site disposal at facilities licensed to handle the waste. The excavated areas will be restored and backfilled with clean soil.

“EPA is committed to taking action to address the significant health threat lead contamination poses across the country,” said EPA Regional Administrator Pete Lopez. “The plan proposed for this site will address the lead in the soil that children and families could be exposed to on these properties.”

The agency said it has provided property owners with their specific soil sampling results and has discussed preventative measures to reduce exposure before an action can be taken. Once the EPA gets public input on its proposal and finalizes a plan for these properties, the agency officials said they will coordinate with the property owners to minimize impacts and inconveniences associated with construction.

Once the final plan is selected, EPA will take more soil samples to determine more conclusively the number of residential properties that need soil cleanup. EPA will monitor air near the work areas to ensure protection of residents and the surrounding community.

Eighteen Mile Creek has a long history of industrial use dating back to the 1800’s. The headwaters of the Creek consist of an east and west branch beginning immediately north of the New York State Barge Canal in Lockport. Eighteen Mile Creek flows north approximately 15 miles and discharges into Lake Ontario in Olcott. Investigations at the site show that sediment and soil in and around Eighteen Mile Creek and nearby properties are contaminated with a variety of pollutants, including polychlorinated biphenyls (PCBs) and lead.

The former Flintkote Plant property located at 198 and 300 Mill Street operated between 1928 and 1971 and manufactured felt products.

Brooklyn Paper

Park it elsewhere: Public-housing tenants pan idea to put Double-D pool’s stand-in on their pavement

By Julianne Cuba

July 27, 2018

They're shooting this pool plan down.

Residents at a Boerum Hill public-housing complex told the Feds to sink their proposal to put a temporary pool on a parking lot there when Gowanus's Double-D closes as part of the Gowanus Canal cleanup, claiming they lost enough spots already after the city ceded other pavement at the property for a pair of privately owned towers.

The Environmental Protection Administration leaders in charge of scrubbing the Superfund site told Gowanusaurs in June that they are eyeing a parking lot at Wyckoff Gardens as a possible place for the short-term swimming hole, months after the city announced that it tapped developers Two Trees and The Arker Companies to build two 16-story buildings with 500 apartments — half of which will rent for below-market-rate — on blacktop at the complex.

And those towers will suck up too many parking spots as it is, the residents argued, so the Feds must search elsewhere for the interim splash zone.

"We don't want it because they are trying to put it on the back parking lot, that's the only parking space we will have because the other two went to developers," said Wyckoff Gardens tenant Paula Smith, a member of the complex's resident-watch program. "We already sacrificed space."

Another tenant who supported the plan to build the temporary pool — which federal officials promised after revealing they must drain and demolish the Double-D because the ground it occupies within Thomas Greene Playground must be excavated and purged of toxins as part of the Gowanus Canal's cleanse — agreed that it should go somewhere other than on her neighbors' parking spaces.

"Where are the residents going to park? I don't understand where they are getting all this space from, it's insane, there's no space," said Wyckoff Gardens Resident Association member Monica Underwood.

The residents' pushed back against the proposed location for the pool at a Wednesday meeting hosted by Gowanus Councilman Stephen Levin and local civic leaders on the North Gowanus Vision Committee, where other attendees floated ideas for alternate sites to build the stand-in swimming hole.

Some of those sites are privately owned, however, including the lot at 270 Nevins St. — which Council recently approved the use of eminent domain to seize from its owner, film studio Eastern Effects, if the city cannot work out a deal to buy the land and the next-door Butler Street parcel where the ancient Gowanus Station building stands as a location for a water-filtration facility required as part of the Canal cleanup.

The Gowanusaurs also suggested several plots along the fetid waterway owned by private developer Property Markets Group, as well as publicly owned streets that dead-end at the banks of Brooklyn's Nautical Purgatory, which the locals said city transit gurus could close off to traffic.

A rep for Eastern Effects declined to comment on whether its bigwigs would agree to a deal to hand over its land for the pool and filtration facility, and a Property Markets Group rep did not immediately respond to a request for comment.

NJ BIZ

Cleanup proposed for Gibbstown superfund site

By Elana Knoppat

July 27, 2018

The U.S. Environmental Protection Agency on Friday proposed a cleanup plan for the Hercules Inc. superfund site in Gibbstown.

The EPA is proposing a combination of excavation and treatment to address contamination to the soil, sediment and groundwater caused by previous chemical manufacturing operations at the site.

The site encompasses an 80-acre former process area and 4-acre area known as the solid waste disposal area.

Operations at the plant ceased in 2010.

"EPA is proposing several cleanup technologies that we believe will address the contaminated soil, sediment and groundwater at this site and protect the health of this community," said EPA Regional Administrator Pete Lopez in a statement. "Under EPA's oversight, the site has been assessed and has resulted in the treatment of 2 billion gallons of contaminated groundwater."

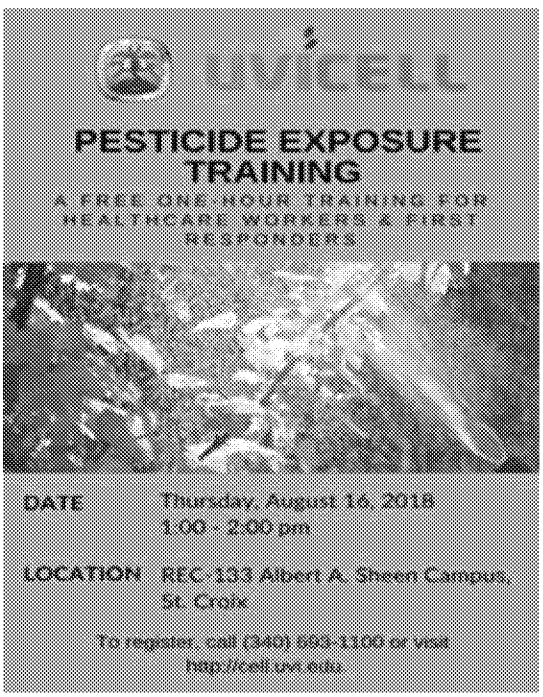
The EPA will hold a public meeting on the proposed cleanup plan Aug. 16.

Virgin Islands News

VI CONSORTIUM

Mapp Thanks Lawmakers For Approval Of Limetree Bay Oil Refining Deal, Urges Quick Action On GERS, Hotel Development Measures

July 26, 2018



Governor Kenneth Mapp in a release issued Thursday thanked the members of the 32nd Legislature for the ratification of an agreement which will allow oil refining to resume on St. Croix, bringing hundreds of new jobs and millions in new revenues to the U.S. Virgin Islands.

"This is a good day for the people of the Virgin Islands as we have signified to the outside world that following two Category 5 hurricanes, we are truly open for business and private sector investment in our community," the governor said. "I deeply appreciate the Legislature's efforts to thoroughly vet this agreement and would like to thank the senators that supported it. I am also, of course, extraordinarily grateful for the hard work that our team put into negotiating this landmark deal."

According to the Government House release, Mr. Mapp said that much work lies ahead as senators did not act on the proposal in its entirety and that he remains particularly concerned about provisions being removed that would directly enhance the solvency of the Government Employees Retirement System (GERS). The governor's original proposal called for GERS to receive half of the $615 million to be generated by the refinery over the next ten years.

"I look forward to working with the Legislature to bring some peace of mind to our retirees," he said.
Senators did not consider the portion of the proposal that calls for the acquisition of Havensight Mall from GERS and the lease of the Port of Sale property facility by the Virgin Islands Public Finance Authority. Senators shared a number of concerns, among them the question as to why GERS should sell a property that is making a profit.

"If given the approval by the Legislature, we can then redevelop these areas and give GERS 50 percent of the net revenues in perpetuity," the governor persisted. "Additionally, senators did not act on a $10 million equity loan to Island Global Yachting for the construction of a new 110-room hotel at Yacht Haven Grande."

The former HOVENSA refinery had been shuttered for nearly five years when Governor Mapp assumed office in 2015 and its closure had virtually destroyed St. Croix's economy, Government House said. It added that the Mapp administration made reopening the facility among its highest priorities and through the governor's assertive efforts, the Government of the Virgin Islands eventually assumed ownership of the refinery, selling a large portion of it to ArcLight Capital for oil storage.

Under the new agreement with ArcLight Capital, ratified early Thursday morning, the owners of what is now called Limetree Bay Terminals, will invest approximately $1.4 billion to refurbish the existing refinery. More than 1,300 local construction jobs are anticipated for the building phase. Once refining operations commence at the end of 2019, as many as 700 permanent jobs will be created. The new jobs will be in addition to the more than 750 jobs now at the terminal storage facility.

The governor said housing and meals will be provided to St. Thomas and St. John residents who are hired to work at the refinery.
Upon the closing of the transaction, ArcLight Capital will make a $70 million payment to the GVI. The payment includes $30 million for the purchase from the government of approximately 225 acres of land and 122 homes. This property was acquired as part of the government's settlement of claims against the refinery's former owners. The Virgin Islands Government will retain the vocational school and the more than 350 acres of land it had received in the 2016 settlement. The closing payment also includes a $40 million prepayment of taxes by a new refinery entity created by ArcLight Capital to operate the facility.

After crediting the $40 million of prepaid taxes with interest of roughly $8 million, ArcLight Capital will make annual payments to the government in lieu of taxes at a base rate of $22.5 million a year. With market adjustments based on the refinery's performance, this could increase to as much as $70 million per year, but will not be less than $14 million a year, Government House said (if refining drops below 10,000 barrels per day, however, the minimum payment to the government is zero). The initial refining operations will provide for the processing of approximately 200,000 barrels of crude oil per day, Government House said.

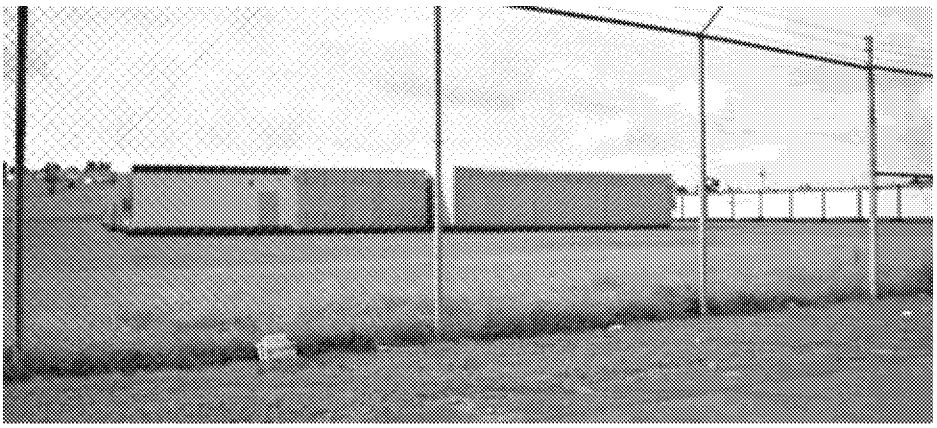
According to industry experts and consultants Gaffney, Cline & Associates, the U.S. Virgin Islands anticipates more than $600 million over the first 10 years of the restart of the refining operations. This income is in addition to the $11.5 million currently flowing to the government from the oil storage terminal each year.

VI CONSORTIUM

Oil Refining On St. Croix To Restart As Senators Ratify Landmark Agreement

By Ernice Gilbert

July 26, 2018



Modular units for an oilfield housing camp, also known as a "man camp," are placed in a Limetree Bay parking lot in preparation for turnaround work set to start later this year. (Credit: VI Consortium)

Six years after HOVENSA shuttered on St. Croix, oil refining is set to restart on the island at the same south shore facility that was once the location of a booming oil industry, this time under the leadership of Limetree Bay Terminals, whose owner is ArcLight Partners, LLC.

The ratification of the agreement, Bill No. 32-0246, between the Government of the Virgin Islands and Limetree Bay Terminals, came during a daylong Senate session at the Earl B. Ottley Legislative Hall in St. Thomas on Wednesday that ended around 12:12 a.m. Thursday, with 9 senators voting for the restart of oil refining, 5 voting against and one absent. The breakdown of votes is as follows:

•Janette Millin Young ⇒ No
•Positive Nelson ⇒ No
•Dwayne DeGraff ⇒ No
•Tregenza Roach ⇒ No
•Alicia Hansen ⇒ No
•Marvin Blyden ⇒ Yes
•Jean Forde ⇒ Yes
•Brian Smith ⇒ Absent
•Janelle Sarauw ⇒ Yes,
•Kurt Vialet ⇒ Yes
•Novelle Francis ⇒ Yes
•Sammuel Sanes ⇒ Yes
•Nereida Rivera-O'Reilly ⇒ Yes
•Myron Jackson ⇒ Yes
•Neville James ⇒ Yes

The majority moved to separate the Government Employees' Retirement System and hotel development at Yacht Haven Grande agreements from the oil refining deal, to be dealt with separately at a later date.

When HOVENSA shuttered in 2012, the impact was equivalent to a major disaster that all but wiped out the middle class of St. Croix, sent thousands migrating for opportunities — some to maintain the lifestyles that HOVENSA had afforded — and caused the closure of multiple businesses, among other economic disruptions. The closure of the refinery was upon a recession that the territory was reeling from, and the U.S. Virgin Islands never quite recovered from its heyday of economic boom.

Modular units for an oilfield housing camp, also known as a "man camp," are placed in a Limetree Bay parking lot in preparation for turnaround work set to start later this year. (Credit: VI Consortium)

The Limetree Bay oil refining agreement, though not on the level of HOVENSA relative to employment, will help St. Croix regain its economic footing, with 1,300 jobs being created during the constructing phase (turnaround period), which is expected to start this year and continue through 2019, and about 700 jobs once oil refining starts in 2020.

ArcLight Partners, LLC is investing $1.4 billion in the restart of the refinery, and with the ratification of the deal will move quickly to prepare the facility for refining to take advantage of a critical window of opportunity that ArcLight and Limetree Bay officials say will lead to the maximization of profits during a four-year period.

According to ArcLight and Mapp administration officials, a change to the rules of the International Convention for the Prevention of Pollution from Ships (known as MARPOL), lowers the amount of sulfur permitted in marine fuels (also known as bunker fuels) from 3.5 percent to 0.5 percent. When the rule revision comes into effect, the officials said, it will create an economic opportunity for the refinery to process discounted feedstocks and to produce low-sulfur marine fuels and other high value refined products. The change is set to take effect in 2020, and ArcLight is hoping to seize the window of opportunity with refining on the south shore ready also by 2020, allowing it to be one of the few refineries positioned that would be capable of meeting the new refining rules.

During closing statements ahead of the historic vote, senators gave reasons for their support or disapproval of the agreement.
"I do believe that the island of St. Croix needs that economic boost, Senator Sammuel Sanes said as he made his final case in support of the measure.
"Do I feel like we've gotten the best deal? Do I feel like this is the direction we want to go in? Do the people of the Virgin Islands really want this refinery?" Senator Positive Nelson, who ultimately voted against the deal, wondered aloud.

Senator Dwayne DeGraff complained that not enough time was given and kept going back to part of the agreement that sees Limetree Bay Terminals giving the Government of the Virgin Islands a $40 million advance as part of the signing, only to retrieve that amount, along with $8 million in interest, back through tax savings. Mr. DeGraff voted against the restart bill.

Senator Janette Millin Young, whose intention to vote against the measure was detectable since the July 20 Committee of the Whole hearing on St. Croix, held her stance and voted against the measure, stating that lawmakers had rushed the process, "but I ain't no Russian," she said.
Senator Alicia Hansen, who voted against the bill, gave a number of reasons for her decision, including concerns about the environment.

Senator Tregenza Roach shared his uneasiness with a number of matters as they relate to the agreement, and pointed to a portion of the deal that defines a Virgin Islander qualified to work at the refinery as a U.S. citizen or Green Card holder who have lived in the territory for one year. (During the July 20 hearing, lawmakers were reminded by Attorney General Claude Walker that the U.S. Virgin Islands is owned by the U.S. and that defining who constitutes a local any stricter would violate individual rights of American citizens.)

In support of the measure, Senator Janelle Sarauw spoke of the advantage that Limetree Bay would have were it to restart refining in 2020, giving it that crucial window of opportunity to be one of the leaders in refining low sulfur marine fuels. "The urgency of 2020 is that the territory has the ability to have a monopoly and be on the edge and they have an

edge when it comes to that market, and I don't think that the government or Limetree did a good job of explaining why 2020 was the date that they were pushing for," Ms. Sarauw said.

She concurred that the current deal isn't perfect by stating that no agreement is, and stressed that she wasn't given any kickbacks for her vote. But after looking at the agreement's pros and cons, she said the responsibility falls on government departments and agencies with certain jurisdiction relative to the agreement — namely the Department of Planning and Natural Resources for environmental enforcement, and the Department of Labor for job protections — to assure that the territory sees its full benefit as part of the deal.

Senator Novelle Francis spoke of a number of benefits that become available to the territory upon the agreement's approval and implementation. He spoke of the economic boon for St. Croix that is expected to trickle down to multiple sectors of the economy. The senator also mentioned a consultant that was hired by the Legislature who Minority caucus members said was paid $50,000 to advise lawmakers. He said while the consulting firm raised some good concerns, it said, "In every agreement and contract there is an opportunity to improve upon one way or the other." The consultant, according to Mr. Francis, added that the agreement itself was not a deal breaker.

Senator Marvin Blyden, like others who supported the agreement, spoke of the jobs that the restart of refining would bring. "I do believe that when opportunity knocks you must take advantage because it only comes once; it does not come too often," he said.

Senator Kurt Vialet spoke of the 2015 Limetree Bay Terminals agreement, and how the results had outperformed expectations. "When we went over the original terminal agreement in 2015 we never realized that out of the 80 jobs that we ratified that it would have grown to 800-plus. We never realized that the $120 million investment would have grown to $260 million as we speak, not including payroll costs," Mr. Vialet said. "So when you look at the impact of that one deal that was done in 2015, and you look at the fact that we were able to generate 800 jobs, that is significant."

He added: "A lot of individuals say, 'Well, who get those jobs? Are most of those jobs outsiders?' Well I could vouch for the many individuals that I personally know. The many former students that graduated from [the St. Croix Educational Complex] that are now in the plant working and have been employed for the last couple years."

Mr. Vialet also assailed members of the Minority caucus, who he contended have found fault with a number of economy-stimulating agreements but at the same time claim they support diversification.

"We cannot continue to walk away from everything. I heard the same argument with the horse race agreement… We heard the same, same dialogue: 'Don't pass it, they're not going to develop, they're not going to do this' — every single development you're going to hear the same dialogue and then you say you want to diversify. How do you want to diversify when you don't want anything? You've got to want something."

Mr. Vialet went on: "But if you're going to walk away from 1,500 jobs and a possible 800 permanent jobs that create a middle income base, then that's up to you. If you're going to make a decision based on politics, that is up to you. My decision isn't based on who sent down an agreement, my decision is based on whether or not it is in the best interest of the Virgin Islands."

Majority Leader Neville James described the agreement as a bases clearing triple, using baseball terms. "It's not a home run because I, for one, agree with the minority leader in that I believe we have better negotiators in the Legislature than in the executive branch… But I know my role, and we're not in the negotiation business down here, we are in the ratification business, and tonight it's fish or fowl, baby, and we're going fishing," Mr. James said, adding emphatically, "I'm voting yes; St. Croix's been suffering for 6 plus years."

To give perspective of HOVENSA's impact on the island, Mr. James, doing some quick math, added 2,000 employees by $70,000 per anum, the base salary at the former refinery. The amount is equivalent to $140,000 million that went directly to middle class households.

Senator Jean Forde said while he was not satisfied with all the answers to his questions, and while he did not agree with all aspects of the agreement, "I am faced with the responsibility of making a decision that I feel is the best interest of the entire Virgin Islands."

Senator Nereida Rivera-O'Reilly, who throughout the July 20 hearing and Wednesday to Thursday session sought guarantees from testifiers that the environment would be protected, said she was satisfied with the responses she received.

"I am very comfortable with the agreement's conditions and provisions that deal specifically with the environmental, health and safety of our community, and our ecosystem," she said. "I am very comfortable that the agreement ensures that the operators of both the terminal and the refinery, as well as the HOVENSA Remediation Trust will continue to do what they need to do to clean up the site and to operate a facility that meets all E.P.A. [Environmental Protection Agency] standards and local."

Senate President Myron Jackson sought to set the record straight on his decision to support the agreement. "For the record, I was not bought by the governor and my vote is not related to the governor's reelection," he said. "It's not tied to him asking me to vote for it, but at the end of the day what's in the best interest of the people of this territory."

National News

Acting Administrator Wheeler

Exclusive: Trump EPA to freeze Obama-era fuel standards for cars, light trucks

https://www.usatoday.com/story/news/politics/2018/07/26/trump-epa-freeze-obama-era-fuel-standards-cars-light-trucks/840816002/

By Ledyard King

WASHINGTON – The Trump administration will formally lay out a plan as early as next week to revisit strict fuel-economy standards that had been set in motion under President Barack Obama, according to Andrew Wheeler, the new acting head of the Environmental Protection Agency.

Automakers, state officials, environmentalists and federal regulators had agreed in 2012 to increase vehicle efficiency to an average 34.5 mpg by 2016 across the fleet of American cars and trucks, with the standard then slated to rise yearly until it hits 54.5 mpg by the end of 2025.

In an interview Thursday with USA TODAY, Wheeler argued that Obama acted prematurely when he increased the fuel-efficiency requirements before leaving office in 2017 and that the issue needs further review.

"They jumped the gun," Wheeler said. "It was a political attempt to try to move up the process and what we're doing is taking the deliberative process of looking at the midyear review the way it was originally intended to be done."

EPA is expected to make a joint announcement with the Department of Transportation offering alternatives to the scheduled fuel-efficiency standards.

Wheeler, who took over from embattled former EPA Administrator Scott Pruitt earlier this month, said the announcement is "probably coming out next week."

"We're proposing a list of options. We have a preferred option but I don't want to get ahead of the actual proposal before it goes out," he said.

The move is likely to be welcomed by U.S. automakers but will set up a fight with environmental groups and California, the most populous state and a leader in fuel efficiency.

President Donald Trump has long made clear he wanted to revisit the Obama-era mileage policies and in April, Pruitt said the administration would begin the process but he gave no details.

The Alliance of Automobile Manufacturers had sought a withdrawal of the higher fuel standards, arguing they would impose hefty costs and limit consumer options.

Anticipating a retreat from tougher standards, Tom Carper of Delaware, the top Democrat on the Senate Environment and Public Works Committee, said last week during a Capitol Hill hearing he fears the Trump administration "is looking to snatch defeat from the jaws of victory instead of working responsibly to achieve consensus."

The decision is not expected to directly address a related but separate issue of whether the EPA will revoke the waiver California received under the Clean Air Act to impose tougher fuel efficiency rules on cars and light trucks.

But environmentalists say the issues are tied to each other. They worry a decision to scrap the Obama-era standards would make it tougher for California to demand better gas mileage from carmakers.

Auto manufacturers are divided on the best course of action.

"Our priorities for modernizing the standards include the need for one national set of requirements where California and the federal government come to a nationwide agreement," according to a statement from General Motors. "We look forward to reviewing the proposed standards once public and are committed to working with all parties to help achieve these goals."

A Ford spokesperson pointed to a recent column from CEO Jim Hackett and Chairman Bill Ford saying, "We support increasing clean car standards through 2025 and are not asking for a rollback."

Fiat Chrysler declined comment.

A spokesman for the Alliance of Automobile Manufacturers said he wanted to see the proposal before commenting.

Clean Power Plan

Politico
EPA says carbon rule replacement to be in place by early 2019
https://subscriber.politicopro.com/energy
Posted July 26, 2018 at 4:09pm By: Alex Guillen

EPA says it is seeking to hasten interagency review of its proposed replacement rule for the Clean Power Plan with an eye toward finalizing it in early next year.

The proposal went to OMB earlier this month, and while review often takes two to three months, EPA told a federal court today that it has asked for an expedited review to be finished in August.

"The Clean Power Plan replacement rulemaking is a high priority for the Agency, and EPA is committed to completing it as expeditiously as practicable," EPA wrote in its new filing to the D.C. Circuit Court of Appeals.

"EPA's intention and expectation is that the [notice of proposed rulemaking] will be published in the Federal Register by late summer or early fall so that the Agency will be in a position to take final action on the NPRM by the first part of 2019."

The D.C. Circuit has kept the case on hold while the Trump administration works on its Clean Power Plan replacement, though a few judges have expressed frustration at the administration's pace. EPA asked today for that stay to remain in place.

EPA's proposal is based on comments received from the advance notice of public rulemaking issued last year. The plan is expected to use on-site technologies and strategies to lower coal plant emissions while giving states more leeway on stringency, a dramatic departure from the Clean Power Plan's fuel-switching structure.

WHAT'S NEXT: EPA's filing indicates Federal Register publication could come by September, although that timeline could slip.

E&E News
Agency won't replace climate rule until 2019
https://www.eenews.net/climatewire/2018/07/27/stories/1060091317
Posted: July 27, 2018 By: Niina Heikkinen

EPA will not complete a replacement for the Clean Power Plan until at least early next year, new court filings show.

The agency told the U.S. Court of Appeals for the District of Columbia Circuit it was "hoping" to take its next step toward replacing the rule in August, before proceeding with additional steps in the rulemaking. EPA is waiting for the White House to weigh in on its draft proposal, the agency said.

"The Clean Power Plan replacement rulemaking is a high priority for the Agency, and EPA is committed to completing it as expeditiously as practicable," EPA wrote in a status report submitted to the court yesterday afternoon.

The latest timeline comes as EPA's acting administrator, Andrew Wheeler, has committed to continuing the regulatory priorities set out by the Trump administration. The agency is facing heightened pressure from the D.C. Circuit to show progress in rewriting the regulation.

The communication with the court is part of the periodic updates required by D.C. Circuit judges.

EPA sent a draft notice of proposed rulemaking to the White House Office of Management and Budget on July 9. The agency noted that the review process can take up to 90 days, and it asked for an expedited review. After the White House reviews the draft, EPA plans to publish the notice of proposed rulemaking in the Federal Register by "late summer, or early fall." EPA estimated it would not be able to "take final action" on the notice until the beginning of next year.

The latest court update comes after two judges informed the agency in June they would not vote to extend the abeyance on the case. A third judge also noted concerns about indefinitely delaying litigation (Greenwire, June 26).

Yesterday, EPA asked the court to again keep the case in abeyance as it continued to make progress on developing a replacement for the rule.

Enforcement

Fox News

Chip Gaines releases lead paint safety video following EPA violations, $40G fine
http://www.foxnews.com/real-estate/2018/07/27/chip-gaines-releases-lead-paint-safety-video-following-epa-violations-40g-fine.html
By Janine Puhak, July 27, 2018

Chip Gaines certainly knows how to shine in front of the camera, although the former HGTV star's latest broadcast involves a more serious matter than shiplap or demo day: the dangers of lead paint.
On July 26, the home-renovation mogul from Waco, Tex., posted a video to Instagram of himself in a hazmat suit, which teased a clip on the Magnolia blog about the potential hazards of lead-paint removal. The clip also comes well over a month after Gaines and his wife Joanna were fined by the Environmental Protection Agency for violating lead-paint protocol.

"Listen, let me give you some advice. If you're ever considering renovating a pre-1978 home, hire someone to do it for you, because federal rules require them to be certified and trained to do it safely, to make sure the renovation activates don't spread lead dust," the 43-year-old says.

"There are additional state and local rules renovators have to follow to in some parts of the country to properly handle lead in renovations. If you hire someone to renovate your pre-1978 home, make sure you check to see that they're lead-safe certified."

"You don't have to be lead-safe certified if you do it yourself. The rules do not apply to DIYers," he adds in the five-and-a-half minute clip. "However, it's a very good idea for you to understand the rules to protect yourself and your family."
Back in June, Gaines and his wife Joanna were smacked with a $40,000 fine from the Environmental Protection Agency after the stars' company, Magnolia Homes, was accused of violating proper protocol regarding lead-based paint at 33 properties, Fox News reported at the time.

In addition, the parents of five agreed to spend an additional $160,000 to abate lead-based paint hazards in homes and child-occupied facilities in their hometown of Waco.

The EPA said it reviewed video footage of renovations of older homes in multiple seasons of "Fixer Upper" and found it "did not depict the lead-safe work practices" required by the Lead Renovation, Repair and Painting Rule (RRP). The agency said Magnolia "took immediate steps to ensure compliance with" regulations in the future, as soon as it was notified.

In compliance with the EPA settlement, Gaines addressed the hazards of lead paint on "Fixer Upper," has discussed lead-based paint safety on his social media account, and released the aforementioned video regarding the dangers of the substance.

The EPA said Magnolia was cooperative in its investigation and volunteered information.

Glider Truck Rule

Reuters

EPA will enforce 'glider truck' limits after states sue

https://mobile-reuters-com.cdn.ampproject.org/v/s/mobile.reuters.com/article/amp/idUSKBN1KH09X?amp_js_v=0.1&usqp=mq331AQGCAEoATgA#origin=https%3A%2F%2Fwww.google.com&prerenderSize=1&visibilityState=visible&paddingTop=54&p2r=0&horizontalScrolling=0&csi=1&aoh=15326739903755&viewerUrl=https%3A%2F%2Fwww.google.com%2Famp%2Fs%2Fmobile.reuters.com%2Farticle%2Famp%2FidUSKBN1KH09X&history=1&storage=1&cid=1&cap=swipe%2CnavigateTo%2Ccid%2Cfragment%2CreplaceUrl

By David Shepardson
Posted July 27, 2018

(Reuters) - The U.S. Environmental Protection Agency's acting chief said late Thursday the government will withdraw a decision to lift strict sales limits on remanufactured heavy duty vehicles known as "glider trucks".

The vehicles have a used engine in a new frame and rules introduced under former U.S. President Barack Obama, a Democrat, said nearly all new trucks on the road must use more efficient, less polluting engines.

The glider trucks emit up to 450 times more diesel particulate matter and up to 40 times more smog-forming nitrogen oxides than new trucks on the market, the EPA has said.

Environmental Defense Fund (EDF) president Fred Krupp said the decision is "a huge win for all Americans who care about clean air and human health."

"These super-polluting diesel freight trucks fill our lungs with a toxic stew of pollution. EPA's effort to create a loophole allowing more of them onto our roads was irresponsible and dangerous," he added.

The EPA issued a "no action" memo on July 6 that declared the agency would not enforce a limit of up to 300 gliders per manufacturer.

Acting EPA Administrator Andrew Wheeler, who took over earlier this month, said in a memo Thursday withdrawing the guidance he had "concluded that the application of current regulations to the glider industry does not represent the kind of extremely unusual circumstances that support the EPA's exercise of enforcement discretion."

A federal appeals court on July 18 temporarily blocked the EPA reversal after environmental groups, including EDF, sued the agency to force the agency to enforce the existing rules. On July 19, 16 states and the District of Columbia also sued the EPA.

New Jersey Attorney General Gurbir S. Grewal said the July 6 memo "was blatantly unlawful... By letting more of these super polluting trucks on the road, EPA is putting politics before the public's health and safety."

The EPA had said in its July 6 memo that enforcing the rules would result "in the loss of jobs" and threaten the viability of companies making the glider trucks.

The EPA in November issued a proposal regulation to undo the glider rule but has not finalized it.

Wheeler's memo Thursday said the EPA will "move as expeditiously as possible" on revising the regulations "that apply to the introduction of glider vehicles into commerce to the extent consistent with statutory requirements and due consideration of air quality impacts."

An EPA spokesperson confirmed Thursday the guidance had been withdrawn.

Volvo Group North America, Cummins Inc and Navistar International Corp told the EPA last year they opposed efforts to reverse the limits on glider trucks.

Glider kits "should not be used for circumventing purchase of currently certified powertrains." The move could inflict "uncertainty and damage to our industry," the companies said.

The EPA has previously said that if gliders were allowed through 2025, they would make up 5 percent of the freight trucks on the road but would account for one third of all nitrogen oxides and particulate matter emissions from the U.S. heavy truck fleet.

New York Attorney General Barbara Underwood, one of the state officials suing, said the EPA has estimated that adding 10,000 glider trucks "with non-compliant engines onto our roads in a single year could result in up to 1,600 premature deaths" and 415,000 tons of additional nitrogen oxide emissions.

Glider companies told the EPA that glider trucks are 25 percent cheaper than new vehicles.

In August 2016, the Obama administration issued final rules to cut greenhouse gas emissions from medium and heavy duty trucks through 2027, a sector that accounts for 20 percent of carbon pollution from vehicles.

The commercial vehicle rules are expected to cut 1.1 billion metric tons of greenhouse gas emissions, the Obama administration estimated.

(Reporting by David Shepardson; Editing by Michael Perry)

Gold King Mine

Associated Press
EPA seeks dismissal of Gold King Mine spill lawsuit
https://apnews.com/47cbd296483c418390b821a80ed65e76/EPA-seeks-dismissal-of-Gold-King-Mine-spill-lawsuit
Posted On July 27, 2018 at 11:52am

ALBUQUERQUE, N.M. (AP) — The U.S. Environmental Protection Agency is asking a federal court in New Mexico to toss out a lawsuit over a mine waste spill in Colorado that polluted rivers in three states.

The agency said in a motion this week that workers are already working on the cleanup of the accidental release of contaminated water from an EPA-monitored Colorado mine and a federal court doesn't need to interfere.

New Mexico, Utah and the Navajo Nation are suing the EPA in federal court over the spill.

The 2015 Gold King accident in southern Colorado occurred at an inactive mine where polluted water had been accumulating for years before am agency crew accidentally released it during cleanup work.

The spill sent a yellow-orange plume of toxic heavy metals into rivers in Colorado, New Mexico and Utah and on Native American lands.

Officials

Washington Post
EPA tried to discredit retirees after The Post published their criticisms
https://www.washingtonpost.com/amphtml/news/powerpost/wp/2018/07/27/epa-tried-to-discredit-retirees-after-the-post-published-their-criticisms/
Posted: July 27, 2018 at 7:00am By: Joe Davidson

When you have a liar in the White House, it should be no surprise when mendacity afflicts the agencies.

The current case involves an effort by the Environmental Protection Agency (EPA) to denigrate retirees who spent decades serving taxpayers.

Documents obtained through a lawsuit file by PEER (Public Employees for Environmental Responsibility) demonstrate how the EPA sought to counter unfavorable stories by going after retirees with false information. That effort involved the White House, the Republican National Committee and conservative media.

Calling the EPA's office of public affairs "a nasty fake news factory," PEER said the agency worked to "discredit employees who sounded the alarm as they left the agency" in 2017. PEER General Counsel Paula Dinerstein said the documents obtained through a lawsuit against the EPA "detail distasteful disinformation campaigns directed against distinguished public servants."

Speaking of disinformation, it flows from President Trump at an amazing and dangerous clip. He made 3,251 false or misleading claims in the first 497 days of his presidency, according to The Washington Post Fact Checker. That's 6.5 a day – quite an example for his staff.

The retirees are Michael "Mike" Cox, who resigned after 25 years, and Elizabeth "Betsy" Southerland, a retired 30-year member of the federal Senior Executive Service (SES).

First, a little background.

On April 7, 2017, I wrote a column about Cox with the headline "EPA staffer leaves with a bang, blasting agency policies under Trump."

In a letter to Scott Pruitt, the administrator who recently resigned in a thundercloud of corruption controversies, Cox said "I, along with many EPA staff, are becoming increasing[ly] alarmed about the direction of EPA under your leadership ... The policies this Administration is advancing are contrary to what the majority of the American people, who pay our salaries, want EPA to accomplish, which are to ensure the air their children breath is safe; the land they live, play, and hunt on to be free of toxic chemicals; and the water they drink, the lakes they swim in, and the rivers they fish in to be clean."

Four months later, we published a Federal Insider column about Southerland with the headline "EPA won't be able to do the 'right thing' under Trump, says latest protesting official." In it, she said that "the administration is seriously weakening EPA's mission by vigorously pursuing an industry deregulation approach and defunding implementation of environmental programs."

In October, Jahan Wilcox, a former EPA spokesman, told the Los Angeles Times that "despite the faux outrage, both employees will receive their six-figure taxpayer-funded pension and we wish them the best."

The outrage is real. The six-figure pensions are not.

"My federal pension under FERS (Federal Employee Retirement System) is about $60,000 before taxes, health care, etc. are deducted ..." Southerland said by email. "It works out to about 1/3 of the average of the last 3 years of base salary without any inclusion of awards."

John Konkus, an EPA spokesman, would not say why the agency peddled bad information, insisting that "we are focused on carrying out the President's positive environmental agenda." Wilcox did not respond to a request for comment.

Bill Valdez, president of the Senior Executives Association, did.

"EPA's gross miscalculation of the retirement benefits of Dr. Southerland makes one wonder if this is yet another attack on career SES and an attempt to influence public perceptions about federal workers as being overpaid and pampered. Calculating retirement benefits is a straightforward, easily understood formula that all agency human resource offices can do accurately within minutes."

After the Times article appeared, Cox sent an email to Wilcox that said six figures is correct only "if you count the numbers after the decimal point." Cox said his gross yearly federal retirement benefit is $48,991.68. His net, minus his cost for health insurance and federal income tax, is $39,163.20.

Federal Insider reporting on Southerland pushed EPA's smearing effort into action.

A Wilcox email on July 31, the day before the Southerland column posted, informed the White House about "my pitch," apparently to sympathetic outlets. The email said "the same Washington Post reporter who wrote about Mike Cox is writing about this. My guess is that once WaPo writes about Elizabeth Southland, the story will get legs so we wanted to get in front of it all instead of having another controversy like the Mike Cox stuff."

His pitch misleadingly said that "last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau." The $249,000 is misleading because it included a one-time monetary prize that comes with the Distinguished Presidential Rank Award, an honor bestowed on less than 1 percent of federal senior executives. The prize is 30 percent of the recipient's salary.

"Curious if you would be interested in writing about this," the Wilcox email said, "because the left and environmentalists will make a big deal out of nothing."

That same day, the documents indicate the Republican National Committee "war room" circulated an article on the conservative "Hot Air" blog that reflected points in the Wilcox pitch. The author, identified as Jazz Shaw, wrote that he's waiting to see if Southerland "turns down all those sweet taxpayer funded retirement benefits."

Dinerstein thinks "Wilcox was trying to discredit Betsy so no one would listen to her criticisms of EPA under Trump/Pruitt."

But it is the Trump administration that has discredited itself by the president's proclivity for prevarication.

Wilcox's best wishes to the retirees did not impress Cox.

"This seems so disingenuous and insincere ..." his email to Wilcox said, "when you just called us liars and greedy.

PFAS

MLive
PFAS found in Parchment drinking water at 20 times advisory level
https://www.mlive.com/news/kalamazoo/index.ssf/2018/07/pfas_parchment_kalamazoo.html
Posted: July 27, 2018 at 9:31am

PARCHMENT, MI -- Drinking water in Parchment, a city named for its paper mill, is contaminated with more than 20 times the federal lifetime health advisory for consumption of the contaminant PFAS.

An estimated 3,000 people are advised by state officials not to drink the water. It's not clear how long the city water has been contaminated, or where the contamination is coming from.

In 2012, the EPA required cities to test for six perflourinated compounds under the Safe Drinking Water Act. Public water systems serving more than 10,000 people were required to be tested, so Parchment did not test for PFAS.

Contamination in Parchment's water system was not discovered until Thursday, July 26. A test showed concentrations of 1410 parts per trillion in the Parchment water supply. The EPA health advisory level for PFAS is 70 ppt.

Residents are told to stop using the water to drink, cook, use in baby formula, give to pets and use in their gardens for the near future.

Exposure to PFAS has been linked in human studies to some cancers, thyroid disorders, elevated cholesterol and other diseases. Kalamazoo County Medical Director William Nettleton said a community-wide health study would be needed to identify whether specific health outcomes are related to PFAS contamination.

Michigan Department of Environmental Quality spokesperson Scott Dean said it's not clear where the contamination is coming from

Substances known collectively as PFAS are an emerging public health threat contaminating water supplies across the Michigan. In Kalamazoo County, PFAS levels were found in Richland Township drinking water wells and entering the city of Kalamazoo's wastewater system.

Residents wanted to be notified sooner that drinking water could be unsafe.

Bottled water is be handed out at Parchment High School starting at 7 a.m. Friday, July 27. Officials said the water will be distributed until Parchment's water supply, which comes from three groundwater aquifers, is deemed safe.

For more information, call either of two Parchment drinking water hotlines at 269-567-7595 or 269-567-2517.

Earlier this year, the Michigan Department of Environmental Quality requested wastewater treatment plants across the state investigate potential sources PFAS. A third-party study commissioned by the city of Kalamazoo found industrial sites were dumping the contaminants into its wastewater system.

Parchment dumps its wastewater into the Kalamazoo system, but it was not identified as a possible source of PFAS through the probe.

It's not clear why cities using Kalamazoo's wastewater system weren't tested for PFAS, Dean said.

Parchment Mayor Robert Britigan said the city switched to using Kalamazoo's wastewater system as a cost-saving measure. Parchment still provides its own drinking water, though Kalamazoo provides water to 123,000 customers within 10 jurisdictions in the county.

"The important thing to try to remember here is that this team is very prepared," Sheriff Rick Fuller said. "This team is taking care of the situation and we're going to ask for your patience. We fully recognize the seriousness of the situation and we recognize people are going to have concerns. None of us up here are panicking."

Dean said the Parchment water tests are part of a Michigan PFAS Action and Response Team effort to identify PFAS in 1,380 water supplies throughout the state. The initiative began in May and is starting to "bear fruit," Dean said.

"There is a history of paper manufacturing in (Parchment), I think it's a very good thing to start looking at," Dean said.

Almost 90 percent of drinking water tests for PFAS have been finished in Kalamazoo County, Dean said. Parchment is the first system found to contain PFAS, he said, and it's hard to say whether additional communities will be affected.

Dean couldn't confirm which public water systems have not yet been tested.

"We're committed to testing," Dean said. "Part of MPART's mission is to address contamination wherever we find it and this is an example of the proactive approach to go through the entire public water system in the state, something which has never been done before in this country, to root out this contamination."

In a statement, Gov. Rick Snyder said he directed the state departments of Environmental Quality, Health and Human Services, and state police, as well as MPART to assist the Parchment and Cooper Township.

A separate investigation asked public water systems to find possible industrial sources of PFAS.

In a letter to the DEQ dated April 5, the city of Kalamazoo identified 34 industrial sites possibly discharging PFAS into its wastewater system. By mid-June, the results showed 20 industrial sites were discharging PFAS-contaminated water.

That inquiry led to additional follow-up by the DEQ, which found a historic industrial site in Richland Township caused four drinking water wells to be contaminated with several times greater than the 70 parts-per-trillion EPA health advisory level.

Ten Richland Township households are being provided bottled water, while 25 homes await results taken earlier this month.

After a public informational meeting was held in Richland Township, State Sen. Margaret O'Brien expressed concern that a 2012 report regarding PFAS was not released publicly.

It warned of statewide exposure to toxic chemicals called PFAS long before the state began taking serious steps to address the contamination. At the Thursday press conference, O'Brien said the report should have been taken more seriously.

O'Brien represents Michigan's 20th State Senate District, which contains all of Kalamazoo County. She is seeking reelection in November.

The ultimate solution in Parchment will be to modify the water treatment plant to remove PFAS. The state could contribute some funds toward the effort.

Pesticides & Chemicals

E&E News
EPA releases health assessment for weedkiller
https://www.eenews.net/greenwire/2018/07/27/stories/1060091421
Marc Heller, Friday, July 27, 2018

A human health risk assessment for the weedkiller atrazine suggests slightly higher levels in certain meats but sharply less in sweet corn fed to livestock.
In an ongoing review of atrazine, EPA said its Health Effects Division supports raising tolerances for meat and meat byproducts from cattle, goats and poultry to fall in line with Canada's Pest Management Regulatory Agency.
The recommended tolerance levels are part of EPA's periodic registration review for atrazine, a widely used herbicide with a history of contaminating public water supplies during heavy rains.
Atrazine has reproductive and developmental effects in laboratory animals that are relevant to humans and can delay puberty, according to the assessment.
It's been banned in Europe.
EPA is taking public comment on the risk assessment through Sept. 24.
In the assessment, officials said harmonizing tolerances with the Canadian agency would mean raising the level from 0.02 part per million to 0.04 ppm.
The biggest change under consideration, though, is for sweet corn that's used as forage. Officials have discussed lowering that tolerance for more than a decade, EPA documents show, in concurrence with a recommendation from its manufacturer, the Switzerland-based agrochemical company Syngenta AG.
Levels for sweet corn as forage should be lowered from 15 ppm to 1.5 ppm, according to the report.
Tolerances are set on an individual basis for a range of agricultural products and crops. A reduced level for sweet corn used as forage would match that for field corn used as forage.
The assessment also proposes tolerance levels for the first time for certain greens, including arugula.

The addition of new foods that are typically eaten raw, and the increases in some categories, are concerning, said Jennifer Sass, a senior scientist with the Natural Resources Defense Council, which has urged EPA to ban atrazine. Instead of the U.S. increasing levels to match Canadian tolerances, she said, "why shouldn't Canada come down?"
Syngenta has said atrazine is the "backbone" of weed control on U.S. farms, used on more than half the nation's corn crop. It's also used on golf courses and on fields enrolled in the Conservation Reserve Program, according to EPA.
Atrazine has shown up in water supplies around the country, and concentrations have been highest in the Midwest and South. The Environmental Working Group's tap water database showed in 2015 that more than 800 public water systems in 19 states had atrazine levels above a health-protective guideline, although average levels didn't exceed federal guidelines.
In Kansas, the city of Wichita has paid farmers to reduce their use of atrazine, reducing seasonal spikes in the water supply.
Groups such as Pesticide Action Network and the Natural Resources Defense Council have called on EPA to ban atrazine.

Bloomberg Environment
https://bnanews.bna.com/environment-and-energy/chemical-monitoring-has-room-for-improvement-epa-report-says
Chemical Monitoring Has Room for Improvement, EPA Report Says
By Sam McQuillan, Posted July 27, 2018, 2:16 PM

The EPA's quality checks on chemical data submitted by manufacturers lack clear written procedures that would provide consistency and continuity for future audits, the agency's watchdog said in a report.

Companies are required to report every four years on the substances they produce and import under the Chemical Data Reporting rule. The EPA's Office of Pollution Prevention and Toxics, which is in charge of implementing the rule, uses the information submitted by the companies to assess potential risks to human health and the environment of chemicals in commerce.

The data also help the agency target its compliance and enforcement activities. For example, the agency's enforcement office can use the data to identify manufacturers of certain chemicals that have contaminated nearby communities or water supplies.

But a lack of documented quality assurance and quality control policies "presents a risk that there may be a loss of institutional knowledge about how data quality checks should be conducted in cases of staff turnover or absence," the July 27 report said.

The Environmental Protection Agency's Office of the Inspector General concluded concrete guidelines and procedures would streamline quality checks of company data and prevent information from being mishandled or lost. The agency is already working to address concerns about the database where that information is stored.

Interviewed Staff, Checking Procedures

A team of reviewers within the Chemical Control Division determines what data areas the agency wants to examine—such as production volume or where each chemical is used—and the conditions for conducting these checks. The inspector general interviewed staff and found that chemical quality check procedures largely depend on who is on the review team during each four year interval, the report said.

For 2016, the most recent reporting cycle, summary documents provided guidance for checking data and could be used for future reference, the report said.

None of the documents, however, describe the overall data quality check process, such as how roles should be assigned based on division or staff position, how queries should be selected, or what processes should be followed when conducting a data quality check, the report said.

"While I believe that improved Agency [quality assurance/quality control] is not inappropriate, given the variable and cyclical nature of chemical production and use patterns it is difficult from a practical perspective to identify errors in [Chemical Data Reporting] submissions based solely on the data that are required to be submitted," Tom Berger, an attorney with Keller and Heckman in Indianapolis, who works with companies on TSCA issues, told Bloomberg Environment in an email.

Database Improvements

While the reporting rule is being applied as intended, it would benefit from improvements to its database as well, the report said.

"According to EPA staff, the system is not user-friendly, and extracting data is a grueling process for anyone not familiar with the system," the report says.

The agency's Office of Chemical Safety and Pollution Prevention has already taken steps to address these concerns, and to further improve its database, the report said.

The agency aims to complete its plan by Oct. 25.

"OCSPP will develop a standard operating procedure document that describes roles and responsibilities and the process to ensure that quality Chemical Data Reporting information is received and used by the agency," the agency said in its response to the recommendation.

Superfund Sites

Bloomberg Environment
Companies Preparing Superfund sites for next major hurricane
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=138742976&item=408&prod=deln&cat=AGENCY
Posted: July 27, 2018 By: Sylvia Carignan

International Paper Co. and McGinnes Industrial Maintenance Corp., both working to clean up a Superfund site slammed by Hurricane Harvey last year, say it will take two years to figure out how to adapt the site's waste-removal plan for the potential of severe weather.

That delay has environmentalists keeping their fingers crossed during this year's hurricane season.

The season is already underway, and Texas and Louisiana aren't changing their hurricane preparedness plans after a historic storm pounded their states. However, some companies that saw Harvey's record-setting rain flood their contaminated sites are taking the lessons of the storm to heart.

Some of them are working with the Environmental Protection Agency at Superfund sites this hurricane season to ensure they reduce the risk of hazardous substances spilling or leaking during severe weather, but that process could take a couple of years.

This year's hurricane season is expected to have "below-average" storm activity, according to a July 2 forecast from Colorado State University.

Design Phase Considers Risk

At the San Jacinto River Waste Pits Superfund site, which got a year's worth of rain during Hurricane Harvey, International Paper Co. and McGinnes Industrial Maintenance Corp. repaired a cap covering partially submerged, dioxin-

contaminated waste after Harvey tore through the area. Exposure to dioxins, a class of persistent chemicals, can cause developmental problems in children as well as reproductive and immune system disorders in adults, according to the National Institutes of Health.

The design phase of that site's cleanup plan is expected to take more than two years because the companies must consider the risk of another record-breaking storm causing a hazardous substance spill, International Paper and McGinnes said in a statement.

"The best experts need to minimize the potential for release during the [waste] removal process by thoroughly understanding what experience tells us about this kind of project," the companies told Bloomberg Environment in a statement.

Sites added to the EPA's National Priorities List, also known as Superfund sites, are the most contaminated in the country. All followup work and repairs at sites that Harvey hit last year have been completed, according to an agency spokesperson.

U.S. Oil Recovery Drains Waste

Companies involved with cleanup at part of the U.S. Oil Recovery Superfund site in Pasadena, Texas, are preparing for severe weather by taking waste out of units that may be vulnerable to flooding, David Margulies, spokesman for the potentially responsible parties' group, told Bloomberg Environment in an email. The group's members include BASF Corp., AkzoNobel, and BP America.
The EPA added the site to its National Priorities List in 2012. The site, which includes two properties and housed multiple facilities, including chemical manufacturing companies. U.S. Oil Recovery LP took in used oil, municipal solid waste, and wastewater at the site.

The U.S. Coast Guard received calls of potentially contaminated stormwater spilling from the site into a nearby bayou as a result of Hurricane Harvey's heavy rains last year, according to National Response Center records.
The group of potentially responsible parties is working closely with the EPA on a hurricane preparation plan, Margulies said. The agency acknowledged that it is working with the companies to remove materials from the site.

More Sought at San Jacinto River

Though companies at San Jacinto River are looking to ward off future flooding, an environmental group wants them to do more.

The companies are doing spot repairs to the caps, Scott Jones, director of advocacy for the Galveston Bay Foundation in Houston, Texas, told Bloomberg Environment. But they aren't doing anything differently for this year's hurricane season.

"We are crossing our fingers that we don't get a direct hurricane strike" until the waste can be removed, he said.

The plan former EPA Administrator Scott Pruitt chose for the site is expected to cost the companies $115 million. It involves excavating more than 212,000 cubic yards of contaminated waste, including dioxins, generated in the bleaching of wood pulp to make paper. The EPA considers this family of compounds to be carcinogenic and to have the potential to affect hormone levels and human growth and development.
Rep. Gene Green (D-Texas) pushed the EPA to add the San Jacinto River Waste Pits site to the National Priorities List in 2008. The San Jacinto River Waste Pits are no longer in Green's district, thanks to redistricting after the 2010 Census, but he still attends the agency's public information meetings about the site.

The companies involved there could be delaying the design process because of the anticipated cleanup bill, Green told Bloomberg Environment.
"I know the hesitation of the responsible parties," he said.

With Pruitt's decision, the EPA is making good on its commitments to the community for a complete cleanup, Green said. But it's hard to tell how a future hurricane may affect the Houston area, he said, especially with some local businesses and residents still recovering from Hurricane Ike in 2008 and Harvey last year.

“Every time we have a storm, it's a different issue,” he said.

State Agencies

Texas and Louisiana's state environmental departments aren't changing their hurricane preparation plans because of Hurricane Harvey.

The Louisiana Department of Environmental Quality “believes the plan in place before last year was appropriate, and nothing that occurred in Louisiana last year made us question that plan,” Greg Langley, a spokesperson for the department, told Bloomberg Environment in an email.

Andrew Keese, a spokesperson for the Texas Commission on Environmental Quality, said the state's preparedness plans include assessing Superfund sites before a hurricane makes landfall. The state didn't make changes to hurricane preparedness plans as a result of Harvey, he said.

Major storms also hit Puerto Rico, the Virgin Islands and Florida during last year's hurricane season.

“While there were minor impacts to a small number of Superfund sites in Puerto Rico, the agency did not identify any major spills or releases from Superfund sites,” a spokesperson for the EPA told Bloomberg Environment. “All hurricane-related response actions and repairs at these sites have been completed.”

Vehicle Emissions Standards

The Hill

New EPA head: Obama ‘jumped the gun’ on vehicle emissions standards

http://thehill.com/policy/energy-environment/399184-wheeler-obama-jumped-the-gun-on-strict-vehicle-fuel-standards

Posted: July 27, 2018 at 11:25am By: Miranda Green

Environmental Protection Agency (EPA) acting chief Andrew Wheeler has confirmed that a new agency proposal set for formal release as early as next week will propose lowering vehicle emissions standards, saying the previous administration "jumped the gun" on stronger regulations.

In an interview with USA Today released on Friday, the new EPA head said that former President Obama acted prematurely when he increased the fuel efficiency standards cars must meet before leaving office in 2016.

"It was a political attempt to try to move up the process, and what we're doing is taking the deliberative process of looking at the midyear review the way it was originally intended to be done," Wheeler said of EPA's decision to change the rule.

Obama submitted his recommendations to raise the standards over a year before the planned midyear review set for April 2018, which was the date to look at how car companies were coping with regulations and adjust standards for the next phase to by hit by 2021.

This April, the EPA announced that they would be lessening the regulations for 2021 after determining that the standards would be too stringent and fearing they would cause sale loses in the auto industry.

This coming week, EPA is expected to make a joint announcement with the Department of Transportation to offer an official alternative to the Obama-era rule.

Car companies are split over the outcome. While most prefer lowered standards, the industry also fears a rule that could enrage California, a state with the highest auto sales and one that prefers more stringent standards to fight its smog pollution.

It's expected that any rule from EPA could lead to high-profile legal battle. In May, California lead 16 other states in suing the federal government over its decision to roll-back the rule.

Wheeler said the EPA will be proposing many options.

"We're proposing a list of options. We have a preferred option but I don't want to get ahead of the actual proposal before it goes out," he said.

New York Times
Top Trump Officials Clash Over Plan to Let Cars Pollute More
https://www.nytimes.com/2018/07/27/climate/trump-auto-pollution-rollback.html
Posted July 27, 2018

WASHINGTON — Senior administration officials are clashing over President Trump's plan to roll back a major environmental rule and let cars emit more tailpipe pollution, according to 11 people familiar with the confrontation, in a dispute over whether the proposal can withstand legal challenge.

The rollback, one of the most consequential proposals of the Trump administration, not only would permit more planet-warming pollution from cars, it would also challenge the right of California and other states to set their own, more restrictive state-level pollution standards.

On one side is the Environmental Protection Agency's acting chief, Andrew Wheeler, who has tried to put the brakes on the plan, fearing that its legal and technical arguments are weak and will set up the Trump administration for an embarrassing courtroom loss. Mr. Wheeler inherited the proposal from his predecessor, Scott Pruitt, who resigned on July 5 under a cloud of ethics investigations.

On the other side are top officials at the Transportation Department, Jeffrey A. Rosen and Heidi King, two of the proposal's chief authors.

Mr. Rosen, a former George W. Bush administration official known for his zeal to undo federal regulations, is pushing the controversial proposal on the expectation that by the time any challenge makes it to the Supreme Court, the court's makeup will be more friendly to a conservative, anti-regulatory policy, according to individuals familiar with his thinking.

Mr. Rosen and Ms. King have also justified their proposal with a new analysis concluding that the stricter Obama-era pollution rules would lead to thousands of deaths in road accidents. They argue that more fuel-efficient cars are less safe because they are lighter.

The plan's official release has been delayed by what one person familiar with the talks called "a nuclear war" between Mr. Wheeler on one side and Mr. Rosen and Ms. King on the other. Mr. Wheeler has sharply

questioned the auto fatality numbers and fears that if they are proven faulty, that will undermine the legal case for the rollback, according to people familiar with his argument.

This report is based on interviews with five people who are either former employees of the two agencies or former Trump administration officials, as well as six industry lobbyists and others close to the negotiations.

For now, the White House is siding with Mr. Rosen. Mr. Trump is expected to announce the proposal next week.

California has a waiver under the 1970 Clean Air Act to set its own air pollution regulations, and a dozen other states follow its lead. If the Trump administration loosens federal pollution rules, California has vowed to stick with its own stricter standards and to sue the administration.

That fight could, in effect, split the American car market in two and would set up a huge legal battle that is likely to reach the Supreme Court.

The proposal, which is to be jointly released by the E.P.A. and the Transportation Department, was largely completed in May. It was sent by both agencies to the White House for review, after which it was expected to be published in June or early July in the Federal Register, a major step in formalizing a new regulation.

The details of the proposal are largely similar to those in a draft version described by The New York Times in April, according to people who have seen the plan. After its publication, the administration will take public comment before potentially revising and releasing its final plan, expected this year.

While the 11 people familiar with the talks described a bitter feud between Mr. Wheeler and Mr. Rosen over how to proceed, Mr. Wheeler described the negotiations between the agencies as "business as usual."

"This assertion of a 'nuclear war' is categorically false," he said in a statement. "Our efforts with DOT have been reflective of a robust and constructive interagency process that the American people expect — and deserve — when agencies are proposing rules of such consequence."

A Transportation Department official, who spoke on condition of anonymity because he was not authorized to speak on the record, said the staffers "have worked amicably" on a proposal "that will aim to save lives, preserve consumer choice and improve the economy."

Under the Obama-era rules, automakers would be required to nearly double the fuel economy of passenger vehicles by 2025, achieving an average of about 54 miles per gallon, thus lowering oil consumption and greenhouse-gas pollution and representing the largest-ever move by the United States to combat global warming.

The Trump proposal contends that those rules are too costly and would lead to the production of lighter cars more likely to result in deadly accidents. The Trump proposal, according to who have seen it, lays out several options for weakening the standard.

The Trump administration identifies as its "preferred option" one that would most dramatically weaken the rule: It would allow mileage standards to rise on the schedule laid out in the Obama rule until 2020, at which point the standard would freeze at roughly 35 miles per gallon. The proposal would also challenge the authority of California and other states to set their own, tougher standards.

Both Mr. Trump and Mr. Pruitt, when he led the E.P.A., appeared to relish the prospect of a legal fight with California. Mr. Pruitt, who campaigned against government regulations, was prepared to sign off on the proposal despite the concerns of his staff about its legal vulnerability, according to people familiar with the negotiations.

But since Mr. Wheeler, who was Mr. Pruitt's deputy, stepped in as the acting head of the E.P.A., he has raised concerns about the legality of the proposal as it is written, according to at least four people familiar with the matter. Privately, some auto executives have also asked Mr. Trump not to pursue such an aggressive rollback of regulations, fearing that it could lead to years of regulatory uncertainty.

During his tenure, Mr. Pruitt pushed out numerous proposals to roll back environmental regulations. At least a half-dozen have been struck down by courts.

Three people close to Mr. Wheeler said he wanted to avoid rolling out a major policy that could be legally vulnerable. But Mr. Rosen, the deputy secretary of the Transportation Department, is confident that the proposal will stand up to legal challenge in part because of the changing makeup of the Supreme Court, according to a half-dozen people familiar with his thinking.

Mr. Rosen, a lawyer whose former clients have included General Motors and Hyundai, served as general counsel for the Transportation Department during the Bush administration, where he was known as an opponent of efforts to combat climate change and regulate auto pollution. People familiar with Mr. Rosen's thinking say he now sees an opportunity to strip away regulations that he has fought for years.

"The thinking is, whatever they do to relax the standards, California will sue. So why not go for the whole thing?" said Myron Ebell, who led the Trump administration's E.P.A. transition team.

With the retirement of the Supreme Court Justice Anthony M. Kennedy, who often served as a swing vote on the court, Mr. Trump has nominated a judge to succeed him, Brett Kavanaugh, who is considered more reliably conservative. "They may well feel emboldened by the fact that Kennedy is retired, and they will likely see more conservative justices," said Jody Freeman, a professor of environmental law at Harvard and a former adviser to President Barack Obama.

However, Ms. Freeman noted that previous efforts to pre-empt such state-level authority have failed, a fact that also concerns Mr. Wheeler, according to people familiar with his thinking. “We’ve never seen a state-level waiver being revoked, and it’s not clear how that would work,” Ms. Freeman said.

Along with Mr. Rosen, Ms. King, the deputy administrator of the Transportation Department’s National Highway Traffic Safety Administration, backs an analysis showing that the Trump proposal would save lives in car accidents. Her analysis shows that the Obama rules would lead to as many as 12,000 more traffic fatalities.

By contrast, the Obama administration’s analysis of the same rules concluded that, over the lifetime of the regulations, there would actually be 107 fewer auto fatalities than if the rules had not been implemented.

“Every analysis that we did — and we spent millions on doing these complex analyses — showed that, if anything, there could be an improvement in safety in more fuel-efficient vehicles,” said Chet France, a former E.P.A. staffer who worked on the Obama analysis.

Message

From: Guerrero, Carmen [guerrero.carmen@epa.gov]
Sent: 9/4/2018 11:21:38 AM
To: Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]
CC: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Draft Agenda - RA's Visit to PR and USVI
Attachments: Draft Agenda - RA Caribbean Visit - Week of Sept 17 (Sept 4 Version).docx

Buenos dias Pete! I wanted to share with you the draft agenda for your visit to Puerto Rico and the USVI.

Some meeting times and events are still pending confirmation as we are working on finalizing the agenda.

We will soon share the list of fact sheets that will be required for the RA's briefing book. We look forward to everyone's input.

Thanks,
Carmen

DRAFT AGENDA (VERSION: SEPTEMBER 4, 2018)
REGIONAL ADMINISTRATOR PETE LOPEZ VISIT TO PUERTO RICO AND USVI
SEPTEMBER 17 TO SEPTEMBER 20, 2018

MONDAY, SEPTEMBER 17 (SAN JUAN, PR):

12:20 PM

12:20 PM – 1:15 PM

1:15 PM – 2:00 PM

2:00 PM – 3:00 PM

3:00 PM – 3:30 PM

3:30 PM – 5:00 PM

5:00 PM – 5:30 PM

Not Responsive

TUESDAY, SEPTEMBER 18 (SAN JUAN, PR):

7:45 AM

7:45 AM – 8:30 AM

8:30 AM – 9:30 AM

9:30 AM – 10:00 AM

10:00 AM – 12:00 PM

Not Responsive

12:00 PM – 1:00 PM

1:00 PM – 2:30 PM

2:30 PM – 3:00 PM

3:00 PM – 4:30 PM

4:30 PM – 5:00 PM

WEDNESDAY, SEPTEMBER 19 (ST. CROIX, USVI):

5:55 AM	Not Responsive
6:10 AM	
7:10 AM – 7:50 AM	
8:00 AM – 9:30 AM	
9:30 AM – 10:00 AM	
10:00 AM – 11:30 AM	
11:30 AM – 12:00 PM	**TRAVEL TIME:** To Limetree Bay – Hovensa Facility / Quick Lunch
12:30 PM – 1:30 PM	**TOUR:** Limetree Bay – Hovensa Facility (*Still coordinating details of tour*)
1:30 PM – 2:00 PM	Not Responsive
2:00 PM – 3:00 PM	
3:00 PM – 4:15 PM	
4:15 PM – 4:45 PM	
4:45 PM	
5:45 PM – 6:25 PM	
6:25 PM – 6:45 PM	

THURSDAY, SEPTEMBER 20 (SAN JUAN, PUERTO RICO):

8:30 AM

8:30 AM – 9:00 AM

9:00 AM – 10:00 AM

10:00 AM – 10:45 AM

10:45 AM – 11:00 AM

11:00 AM – 12:00 PM

12:00 PM – 12:20 PM

12:20 PM

1:40 PM

Not Responsive

Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 6/7/2018 1:30:09 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
CC: Brandt, Peter [Brandt.Peter@epa.gov]; Chiang, Johnny [Chiang.Johnny@epa.gov]; Mishkin, Katherine [Mishkin.Katherine@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]
Subject: highlights for this week
Attachments: EPAR2 weekly highlights 06-08-18.pdf

Good morning.

Thank you everyone for sending your highlights. Attached is the complied highlights for this week.

Have a good weekend.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

WEEKLY HIGHLIGHTS
WEEK OF 06/08/18

Confirmed Dates:

Likely in June

Not Responsive

Not Responsive

Likely in July

Not Responsive

Likely in August

Not Responsive

Likely in September

Not Responsive

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CLEAN AIR AND SUSTAINABILITY DIVISION

Not Responsive

Not Responsive

Past Week:

Not Responsive

HOVENSA: The ERT submitted a class 1 permit modification request to extend the amount of time allowed for submitting its semi-annual corrective action status report. Extension would be to allow 60 days to prepare the report after collecting the semi-annual data, instead of the current 45 days.

Discussions continue regarding the upcoming outfall sampling by DESA. Plans are to schedule for sampling in late June 2018. We have reached out to the TPDES permit writer at DPNR to notify him of the upcoming visit, and to invite him to join EPA during the sampling effort.

Not Responsive

***

CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Not Responsive

ED_002591_00001758-00004

Ongoing:

Not Responsive

Not Responsive

***

CLEAN WATER DIVISION

Not Responsive

Not Responsive

Not Responsive

***

DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Not Responsive

Not Responsive

Not Responsive

Not Responsive

***

EMERGENCY AND REMEDIAL RESPONSE DIVISION

Not Responsive

Not Responsive

***

OFFICE OF POLICY AND MANAGEMENT

Not Responsive

***

OFFICE OF REGIONAL COUNSEL

Not Responsive

Not Responsive

***

OFFICE OF STRATEGIC PROGRAMS

Not Responsive

Not Responsive

***

PUBLIC AFFAIRS DIVISION

Not Responsive

Not Responsive

Message

From: Mugdan, Walter [Mugdan.Walter@epa.gov]
Sent: 12/5/2018 3:56:32 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Lyon, Christopher [lyon.christopher@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: Draft weekly report to the Administrator
Attachments: Weekly Report to the Administrator 12-10-18.docx

Attached is the draft weekly report, and it is also copied in the text below. (Report is relatively short this week.)

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 12/10/18

Hot Issues:

Limetree Bay Terminals, USVI: On 11/27 LBT submitted a Plantwide Applicability Limit (PAL) permit application. A PAL is a pollutant-specific, source-wide emission limitation, expressed in tons per year, which provides a voluntary alternative for complying with PSD permitting program requirements. The PAL will allow LBT the flexibility to make changes within the facility to adapt to market demands, without any deterioration to the air quality, by operating under the PAL. The 300-page application covers SO2, NOX, VOC, CO, PM, PM10, and PM2.5. R2 staff will meet with LBT on 12/11 to discuss the application.

Not Responsive

Upcoming:

Not Responsive

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 12/10/18

Hot Issues:

Limetree Bay Terminals, USVI: On 11/27 LBT submitted a Plantwide Applicability Limit (PAL) permit application. A PAL is a pollutant-specific, source-wide emission limitation, expressed in tons per year, which provides a voluntary alternative for complying with PSD permitting program requirements. The PAL will allow LBT the flexibility to make changes within the facility to adapt to market demands, without any deterioration to the air quality, by operating under the PAL. The 300-page application covers SO2, NOX, VOC, CO, PM, PM10, and PM2.5. R2 staff will meet with LBT on 12/11 to discuss the application.

Not Responsive

Message

From: Kopec, Slawomir [kopec.slawomir@epa.gov]
Sent: 11/8/2018 9:40:06 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Brandt, Peter [Brandt.Peter@epa.gov]
Subject: Weekly reports
Attachments: Weekly Report 11-07-18.docx

Slawomir (Steve) Kopec
Special Assistant to Regional Administrator
U.S. EPA Region II
290 Broadway
New York, NY 10007
(212) 637-5037

WEEKLY HIGHLIGHTS
11/7/18

MAJOR MILESTONE REPORT – 11/7/18

Likely in November

Not Responsive

Not Responsive

Likely in December

Not Responsive

Not Responsive

Likely in January 2019

Not Responsive

Beyond January 2019

Not Responsive

Not Responsive

***

CLEAN AIR AND SUSTAINABILITY DIVISION

Not Responsive

Past Week:

HOVENSA, St. Croix, USVI: The HOVENSA ERT is proceeding with closure of Landfarms 2 and 3. Transportation of soil to Landfarm 3 (for the stabilization layer) was completed October 29th. Grading of the soil in Landfarm 2 has begun and after it is complete, grading will commence in Landfarm 3. Despite weather impacts that resulted in ten days where landfarm closure activities were halted, the ERT remains on track to meet the December 15th completion date for closure activities. Of the approved $1,168,931 landfarm closure budget, $676,000 was included in the 2018 budget and $492,931 was scheduled for the 2019 budget. With the ability to complete closure activities sooner than anticipated, the ERT is preparing a letter to EPA requesting that $392,931 be reallocated to the 2018 budget. This will leave $100,000 in the proposed 2019 budget to cover the costs of the final report and certification activities that will occur in 2019.

Not Responsive

Not Responsive

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CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Not Responsive

Not Responsive

Not Responsive

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CLEAN WATER DIVISION

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Not Responsive

Not Responsive

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DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Not Responsive

***

DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Not Responsive

Not Responsive

Not Responsive

***

EMERGENCY AND REMEDIAL RESPONSE DIVISION

Not Responsive

Not Responsive

***

OFFICE OF POLICY AND MANAGEMENT

Not Responsive

Not Responsive

***

OFFICE OF REGIONAL COUNSEL

Not Responsive

***

PUBLIC AFFAIRS DIVISION

Not Responsive

Not Responsive

Not Responsive

***

OFFICE OF STRATEGIC PROGRAMS

Not Responsive

Not Responsive

Enforcement Report

No items this week.

Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 4/12/2018 2:37:15 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
CC: Brandt, Peter [Brandt.Peter@epa.gov]; Chiang, Johnny [Chiang.Johnny@epa.gov]; Mishkin, Katherine [Mishkin.Katherine@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]
Subject: regional highlights for this week
Attachments: EPAR2 weekly highlights 04-12-18.pdf

Good morning everyone.

Thank you for submitting the highlights. Attached is the compiled regional highlights.

Have a good weekend.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

WEEKLY HIGHLIGHTS
WEEK OF 04/12/18

Confirmed Dates:

Likely in April

Not Responsive

Likely in May

Not Responsive

ED_002591_00001764-00001

Not Responsive

Likely in June

Not Responsive

Likely in July

Not Responsive

Not Responsive

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CLEAN AIR AND SUSTAINABILITY DIVISION

Hot Issues:

Limetree Bay Terminal, St. Croix, USVI, Air Permit Questions: On April 5, 2018, the Assistant Administrator for Air signed EPA's response to the following three PSD permit related questions raised by Limetree Bay Terminal's (LBT) for its facility in St. Croix, USVI:

(1) restarting some of the idled refinery units as part of the "MARPOL Project" (to produce fuel compliant with the maritime sulfur regulations taking effect January 2020) will not result in the facility being viewed as a new stationary source under EPA's current so-called Reactivation Policy. MARPOL is the International Convention for the Prevention of Pollution from Ships;
(2) the MARPOL Project and another LBT project to produce Renewable Diesel Fuel are independent and should not be considered a single project for purposes of applicability under the Prevention of Significant Deterioration (PSD) regulations; and
(3) the addition of a deeper water loading configuration (Single Point Mooring or SPM) should be considered a modification to an existing emissions unit (i.e., the dock system and associated loading terminal) and not a new emissions unit for the PSD applicability analysis.

EPA's response conveyed that based on EPA's review of LBT's analyses and supporting documents, EPA concurred that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the SPM would be considered a modification to an existing emissions unit rather than a new emissions unit.

Not Responsive

Not Responsive

Past Week:

HOVENSA/St. Croix, USVI: We continue to coordinate with ORC regarding our draft response letter to the HOVENSA ERT, conditionally approving the two class 2 permit modifications that were recently public noticed. We anticipate incorporating several comments, which would further clarify the parameters for managing Landfarms 2 and 3 under post-closure care.

Not Responsive

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Not Responsive

***

CLEAN WATER DIVISION

Not Responsive

Not Responsive

***

DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Not Responsive

Not Responsive

***

DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Not Responsive

Not Responsive

***

EMERGENCY AND REMEDIAL RESPONSE DIVISION

Not Responsive

Not Responsive

***

OFFICE OF POLICY AND MANAGEMENT

No highlights this week.

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OFFICE OF REGIONAL COUNSEL

Not Responsive

***

OFFICE OF STRATEGIC PROGRAMS

Not Responsive

Not Responsive

Not Responsive

***

PUBLIC AFFAIRS DIVISION

Not Responsive

Not Responsive

Message

From: Hickey, Maureen [Hickey.Maureen@epa.gov]
on behalf of Lopez, Peter [lopez.peter@epa.gov]
Sent: 1/18/2018 11:40:39 PM
To: Weekly Report Group [Weekly_Report_Group@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; McCabe, Catherine [McCabe.Catherine@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]
CC: Lyon, Christopher [lyon.christopher@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Subject: Region 2 Weekly Report
Attachments: Region 2 Weekly Report to Administrator 1.18.18-wm.docx

Forwarding on behalf of Pete Lopez.

Region 2 Weekly Report to the Administrator
January 18, 2018

Hot Topics:

Not Responsive

Limetree Bay Terminal (LBT) Project Update – (Item Includes Pre-Decisional Information): Region 2 continues to support USVI efforts to reinvigorate its lon6g-idled refinery as a significant job creator for the territory. On 1/11/18 an internal conference call among the various EPA offices (Region 2, OGC, and OAQPS) was held to discuss the outstanding air permitting issues related to the LBT project. OGC/OAQPS preliminarily agree that the Bio Diesel and Refinery Restart are separate projects and that the Refinery Restart will not trigger new source requirements. OGC/OAQPS are expected to provide a final decision this week. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Not Responsive

Message

From: Mugdan, Walter [Mugdan.Walter@epa.gov]
Sent: 4/12/2018 1:59:00 PM
To: Khan, Mazeeda [Khan.Mazeeda@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]
CC: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: RE: Draft highlights for the Admin
Attachments: Draft Region 2 Weekly Report to Administrator 04.12.18-WM.docx

Thanks Mazeeda. Attached and copied below are my suggested edits for the Report.

Not Responsive

Limetree Bay Terminal (LBT), St. Croix, USVI, Air Permit Questions: On 4/5 the Assistant Administrator for Air signed EPA's response to questions raised by LBT regarding its plans to restart refinery operations at the facility. EPA concurred that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the Single Point Mooring project would be considered a modification to an existing emissions unit rather than a new emissions unit.

Not Responsive

From: Khan, Mazeeda
Sent: Thursday, April 12, 2018 9:44 AM

To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Mugdan, Walter <Mugdan.Walter@epa.gov>; Soltani, Beth <Soltani.Beth@epa.gov>
Subject: Draft highlights for the Admin
Importance: High

Good morning Pete.

Per our conversation yesterday, attached is my version of the draft highlights to the Admin for this week. Also attached are the regional compiled highlights as well as the ORC highlights to OECA.

Please review and let me know what changes you would like to make to this document.

Thank you.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 04/12/18

Not Responsive

Limetree Bay Terminal (LBT), St. Croix, USVI, Air Permit Questions: On 4/5 the Assistant Administrator for Air signed EPA's response to questions raised by LBT regarding its plans to restart refinery operations at the facility. EPA concurred that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the Single Point Mooring project would be considered a modification to an existing emissions unit rather than a new emissions unit.

Not Responsive

Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 1/18/2018 3:40:42 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
CC: Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Chiang, Johnny [Chiang.Johnny@epa.gov]; Hwilka, Theresa [Hwilka.Theresa@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]
Subject: regional highlights for this week
Attachments: EPAR2 weekly highlights 01-18-18.pdf

Good morning.

Thank you everyone for your highlights. Attached is the compiled highlights for the region.

Have a good weekend.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

WEEKLY HIGHLIGHTS
WEEK OF 01/18/18

MAJOR MILESTONE REPORT

Confirmed Dates:

Likely in January

Not Responsive

▪ Issue permit modification public notice for the Landfarms Closure Plan at the Hovensa Refinery, St. Croix, USVI.

ED_002591_00001774-00001

Not Responsive

Likely in March

Not Responsive

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CLEAN AIR AND SUSTAINABILITY DIVISION

Hot Issues:

Limetree Bay Terminal (LBT) Project Update – (Item Include Pre-Decisional Information): On January 11, an internal conference call among the various EPA offices (Region 2, OGC, and OAQPS) was held to discuss the outstanding air permitting issues related to the LBT project. The following issues have been presented to EPA for a determination: 1) the independence of the Bio Diesel and Refinery Restart projects; 2) application of EPA's reactivation policy to the Refinery Restart project; 3) relationship between the Single Point Mooring (SPM) project the Bio Diesel project or Refinery Restart project; and 4) the availability of project netting for the LBT projects. OGC/OAQPS preliminarily agree that the Bio Diesel and Refinery Restart are separate projects and that the Refinery Restart will not trigger a new source implication. OGC/OAQPS will give the final agreement this week. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Not Responsive

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Not Responsive

Not Responsive

RCRA:

Not Responsive

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Not Responsive

Not Responsive

***

DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Not Responsive

Not Responsive

***

DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Not Responsive

Not Responsive

Not Responsive

EMERGENCY REMEDIATION AND RESPONSE DIVISION

Not Responsive

Not Responsive

OFFICE OF POLICY AND MANAGEMENT

Not Responsive

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OFFICE OF REGIONAL COUNSEL

No highlights this week.

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OFFICE OF STRATEGIC PROGRAMS

Not Responsive

Not Responsive

***

PUBLIC AFFAIRS DIVISION

Not Responsive

Not Responsive

Message

From: Burton, Tamika [burton.tamika@epa.gov]
Sent: 2/8/2019 6:23:33 PM
Subject: Administrators Weekly Report 02.08.2019
Attachments: administrators weekly report 02082019.pdf; Administrators Weekly Report 02.08.2019.docx

Importance: High

Good Afternoon Administrator Wheeler and Colleagues,
Please see the attached report for the Administrators Weekly Report which includes Program offices and Regional updates; for the week ending February 8, 2019.

Best regards and have a great weekend!

Tamika Burton
Special Assistant: Office of the Administrator
MC 1104A Room
(202) 564-4771 (d)
Personal Matters / Ex. 6
burton.tamika@epa.gov

Region 1

Hot Topics

Not Responsive

Upcoming Major Decisions and Events

Not Responsive

Region 2

Hot Topics

Not Responsive

Limetree Bay Terminals,USVI: On 12/28/18 Region 2 issued a Plantwide Applicability Limit application completeness determination to LBT. Barring unexpected challenges during the public comment period, EPA will issue the permit 12 months from this date. The permit will provide operational flexibility to LBT. Refinery reopening activities have commenced. LBT will soon complete demolition of the #2 Beavon unit to comply with emission reduction requirements in the consent decree.

Not Responsive

Upcoming:

Not Responsive

Region 3

Hot Topics

Not Responsive

Not Responsive

Upcoming Major Decisions and Events

Not Responsive

Region 4

Hot Topics

Not Responsive

Upcoming Major Events

Not Responsive

Upcoming Major Decisions

Not Responsive

Region 5

Hot Topics

Not Responsive

Not Responsive

UPCOMING EVENTS/MAJOR DECISIONS:

Not Responsive

02/01/2019 Updates:

Not Responsive

Not Responsive

UPCOMING EVENTS/MAJOR DECISIONS:

Not Responsive

Region 6

Hot Topics

Not Responsive

Not Responsive

Region 7
Hot Topics

Not Responsive

Upcoming Events

Not Responsive

Region 8

Hot Topics

Not Responsive

Upcoming Decisions/Events

Not Responsive

Region 9

Hot Topics:

No updates to report

Not Responsive

Region 10

Hot Topics:

Not Responsive

Office of Air and Radiation

Hot Topics:

Not Responsive

Office of Chemical Safety and Pollution Prevention

Hot Topics:

Not Responsive

Not Responsive

Office of the Chief Financial Officer

Hot Topics:

Not Responsive

Office of Congressional and Intergovernmental Relations

Hot Topics:

Not Responsive

Office of Enforcement and Compliance Assurance

Hot Topics:

Not Responsive

Upcoming Major Decisions and Events:

Not Responsive

Office of General Counsel

Hot Topics:

Not Responsive

Not Responsive

Office of International and Tribal Affairs

Hot Topics:

Not Responsive

Office of Land and Emergency Management

Not Responsive

Office of Mission Support

Hot Topics:

Not Responsive

Office of Policy

Hot Topics:

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Hot Topics:

Not Responsive

Upcoming Major Decisions and events

Not Responsive

Office of Water

Hot Topics:

Not Responsive

Upcoming Major Decisions

Not Responsive

Region 1

Hot Topics

Not Responsive

Upcoming Major Decisions and Events

Not Responsive

Region 2
Hot Topics

Not Responsive

Limetree Bay Terminals,USVI: On 12/28/18 Region 2 issued a Plantwide Applicability Limit application completeness determination to LBT. Barring unexpected challenges during the public comment period, EPA will issue the permit 12 months from this date. The permit will provide operational flexibility to LBT. Refinery reopening activities have commenced. LBT will soon complete demolition of the #2 Beavon unit to comply with emission reduction requirements in the consent decree.

Not Responsive

Region 3

Hot Topics

Not Responsive

Not Responsive

Upcoming Major Decisions and Events

Not Responsive

Region 4

Hot Topics

Not Responsive

Region 5

Hot Topics

Not Responsive

Not Responsive

UPCOMING EVENTS/MAJOR DECISIONS:

Not Responsive

Not Responsive

UPCOMING EVENTS/MAJOR DECISIONS:

Not Responsive

Region 6

Hot Topics

Not Responsive

Not Responsive

Region 7
Hot Topics

Not Responsive

Not Responsive

Region 8
Hot Topics

Not Responsive

Region 9

Hot Topics:

No updates to report

UPCOMING DECISIONS AND EXTERNAL ENGAGEMENT

Not Responsive

Region 10

Hot Topics:

Not Responsive

Office of Air and Radiation

Hot Topics:

Not Responsive

Office of Chemical Safety and Pollution Prevention

Hot Topics:

Not Responsive

Not Responsive

Office of the Chief Financial Officer

Hot Topics:

Not Responsive

Office of Congressional and Intergovernmental Relations

Hot Topics:

No updates to report

Not Responsive

Office of Enforcement and Compliance Assurance

Hot Topics:

Not Responsive

Office of General Counsel

Hot Topics:

Not Responsive

Not Responsive

Office of International and Tribal Affairs

Hot Topics:

Not Responsive

Office of Land and Emergency Management

Hot Topics:

Not Responsive

Office of Mission Support

Hot Topics:

Not Responsive

Office of Policy

Hot Topics:

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Office of Research and Development

Not Responsive

Not Responsive

Office of Water

Hot Topics:

Not Responsive

Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 4/12/2018 1:43:30 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Mugdan, Walter [Mugdan.Walter@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Draft highlights for the Admin
Attachments: EPAR2 weekly highlights 04-12-18.docx; Draft Region 2 Weekly Report to Administrator 04.12.18.docx; ORC Region 2 weekly 4-11-18.docx

Importance: High

Good morning Pete.

Per our conversation yesterday, attached is my version of the draft highlights to the Admin for this week. Also attached are the regional compiled highlights as well as the ORC highlights to OECA.

Please review and let me know what changes you would like to make to this document.

Thank you.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 04/12/18

Hot Issues:

Not Responsive

Not Responsive

Limetree Bay Terminal, St. Croix, USVI, Air Permit Questions: On April 5, 2018, the Assistant Administrator for Air signed EPA's response to questions raised by Limetree Bay Terminal's (LBT) for its facility in St. Croix, USVI. EPA's response conveyed that based on EPA's review of LBT's analyses and supporting documents, EPA concurred that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the SPM would be considered a modification to an existing emissions unit rather than a new emissions unit.

Not Responsive

Upcoming:

Not Responsive

WEEKLY HIGHLIGHTS
WEEK OF 04/12/18

Confirmed Dates:

Likely in April

Not Responsive

Likely in May

Not Responsive

Not Responsive

Likely in June

Not Responsive

Likely in July

Not Responsive

Not Responsive

Likely in August

Not Responsive

Likely in September

Not Responsive

CLEAN AIR AND SUSTAINABILITY DIVISION

Hot Issues:

Limetree Bay Terminal, St. Croix, USVI, Air Permit Questions: On April 5, 2018, the Assistant Administrator for Air signed EPA's response to the following three PSD permit related questions raised by Limetree Bay Terminal's (LBT) for its facility in St. Croix, USVI:

(1) restarting some of the idled refinery units as part of the "MARPOL Project" (to produce fuel compliant with the maritime sulfur regulations taking effect January 2020) will not result in the facility being viewed as a new stationary source under EPA's current so-called Reactivation Policy. MARPOL is the International Convention for the Prevention of Pollution from Ships;
(2) the MARPOL Project and another LBT project to produce Renewable Diesel Fuel are independent and should not be considered a single project for purposes of applicability under the Prevention of Significant Deterioration (PSD) regulations; and
(3) the addition of a deeper water loading configuration (Single Point Mooring or SPM) should be considered a modification to an existing emissions unit (i.e., the dock system and associated loading terminal) and not a new emissions unit for the PSD applicability analysis.

EPA's response conveyed that based on EPA's review of LBT's analyses and supporting documents, EPA concurred that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the SPM would be considered a modification to an existing emissions unit rather than a new emissions unit.

Not Responsive

Not Responsive

Past Week:

HOVENSA/St. Croix, USVI: We continue to coordinate with ORC regarding our draft response letter to the HOVENSA ERT, conditionally approving the two class 2 permit modifications that were recently public noticed. We anticipate incorporating several comments, which would further clarify the parameters for managing Landfarms 2 and 3 under post-closure care.

Not Responsive

Upcoming:

Not Responsive

***

Ongoing:

Not Responsive

***

CLEAN WATER DIVISION

Hot Issues:

Not Responsive

Past Week:

Not Responsive

Upcoming:

Not Responsive

Not Responsive

Other Items of Special Interest:

Not Responsive

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DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Past Week:

Not Responsive

Not Responsive

***

DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Past Week:

Not Responsive

Not Responsive

***

EMERGENCY AND REMEDIAL RESPONSE DIVISION

Hot Issues:

Not Responsive

Not Responsive

Upcoming:

Not Responsive

Other Items of Special Interest:

Not Responsive

***

OFFICE OF POLICY AND MANAGEMENT

No highlights this week.

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OFFICE OF REGIONAL COUNSEL

Hot Issues:

Not Responsive

Past Week:

Not Responsive

***

OFFICE OF STRATEGIC PROGRAMS

Past Week:

Not Responsive

Not Responsive

Not Responsive

***

PUBLIC AFFAIRS DIVISION

Hot Issues:

Not Responsive

Past Week:

Not Responsive

Upcoming:

Not Responsive

Not Responsive

Appointment

From: Loving, Shanita [Loving.Shanita@epa.gov]
Sent: 12/13/2017 7:04:13 PM
To: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; Woods, Clinton [woods.clinton@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Harnett, Bill [Harnett.Bill@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Schmidt, Lorie [Schmidt.Lorie@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]
CC: Iglesias, Ariel [Iglesias.Ariel@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Mills, Flaire [Mills.Flaire@epa.gov]; Siegel, Joseph [Siegel.Joseph@epa.gov]; Ruvo, Richard [Ruvo.Richard@epa.gov]; Chan, Suilin [Chan.Suilin@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Rivera-Thomas, Evelyn [Rivera-Thomas.Evelyn@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]

Subject: Meeting with Limetree Bay (Confirmed)
Attachments: RE: Limetree Bay Terminals - St. Croix, Virgin Islands; Confirmed: 12/13 at 3:00 pm ET: Meeting with EPA - Limetree Bay
Location: WJC-N 5400 + Video with OAQPS + **Conference Line/Code / Ex. 6**

Start: 12/13/2017 8:00:00 PM
End: 12/13/2017 8:45:00 PM
Show Time As: Tentative

To: Wehrum, Bill; Gunasekara, Mandy; Harlow, David; Woods, Clint; Koerber, Mike; Harnett, Bill; Wood, Anna; Phillip Brooks; Chapman, Apple; Filippelli, John; Schmidt, Lorie; Srinivasan, Gautam; Doster, Brian

Outside Attendee(s) – In Person:

- LeAnn Johnson Koch, Counsel to Limetree
- John Fehrenbach – US Virgin Islands
- Evan Schwartz – Limetree Bay Terminals
- Colin Campbell – technical consultant to Limetree Bay
- Chris Colman – counsel to Limetree Bay
- Karl Karg – counsel to Limetree Bay

RE: Limetree Bay Terminals - St. C...

Confirmed: 12/13 at 3:00 pm ET: M...

Message

From: Kopec, Slawomir [kopec.slawomir@epa.gov]
Sent: 4/18/2019 3:26:55 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Brandt, Peter [Brandt.Peter@epa.gov]
Subject: Weekly Reports
Attachments: Weekly Report 04-17-19.docx

Weekly Reports for week 04/15/19

Slawomir Kopec
Senior Advisor to the Regional Administrator
U.S. EPA Region II
290 Broadway
New York, NY 10007
Office: (212) 637-5037
Work cell: (646) 864-7537

WEEKLY HIGHLIGHTS
04/17/19

MAJOR MILESTONES REPORT – 4/17/19

Likely in April 2019

Not Responsive

ED_002591_00001788-00001

(CASD – Ed Linky)

Not Responsive

Likely in May 2019

Not Responsive

Likely Beyond May 2019

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Not Responsive

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CLEAN AIR AND SUSTAINABILITY DIVISION

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Other Items of Special Interest:

Status of Limetree Bay Terminal's (LBT's) Plantwide Applicability Limit (PAL) Permit Application Review: APB is almost done with its review of the LBT PAL permit application (for SO2, NOX, VOC, CO, PM, PM10, and PM2.5) which was deemed complete on 12/28/2018. Compliance with the PAL will allow LBT the flexibility to make changes within the facility to adapt to market demands without further deterioration to air quality. APB plans to share a rough draft of the draft PAL permits with ORC next week for internal review. With regard to the EJ analysis, LBT sent a proposal on how to calculate the hourly emission rates that could be used to model the impacts of the short term impacts of NO2, SO2, and PM2.5. The procedure calculates an estimate only. A call with their consultant is planned for further discussion. We hope to resolve this issue by the end of the week so that LBT may proceed with the analysis. APB is also in the process of amending LBT's PSD permits to reflect the shutdown of certain combustion units required pursuant to a 2011 CD. These units would be permanently shut down to achieve the NOX reduction required by the CD. APB also plans to consolidate existing two PSD permits into one. The draft amended permit is also undergoing internal review.

***

CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Not Responsive

Past Week:

Brownfields:

Not Responsive

CWA:

Not Responsive

Not Responsive

RCRA:

Not Responsive

CERCLA:

Not Responsive

SUPPORT TO HURRICANE RECOVERY EFFORTS:

Not Responsive

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Not Responsive

Not Responsive

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DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Not Responsive

***

DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Not Responsive

Not Responsive

(POC: A. Michael)

Not Responsive

Not Responsive

***

EMERGENCY AND REMEDIAL RESPONSE DIVISION

Not Responsive

Not Responsive

***

OFFICE OF POLICY AND MANAGEMENT

No weekly report for OPM this week.

***

OFFICE OF REGIONAL COUNSEL

Not Responsive

Not Responsive

***

PUBLIC AFFAIRS DIVISION

Not Responsive

Not Responsive

***

OFFICE OF STRATEGIC PROGRAMS

Not Responsive

Not Responsive

***

Enforcement Report

Not Responsive

Not Responsive

Message

From: Story, Karen [Story.Karen@epa.gov]
Sent: 11/5/2018 3:02:22 PM
Subject: News Clips

Region 2 News

NiMo site Superfund work begins this month (SARATOGIAN; November 2, 2018)

A Nov. 13 public information session is scheduled to discuss plans for a contaminated soil cleanup project near the intersection of Excelsior, Warren and High Rock Avenues.

Public Place Community Workshop: Some Opposition To The 100% Affordable Project (BKLYNER; November 2, 2018)

The NYC Department of Housing Preservation & Development (HPD) and the NYC Department of City Planning (DCP) hosted a Community Workshop Thursday night to collect feedback on the preliminary site planning for Public Place.

Drop in minks at Hudson River could be linked to PCBs (GREENWIRE; November 2, 2018)

Government trustees assessing harm to the Hudson River from polychlorinated biphenyl (PCB) pollution say a study showing reduced mink populations along the waterway provides more evidence of contamination.

Hudson River trustees say mink study points to pollution (WNYT NEWS 13; November 2, 2018)

Government trustees assessing harm to the Hudson River from PCB pollution say a study showing reduced mink populations along the waterway provides more evidence of contamination.

Mink may be dying from PCB contamination GLENS FALLS POST-STAR; November 2, 2018)

Many mink appear to be missing along the Hudson River.

Hudson PCBs harming river mink populations (ALBANY TIMES-UNION; November 1, 2018)

A small, brownish weasel that spends much of its life in the water, hunting for fish and frogs, the American mink is a signal for the ecological health of where it lives.

Making a federal case: Jeffries vows to fight for EPA Superfund status for Coney Island Creek (BROOKLYN DAILY; October 31, 2018)

It's a super idea.

PUERTO RICO / VIRGIN ISLANDS

V.I. to test tsunami alert sirens (VI DAILY NEWS; November 5, 2018)

The V.I. Territorial Emergency Management Agency will test tsunami warning sirens at Cramer Park and La Valle on St. Croix; Lucinda Millin Home, Enid Baa Library, Bolongo Bay Beach Resort and Ezra Fredericks Ballpark on St. Thomas; and at Frank Bay on St. John at 10 a.m. Wednesday.

Limetree Bay announces 'agreement in principle' with possible oil supplier (VI DAILY NEWS; November 4, 2018)

Limetree Bay Refining announced Sunday that it has reached an "agreement in principle" with a "major international oil company."

V.I. pays off $16M electric bill, with $27.4M to go (VI DAILY NEWS; November 2, 2018)

Government officials have paid off a sizeable debt owed to the territory's utility, a V.I. Water and Power Authority spokesman said Friday.

NATIONAL

The Hill: How to fight bad science infiltrating the EPA
DTN: Washington Insider – Friday

Climate Website:
The EPA Has Disappeared Its Climate Page
The Guardian: It's a ghost page': EPA site's climate change section may be gone for good
Newsweek: TRUMP'S EPA MAY HAVE SHUT DOWN IT'S CLIMATE CHANGE WEBSITE FOR GOOD
Environmental Working Group: Is EPA's Climate Change Website Gone for Good?
The Ring of Fire: The EPA's Climate Change Websites Have All Disappeared
E&E News: Trump admin halts update to climate site

Dicamba
Ecowatch: Trump's EPA Sides With Monsanto, Extends Dicamba 2 More Years

Emissions
Daily News: EPA fines 2 trucking companies for air pollution, requires them to pay for indoor air filtration at Southern California schools
Sierra Sun Times: California Attorney General Joins Comment Letter Strongly Criticizing Trump Administration's Proposed Dirty Power Plan
Delaware business now: EPA grant to aid wetlands in Delaware

FULL Articles
Region 2 News

SARATOGIAN

NiMo site Superfund work begins this month

By Paul Post

November 2, 2018

A Nov. 13 public information session is scheduled to discuss plans for a contaminated soil cleanup project near the intersection of Excelsior, Warren and High Rock Avenues.

Work slated to begin later this month will continue through next spring at the Niagara Mohawk Power Corporation Superfund site, which was once used to manufacture gas from coal.

The U.S. Environmental Protection Agency will explain project details at 7 p.m. on Tuesday, Nov. 13 at the Excelsior Springs Event Center, 47 Excelsior Ave.

"Saratoga's famed mineral springs have been a tourist attraction since the time of the Revolutionary War," said EPA Regional Administrator Pete Lopez. "Our cleanup adds an extra level of protection of the deep aquifer supplying the Old Red Spring well."

This is the second and final phase of cleanup at the site, which is contaminated with polycyclic aromatic hydrocarbons and volatile organic compounds. Work will encompass a roughly half-acre area, which is comprised of a section of Excelsior Avenue, a small green space containing the Old Red Spring well and pavilion, and a section of an adjacent paved parking lot.

Excelsior Avenue will be closed to vehicular traffic between Rock Street and High Rock Avenue while construction work is ongoing. An electronic message board will notify the public of construction-related traffic detours.

Under EPA's oversight, Niagara Mohawk will solidify and stabilize contaminated soil in the Old Red Spring area with a cement-like material. Niagara Mohawk will also install underground barriers to contain and isolate contaminated soil beneath Excelsior Avenue.

During the cleanup, care will be taken to preserve the integrity of the Old Red Spring well and pavilion, the EPA says.

The Old Red Spring well draws water from deep bedrock aquifer, which has not been impacted by contamination at the site. As an added level of aquifer protection, the well will either be retrofitted in-place by adding a new protective steel outer casing or replaced at a new nearby location with a double-casing.

Work on the Old Red Spring well may require temporary relocation of the Old Red Spring pavilion and will result in the well and pavilion being inaccessible to the public during cleanup.

Temporary chain-link construction fencing with a mesh-type screen will be installed around the perimeter of the work area.

Following construction, work areas will be restored. A site-specific health and safety plan and a community air monitoring program will be in place while the work is being performed.

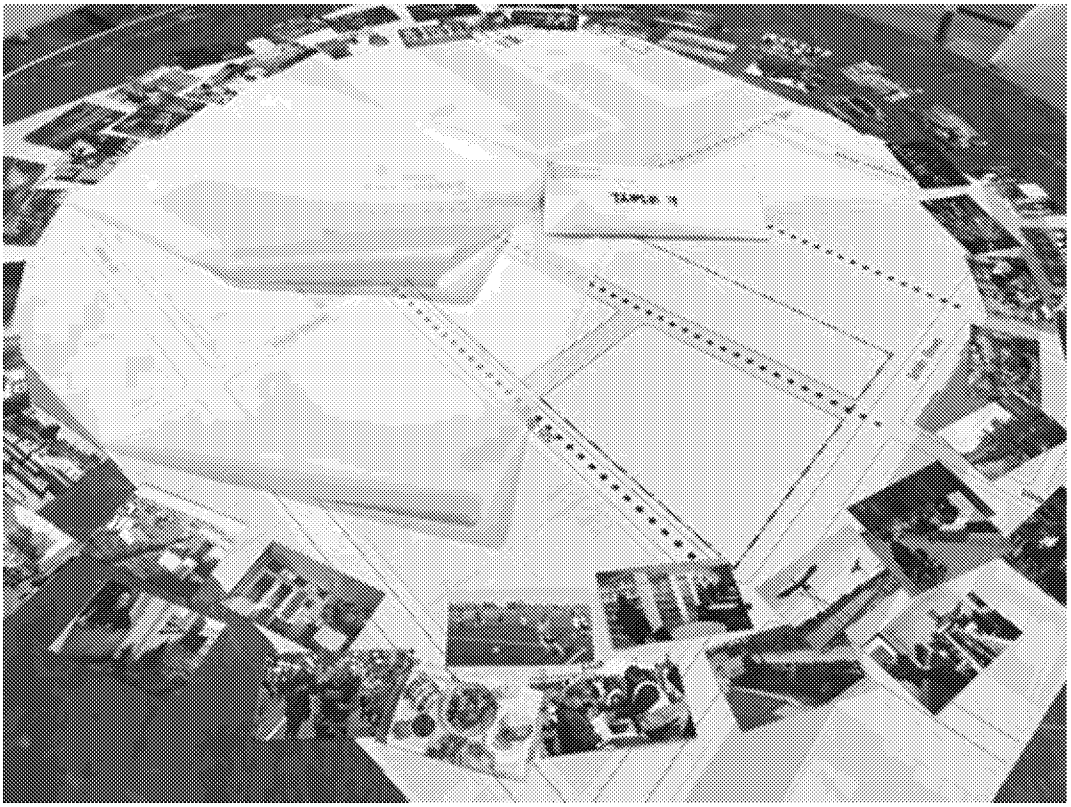
BKLYNER.

Public Place Community Workshop: Some Opposition To The 100% Affordable Project

By Pamela Wong

November 2, 2018

The NYC Department of Housing Preservation & Development (HPD) and the NYC Department of City Planning (DCP) hosted a Community Workshop Thursday night to collect feedback on the preliminary site planning for Public Place.


Public Place Community Workshop (Photo: Pamela Wong/BKLYNER)

Public Place is the largest city-owned site in Brooklyn Community District 6, occupying nearly six acres at the intersection of Smith and 5th Streets adjacent to the Gowanus Canal. Approximately four acres of privately-owned land just south of the site will also be developed as part of the overall project.

"This is a large site, about five and a half acres that HPD put out a request for proposals for back for in 2007," explained Leila Bozorg, Deputy Commissioner of Neighborhood Strategies at HPD. The RFP sought a team for a mixed-use development on the underutilized ten acres of land that would include affordable housing, community facilities, commercial/retail space, and open space.

"We designated a development team in 2008 for a project that was called Gowanus Green at the time," Bozorg said. That team consists of Hudson Companies, Jonathan Rose, Fifth Avenue Committee, and the Bluestone Organization. Some representatives of the team attended Thursday's meeting "to listen to feedback and start thinking about how to incorporate that into future visions for the site," Bozorg added.

"In 2008 the Gowanus Canal was nominated to be designated as a Superfund site because of the contamination," Bozorg continued. "In 2010 the U.S. EPA officially designated it a Superfund site so that really put our plans for Public Place and Gowanus Green on pause. We feel a lot has changed since 2008 in the city and in Gowanus and that's part of why we want to take a step back from the original vision for the site."

Along with approximately two and a half acres of open space, the original Gowanus Green proposal included 770 units of housing—75% set aside for affordable units and 25% for market-rate apartments.

Noting the city's population growth, significant changes in the real estate market, and "a much deeper and broader demand for affordable housing at a range of incomes," Bozorg said the project will now provide 100% affordable housing, offering between 850 to 1,000 below-market units. "Feeling the effect of that affordability crisis in the city and in Gowanus specifically, we wanted to make sure that we are providing as much affordable housing as we can on some of these scarce public sites."

To address the need for more school seats in District 15, another change to the original plan includes the possibility of adding a school on the site.

The gymnasium of PS 32 was set up with ten round tables equipped with maps of the site and props to be used in exercises. Facilitators were assigned to each table to discuss the six core goals of the development project:

- Support clean up and remediation of the site
- Create a sustainable, resilient, environmentally healthy community
- Build a network of parks and open spaces in Gowanus
- Create and preserve affordable housing for all people, especially those with the lowest incomes
- Support community and economic development for a thriving neighborhood
- Create an inclusive neighborhood that is integrated and accessible for all.

The facilitators also led participants through a series of exercises that focused on: what they want the site to provide (ample green space, employment opportunities, a creative/maker facility); the physical dimensions and site massing (e.g. building high in order to maximize green space); and uses for the open space (accessibility, connection to the waterfront, native plantings, historic interpretation, play areas, green roofs). [Note: these are only some of the responses from the table where BKLYNER sat.]

Participants placed photos showing various activities onto the map to show what types of amenities they'd like on the property and blocks were stacked to indicate how high and dense they'd like to see the development built.

The map included a proposed street network on the site to provide access and serve as view corridors. While many agreed that accessibility and views leading to the waterfront were important, they were opposed to allowing vehicular traffic on the site.

Another point of contention arose midway through the workshop when Joseph Alexiou unexpectedly addressed the crowd declaring that a contaminated Superfund site is not appropriate for housing.

"This is a multiple year legacy, since 1861 a manufactured gas petroleum [facility] dumped into this land. Remediation means removing some of it, not all of it. They can't afford to and would never remove all of it," he said. "Putting blocks in front of us is infantilizing. We do not need to have more residential housing beyond six stories.... Let's talk about reality. We haven't yet agreed to put residential stuff here. Let's talk about what the community needs most. Remediation is about putting there what is healthy and safe for the community, not putting affordable housing on a flood zone with a toxic waste site on top of it. That's not exactly taking care of your community, is it?"

Longtime Gowanus resident Linda Mariano, who stood with Alexiou as he spoke, told BKLYNER following the meeting that she refused to participate in the Community Workshop because "it's as phony as it can get."

"We want to protect our neighborhood," she said. "All we're asking is for the government to stop the greed and corruption and be honest," adding that she believes officials are "pretending it's okay to build housing" on the site when Public Place should be for public use only and including the affordable housing component as bait. "It is toxic," she says of the site. "It will forever be toxic."

"There is certainly serious contamination on this site from the MGP [manufactured gas plant] facility, as well as on many other sites in Gowanus," says Andrea Parker, Executive Director of the Gowanus Canal Conservancy. "However, no housing or public space is going to be built on the site until it is cleaned up, and there are multiple agencies on city, state and federal levels making sure this happens. While it's important for the community to stay abreast of the contamination concerns and continue holding our agencies accountable, it is also important to have productive community engagement about the future of the site after it is cleaned up."

While the EPA is cleaning the Gowanus Canal, the New York State Department of Environmental Conservation (NYS DEC) is overseeing National Grid's cleanup of the Gowanus Green site.

In response to Mariano's argument that the site is reserved for public use, the site is called "Public Place" because that is how it appears on the city map, according to DCP, however, there is no official definition for a "Public Place." The best description of a Public Place is a space that is reserved for a public purpose which is sometimes not clearly defined—that may or may not be zoned and may not generate development rights. They are typically established to allow for flexibility in use. Most areas designated as Public Places in NYC are used as public plazas. The term is not included in DCP's zoning glossary.

Thursday's Community Workshop follows the June release of DCP's Gowanus rezoning framework that was developed after a year and a half of community members and stakeholders participating in more than 100 hours of workshops and working group meetings to provide feedback on how they'd like to see Gowanus reshaped. Yesterday's meeting was to coordinate public input with the current work happening on the broader Gowanus Neighborhood Plan slated to be completed by the end of the year.

The notes and photos from each table at Thursday's Community Workshop will be posted online. HPD and DCP plan to host another Community Workshop focusing on affordability and programming. The date and location for that meeting will be determined in the coming weeks.

GREENWIRE

Drop in minks at Hudson River could be linked to PCBs

November 2, 2018

Government trustees assessing harm to the Hudson River from polychlorinated biphenyl (PCB) pollution say a study showing reduced mink populations along the waterway provides more evidence of contamination.

The peer-reviewed study commissioned by the Hudson River Natural Resource Trustees concludes that about 40 percent fewer minks live along the Hudson River than the Mohawk River. Researchers identified individual minks through DNA analysis of scat.

General Electric completed removal of 2.75 million cubic yards of sediment contaminated by polychlorinated biphenyls from the upper river in 2015 as part of a federal Superfund project.

The mink study was published this summer as the federal and state trustees assess GE's liability for harm done to the Hudson River's natural resources.

GE said the "limited" study does nothing to diminish the success of the river's cleanup. — *Associated Press*

WNYT NEWS CHANNEL 13

Hudson River trustees say mink study points to pollution

By Associated Press

November 2, 2018

A mink sniffs the air as he surveys a river beach in search of food. | Photo: AP Photo/Sergei Grits.

Government trustees assessing harm to the Hudson River from PCB pollution say a study showing reduced mink populations along the waterway provides more evidence of contamination.

The peer-reviewed study commissioned by the Hudson River Natural Resource Trustees concludes that about 40 percent fewer mink live along the Hudson River than the Mohawk River. Researchers identified individual mink through DNA analysis of scat.

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GE said the "limited" study does nothing to diminish the success of the river's cleanup.

GLENS FALLS POST-STAR

Mink may be dying from PCB contamination

By KATHLEEN MOORE

November 2, 2018

Many mink appear to be missing along the Hudson River.

A new study, published this summer in Nature's Scientific Reports research journal, says the mink population is about 40 percent smaller along the Hudson than it is along the Mohawk River.

The multiyear study was commissioned by the Hudson River Natural Resource Trustees. The study authors concluded that PCB contamination was killing the mink near the Hudson River, saying that was the primary difference between the Hudson River habitat and the Mohawk River habitat.

The trustees may demand that General Electric pay to restore the mink population.

The trustees have steadily documented the "natural resource injuries" from GE's releases of PCBs into the river, in preparation for a demand for restoration. They have documented damages to snapping turtles, birds and bullfrogs.

Mink could be assisted with protected habitats along the river or by improving their access to uncontaminated food, water and sediment, the trustees said in a press release.

"Decades of PCB contamination continue to have severe and adverse effects on entire populations of animals, such as mink, in the Hudson River," said Kathryn Jahn, Department of the Interior's case manager for the Hudson River Natural Resource Damage Assessment, in a statement. "Habitat and wildlife restoration, or land protection, by General Electric to help address this problem could begin at any time."

Trappers said they would not be surprised to learn that PCBs were killing off the mink. One wife of a local fur buyer noted that she had several fur coats — but not a mink coat, because mink is so rare.

But former Conservation officer and Argyle Supervisor Bob Henke cautioned about assuming the mink population was affected only by the PCBs.

"The big problem is winter feed. They eat a whole lot of muskrats out of their dens. If the muskrats are down, the mink are down," he said. "It's very hard to tell."

Still, he acknowledged that it is startling to see such differences in population between the Hudson and Mohawk rivers.

While mink do not eat many fish — which are so contaminated by PCBs that humans are advised not to eat them — he noted that mink do eat other animals that are known to be contaminated.

"There was a study that showed the birds are picking up PCBs and the mink do eat a lot of ground-nesting birds in the spring. So that may be a vector," Henke said. "That might be conceivable."

Researchers for the study spent two years searching for mink feces to determine the size of the mink population along both rivers. They used dogs to sniff out the feces, and then DNA analysis to identify each mink. They found 108 mink in the Hudson River habitat, compared to 208 mink in the Mohawk River habitat.

A previous study, in 2013, tested how mink react to PCBs by feeding PCB-contaminated food to captive mink. Baby mink died more often and adult mink developed lesions in their jaw bones that eventually caused their teeth to fall out.

Mark Behan of Behan Communications, who was hired by GE to respond to press inquiries about the PCB issue, disputed the conclusions in the study. He noted the PCB cleanup finished just three years ago and that PCB levels are falling.

"The Hudson River is an environmental success story," Behan said. "A limited study of comparative mink scat findings does nothing to diminish the success of the historic Hudson River cleanup that reduced PCB levels in sediment by 92% or the ongoing environmental recovery of the river as a whole. Indeed, all signs point to continued progress."

ALBANY TIMES-UNION

Hudson PCBs harming river mink populations

By BRIAN NEARING

November 1, 2018

A small, brownish weasel that spends much of its life in the water, hunting for fish and frogs, the American mink is a signal for the ecological health of where it lives.

Right now, the mink is not doing very well along the Hudson River, largely due to decades of PCB pollution from two General Electric plants in Washington County, according to a joint state and federal study released Thursday.

The study found the Hudson River has about 40 percent fewer minks living along it than the ecologically similar Mohawk River, and blamed that disparity on PCB contamination in the minks' diet, which inhibits fertility and increases mortality of young minks. Exposure to PCBs also causes health problems in minks, including jaw lesions and the loss of teeth, the study reported.

"Decades of PCB contamination continue to have severe and adverse effects on entire populations of animals, such as mink, in the Hudson River," said Kathryn Jahn, U.S. Department of Interior case manager for the Hudson. "Habitat and wildlife restoration, or land protection, by General Electric to help address this problem could begin at any time."

In the Hudson River study area, a total of 108 minks were detected, compared to 208 minks in the Mohawk River study area. The Mohawk had nearly two minks per square kilometer (about a third of a square mile), compared to between 1.2 minks per square kilometer on the Hudson.

Researchers used trained dogs during 2013 and 2014 along more than 300 miles of habitat on the two rivers to locate mink droppings, called scat. The dropping were then analyzed through DNA tests to individual minks. Test results were then used to project how many minks were present.

Researchers came from the University of Massachusetts, Amherst; the U.S. Geological Survey; and the state Department of Environmental Conservation.

Published this summer in a peer-reviewed scientific journal, the study is the result of efforts that started in 1997 to quantify what harm PCBs caused to the river and how GE should be made to address it as part of a Natural Resources Damages Assessment.

GE wrapped up a $1.7 billion PCB dredging project in 2014 and is awaiting a report from the U.S. Environmental Protection Agency on whether the cleanup satisfied a 2002 agreement between EPA and the company.

GE believes it has done so, while the state and several environmental groups believe that too many PCBs were left behind and will continue to contaminate the river for decades to come.

"The job is far from done. The study released today is further evidence of GE's failure to complete the cleanup and EPA's years of failed oversight," according to a statement from the state Department of Environmental Conservation. "New York will continue to use all legal tools to vigorously challenge the EPA and hold GE accountable for the costs of a full cleanup."

Said GE spokesman Mark Behan, "The Hudson River is an environmental success story. The limited study of comparative mink scat findings does nothing to diminish the success of the Hudson cleanup or the ongoing environmental recovery of the river as a whole."

Continued study of PCB damage to the Hudson comes as GE's corporate finances appear increasingly precarious. There is still no timeline on when the final ecological damages report might be released by the Interior Department's Fish and Wildlife Service, the National Oceanic and Atmospheric Administration. The three agencies are designated as federal trustees to judge damage to the Hudson.

Since the cleanup ended, GE has sparred with both federal agencies _ USFW and NOAA _ over the agencies' earlier claims that excessive levels of PCBs were left behind in the river.

GE dredged PCBs from 40 miles of river bottom between Fort Edward and Troy between 2009 and 2014. That amounted to 310,000 pounds, or 72 percent of what is now known to be in the river. That means 120,000 pounds remain along the bottom, including in the navigation channel of the state's Champlain Canal.

This summer, GE's financial woes led it to be removed from the Down Jones Industrial Average after more than a century. This month, the company ousted its CEO and later slashed its normally reliable dividend payment to a penny.

Margaret Byrne, a USFW spokeswoman, said concerns over GE's future ability to pay for restoration of natural damages, is "outside the scope" of the most recent report on PCB impacts on mink.

This is the sixth such report issued by the federal trustees since 2001 on areas including fishery resources, navigation, waterfowl, groundwater and surface water resources. As part of a final damages report, the trustees would estimate monetary damages that could fund restoration projects on the river.

A report issued in February by the three river trustees questioned the effectiveness of the dredging project. That report found that while PCB levels in the river showed a decline, those levels as recently as 2014 remained well above federal safety guidelines, as well as above state standards meant to protect humans and animals that eat river fish.

"Enough time has passed. Enough studies have been done," said Althea Mullarkey, policy analyst for the advocacy group Scenic Hudson that supports further dredging. "It is time for a cooperative natural damages agreement to be made by GE."

BROOKLYN DAILY

Making a federal case: Jeffries vows to fight for EPA Superfund status for Coney Island Creek

By Julianne McShane

October 31, 2018

It's a super idea.

Rep. Hakeem Jeffries (D–Coney Island) will push to get Coney Island Creek designated as a federal Superfund site, he promised locals at an Oct. 24 Community Board 13 meeting. The congressman told attendees that he would push for federal funding to help clean up the beleaguered waterway after board secretary Jeff Sanoff asked Jeffries if he would fight for Superfund status for the creek.

"I'm committed to making sure we do everything possible to clean up Coney Island Creek," Jeffries said. "If a Superfund site designation is the best vehicle for doing that, that's something I'm committed to do."

Superfund status allocates federal Environmental Protection Agency funding and resources to clean up contaminated sites and "forces the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work," according to the federal agency, which has administered the program since its creation in 1980.

Jeffries added that he also wanted to pursue other options for cleaning up the Creek as well,but said he would prioritize securing Superfund status for the waterway.

"I want to explore what the other opportunities may be, but I will double and triple down on that effort," he said.

The creek is filled with toxic chemicals — including arsenic, cyanide, and benzene — from the industrial facilities that once lined its shores and dumped waste there for more than fifty years, according to Coney Island historian Charles Denson, who added that illegal shipbreaking operations also used the creek as a dumping ground for boat debris in '70s as the industrial facilities shuttered.

But despite the creek's toxic history, the federal environmental agency did not include it on its list of sites "targeted for immediate, intense action" that an agency task force drew up last year.

A spokesman for the federal environmental agency, Elias Rodriguez, said that it the creek is under city and state supervision and referred all questions to the state Department of Environmental Conservation. But a spokeswoman from the state environmental agency put the onus back on the federal agency, which she said has the authority to prioritize waterways in the national context, adding that the state's authority is only to address specific sites where hazardous wastes have been disposed.

One local environmentalist said the federal agency should prioritize considering the creek, since locals regularly wade into it and even eat from it — despite its history of pollution.

"That creek is still an important food source. People are eating the fish from there, people are going into the water to be baptized," said Brighton Beach resident and activist Ida Sanoff, wife of the CB13 secretary. "There's a history of over a hundred years of industrial pollution."

The Superfund designation process includes assessing the site's history and determining its level of national priority, conducting a feasibility study to determine the nature and extent of the contamination, and developing detailed clean-up plans, among other steps, according to the federal agency.

The agency designated that Gowanus Canal a Superfund site in 2010 – a year after placing the Canal on its priority list — a — and allocated $500 million to the waterway's decade-long clean-up.

Coney environmentalists have spent the past few years fighting to clean the creek. Members of CB13 unanimously voted to seek state Superfund status for the creek in 2016— meaning state regulators would figure out who was responsible for the dirty waterway's deplorable condition and bill them for the clean-up. That vote came two months after this paper reported that regulators discovered that sixteen buildings in Gravesend's Beach Haven Apartments were dumping roughly 200.000 gallons of raw sewage per day into the creek, possibly for years.

But the state Department of Environmental Conservation rejected that request last year, according to district manager Eddie Mark. A spokeswoman for the state Department of Environmental Conservation said the agency "carefully considered" the board's request but did not specifically say why the agency rejected it.

Local environmentalists also sounded the alarm last year after the state approved a permit for the city to pour up to 7.2 million gallons of filtered-but-contaminated ground water into the creek every day for up to two years while the city upgrades sewer and water mains in the neighborhood's west end.

The state has since announced recent less-than-Superfund initiatives to clean up the creek. The state Department of Environmental Conservation said earlier this year that the top brass at Beach Haven paid a $ 400,000 fine for dumping the fecal matter in the creek, most of which would go to cleaning up the waterway.

But Sanoff said the state-sponsored initiatives don't do enough, and that the businesses and factories that polluted the Creek closed years ago, meaning that the "millions" needed to clean up the waterway should come from the federal government.

"In most of the cases of the businesses surrounding the Creek, they closed long ago, or there was fly-by-night illegal dumping," she said. "That's you need a Superfund — there's really nobody there who could be held responsible."

PUERTO RICO / VIRGIN ISLANDS

VI DAILY NEWS

V.I. to test tsunami alert sirens

By Daily News Staff

November 5, 2018

The V.I. Territorial Emergency Management Agency will test tsunami warning sirens at Cramer Park and La Valle on St. Croix; Lucinda Millin Home, Enid Baa Library, Bolongo Bay Beach Resort and Ezra Fredericks Ballpark on St. Thomas; and at Frank Bay on St. John at 10 a.m. Wednesday.

The purpose of testing is to provide the agency with an updated status of the siren's audible functions, according to a press release VITEMA issued Friday.

Following hurricanes Irma and Maria, VITEMA has been conducting silent testing of the tsunami alert sirens monthly, and during the most recent test, the above sirens tested "green," which signifies that they are functioning, according to the release.

"Due to the impact of the 2017 hurricane season, our territory-wide tsunami alert siren system was severely damaged. This testing is a necessary step in bringing the network of tsunami alert sirens back online," VITEMA Director Mona Barnes said in the release. "Through FEMA's Public Assistance program, VITEMA has received 90 percent of the funding to restore the system while making improvements to its structure; the remaining 10 percent of the required funding has been allocated by the government of the Virgin Islands."

Barnes said her agency is working with the vendor to ensure the sirens are replaced and are strengthened to mitigate damages from future storms.

During the test, Virgin Islands' residents within the vicinity of the sirens may hear:

"This is a test of the emergency warning system. This is only a test," followed by a 10-second Westminster chime, in turn followed by "Test of the emergency warning system is complete. This has only been a test."

VI DAILY NEWS

Limetree Bay announces 'agreement in principle' with possible oil supplier

By Daily News Staff

November 4, 2018

Limetree Bay Refining announced Sunday that it has reached an "agreement in principle" with a "major international oil company."

"Under the contemplated terms," Limetree will process the company's oil and the unnamed company would then "offtake" the processed product, according to the press release.

However, the press release did not give any details as to how much oil will be processed, what percentage of the refinery's production the unnamed oil company will purchase and an agreement in principle is not a guarantee an agreement will eventually be reached.

"Details about the agreement will be made available in the next week to ten days," the press release stated. "Limetree Bay Refining anticipates completion of the restart by late 2019."

According to Investopedia, offtake agreements are often negotiated prior to the construction of a facility to secure a market for the producer's future output, a step that helps companies secure financing, but doesn't guarantee it.

In June, ArcLight Capital Partners, which owns Limetree, announced it would invest $1.4 billion to refurbish the former HOVENSA refinery on St. Croix and begin refining crude oil again.

At the time, it was announced that restarting the refinery would create 1,200 construction jobs and 700 permanent jobs and result in the processing of about 200,000 barrels of crude oil a day. The permanent jobs would be in addition to the 750 jobs already in place at the storage facility, Gov. Kenneth Mapp stated in June.

Currently, there are 1,100 total workers at the refinery, according to Sunday's press release.

The refinery had a peak production of 650,000 barrels per day and more than 2,150 people still worked at the refinery in January 2012 when its closure was announced, according to Daily News archives.

VI DAILY NEWS

V.I. pays off $16M electric bill, with $27.4M to go

By Brian O'Connor

November 2, 2018

Government officials have paid off a sizeable debt owed to the territory's utility, a V.I. Water and Power Authority spokesman said Friday.

However, millions of dollars in outstanding bills remain to be paid, WAPA spokesman Jean Greaux Jr. told The Daily News on Friday.

Officials have paid off outstanding electric bills for powering the territory's streetlights, according to a WAPA press release issued Friday morning. The balance owed for the streetlights was about $15.8 million in January 2015, Greaux said.

Lonny Soury, a communications consultant who has in the past served as a spokesman for the Mapp administration's finance team, said the money to pay off the bills may have come from federal transportation funds.

Soury said he would have to check into the information relating to the payoff, but had not furnished additional details as of press time.

Numerous other agencies owe millions more in unpaid electric bills, which the utility generally refers to as government receivables, Greaux said.

The agencies with the largest unpaid electric bills are the hospitals and government instrumentalities:

• Luis Hospital on St. Croix owes $12.4 million in unpaid electric bills.

• Schneider Hospital on St. Thomas owes $11.1 million.

• The Virgin Islands Waste Management Authority owes $1.7 million.

Central government agencies — a category including V.I. Police, V.I. Fire Service, V.I. Education, and other executive branch departments — owe about $2.2 million, Greaux said.

"They range anywhere from a credit of $50,000 to a payable of $353,000," he said.

The territory also has revamped its streetlight infrastructure and replaced arc light street lights with LED lights, meaning future bills should be more manageable, Executive Director Lawrence Kupfer said in the WAPA press release.

"For many years, the streetlight debt had been among one of the four top outstanding obligations to WAPA," Kupfer said in a prepared statement. "The streetlight account now has a zero balance and, additionally, going forward with the addition of our new efficient LED lighting program, street light billings should see a significant savings for the territory."

The money — the final payment to bring the government current was made in late October, following months of gradual payments against the obligation — was good news for the utility, Greaux said.

"Any time you've got money coming in the door against an outstanding obligation, it's a good day," he said.

NATIONAL

The EPA Has Disappeared Its Climate Page

https://www.ecowatch.com/epa-has-disappeared-its-climate-page-2617379092.html

Olivia Rosane- Nov. 02, 2018 07:43AM EST

"We want to help you find what you are looking for."

That is the message you get if you type epa.gov/climatechange into your web browser, along with a link to the archived U.S. Environmental Protection Agency (EPA) mainpage as of Jan. 19, 2017, the day before Donald Trump became president.

A screenshot of the current EPA climate change page.*EPA*

In April 2017, the EPA replaced its "climate change" page with an update message saying the site was being changed to "reflect the agency's new direction under President Donald Trump." But now even the promise of an update is gone, a new report from the Environmental Data & Governance Initiative (EDGI) discovered Thursday.

"It's an embarrassment. It is a ghost page," Obama-era EPA Regional Administrator Judith Enck told The Guardian. "It's a bit like Amazon not allowing the public to order books via its website – it's that fundamental. There's no other issue at the EPA more important than climate change; it affects air, water, health and whether large parts of the world will survive."

The EDGI report said that the changes occurred between 5:12 p.m. Oct. 16 and 3:04 a.m. Oct. 17. In addition to changing the main text of the page, the website also replaced a link to a snapshot of the EPA's Obama-era climate change page with a snapshot of the EPA's Obama-era mainpage and deleted a link to a press release explaining the changes. In September, the EPA also removed a link on the page to the EPA's searchable archive and technical support request form.

"The cumulative effect of removing these links from the splash page is the substantial reduction of access to EPA's historical public information about climate change," the EDGI report said.

A screenshot of the EPA climate change page before (left and after (right) the most recent changes*EDGI*

The website changes are in keeping with a Trump administration tradition of scrubbing climate information from government websites

Motherboard offered a brief history:

This is far from the first time that the Trump administration has removed information relating to climate change and environmental hazards. Shortly after Trump's inauguration in January 2017, all references to climate change were removed from the White House website. In April of that year, the Department of the Interior all references to climate change from its public-facing website. The Federal Emergency Management Agency does not even mention climate change in its five-year plan released earlier this year.

Former EPA administrator Scott Pruitt was famously hostile to climate science and wanted to stage a televised debate on the topic. One anonymous EPA official speculated to The Guardian that the changes might reflect the priorities of his replacement, former coal lobbyist Andrew Wheeler.

"Wheeler has been somewhat meticulously going through the mess Pruitt left behind and I think is finally getting to the place of making some decisions on stuff," the official said. "I've been surprised that we are still even talking about climate change and that there are still people nominally assigned to that beat in the air office."

Wheeler has continued with Pruitt's efforts to deregulate everything from power plant emissions to fuel efficiency standards and has said that "federal regulations are not necessary to drive greenhouse gas reductions," The Guardian reported.

The Guardian: It's a ghost page': EPA site's climate change section may be gone for good

Material that said humans were warming the planet was taken down last year for an 'update'
https://www.theguardian.com/us-news/2018/nov/01/epa-website-climate-change-trump-administration
Oliver Milman- Thu 1 Nov 2018 15.37 EDT

More than a year after the US Environmental Protection Agency took down information on climate change from its website for an "update", it now seems uncertain whether it will ever reappear.

In April last year, the EPA replaced its online climate change section with a holding page that said the content was being updated to "reflect the agency's new direction under President Donald Trump".

Information previously found at epa.gov/climatechange made it clear that human activity was warming the planet, resulting in harm to Americans' health as well as crucial ecosystems on which humans depend.

The "update" page has now given way to a page that simply states: "We want to help you find what you are looking for." Below, there are links to search other areas of the EPA website, as well as to an archived "snapshot" of the site from the day before Trump became president in January 2017. The switch was observed by the Environmental Data & Governance Initiative, which tracks changes in government websites.

"It's an embarrassment. It is a ghost page," said Judith Enck, who was EPA regional administrator during Barack Obama's presidency. "It's a bit like Amazon not allowing the public to order books via its website – it's that fundamental. There's no other issue at the EPA more important than climate change; it affects air, water, health and whether large parts of the world will survive."

Scott Pruitt, a climate change skeptic who was Trump's pick as EPA administrator until he resigned in July amid a long-running ethics scandal, repeatedly questioned basic scientific understanding of climate change while he headed the agency, such as whether carbon dioxide is a primary driver of planetary warming.

The EPA under the Trump administration has attempted to roll back all key measures designed to address climate change, such as limits on pollution from coal plants, rules to prevent methane emissions from oil and gas drilling and tighter fuel efficiency standards for cars. Andrew Wheeler, a former coal lobbyist who is now acting EPA administrator, has said "federal regulations are not necessary to drive greenhouse gas reductions".

A senior EPA official, who asked not to be named, said: "Wheeler has been somewhat meticulously going through the mess Pruitt left behind and I think is finally getting to the place of making some decisions on stuff." The official added: "I've been surprised that we are still even talking about climate change and that there are still people nominally assigned to that beat in the air office."

Enck said that EPA career staff are "frustrated" and "ashamed" about the new stance on climate change and urged her former colleagues to speak out.

The administration also began taking the ax to climate change language across other government websites in the spring of 2017.

"The EPA website is used by decision and policy makers, not just for high school student assignments," she said. "The lack of timely, accurate information is part of a much deeper problem that the agency is on the sidelines of the most urgent environment issue of our time."

The EPA was contacted for comment.

Newsweek: TRUMP'S EPA MAY HAVE SHUT DOWN IT'S CLIMATE CHANGE WEBSITE FOR GOOD

https://www.newsweek.com/epa-shits-down-climate-change-websites-1198362
BY ALEXANDRA HUTZLER ON 11/2 /18 AT 10:59 AM

The Environmental Protection Agency has stopped updating its websites with climate change information, instead leaving site visitors with error messages and blank pages.

In April 2017, three months after noted climate-change skeptic Donald Trump took office, the EPA removed its climate change subdomains from public access. Overall, at least 80 URLs, including epa.gov/climatechange, were shut down. The federal agency claimed the move was only temporary and that the sites were "being updated" to reflect the new priorities of the agency under the new leadership of President Trump and then-EPA chief Scott Pruitt. Pruitt has since resigned due to ethics scandals.

"The process which involves updating language to reflect the approach of new leadership, is intended to ensure that the public can use the website to understand the agency's current efforts," a press release sent out by the agency read at the time.

But a report released last week by the Environmental Data & Governance Initiative showed that in October the EPA modified the splash page and removed statements saying that the website was under construction. Now, the page simply states: "We want to help you find what you are looking for."

Along with discontinuing any potential updates to the climate change sites, the EPA removed links to their searchable web archive for any past information on the subject and a link to their technical support request form.

The Trump administration has made it clear that the environment is not a top priority, even though the president has said that he has a "natural instinct for science" that informs his understanding of climate change. Shortly after taking office, the Trump administration had all references to climate change removed from the White House website.

Trump's EPA climate change website
Emissions and steam rise from the American Electric Power Co. (AEP) coal-fired John E. Amos Power Plant in Winfield, West Virginia, on Wednesday, July 18. A new report shows that the Environmental Protection Agency has taken down their websites about climate change.

Trump dismissed an October report by a group of climate scientists from around the world, which warned that the effects of climate change may become irreversible by 2024, saying, "You'd have to show me the scientists because they have a very big political agenda."

Pruitt, Trump's first pick to lead the EPA, notoriously suggested that global warming could be beneficial for humans. "We know humans have most flourished during times of warming trends," Pruitt said earlier this year before being ousted for racking up multiple ethics violations, like using his office to attempt to get his wife to become a Chick-fil-a franchisee and spending $43,000 to soundproof a phone booth in his government office.

Pruitt's replacement, Andrew Wheeler, was one of the biggest coal lobbyists in Washington and sued the EPA 14 times while serving as the attorney general of Oklahoma against pollution restrictions.

The Environmental Data & Governance Initiative says that the "cumulative effect of removing" these pages and URL links is "substantial reduction of access to the EPA's historical public information about climate change."

Ecowatch: Trump's EPA Sides With Monsanto, Extends Dicamba 2 More Years

https://www.ecowatch.com/epa-dicamba-trump-monsanto-2617361799.html
Olivia Rosane- Nov. 02, 2018 06:48AM EST

The U.S. Environmental Protection Agency (EPA) announced Wednesday that it would allow farmers to continue spraying the controversial pesticide dicamba for the next two years. Dicamba is sold by Monsanto to be used on soybean and cotton plants genetically engineered to be resistant to the weedkiller. The problem is that it drifts on the wind, harming non-resistant crops and wild plants. Over the past two years, it damaged around five million acres of crops, trees and gardens, the Center for Biological Diversity (CBD) said.

The approval does come with new restrictions, but experts and activists say they are not enough.

"The Trump EPA's reckless re-approval of this dangerous poison ignores the facts on the ground and damage across millions of acres," CBD senior scientist Nathan Donley said. "Simply adding more use restrictions to an uncontrollable pesticide that already comes with 39 pages of instructions and limitations reflects a broken process. Pesticide regulation has been hijacked by pesticide makers."

New restrictions, according to CBD and NPR, include:

- Only certified applicators will be able to spray the pesticide.
- For soybeans, spraying will have to end 45 days after planting.
- For cotton, spraying will have to end 60 days after planting.
- There must be a 57 foot spraying buffer around fields where endangered species may be present.
- Spraying will only be allowed during certain times of day.

Iowa State University weed specialist Bob Hartzler wrote a breakdown of the new regulations and how effective he thought they might be.

"Unfortunately, I don't think these new restrictions will have a significant impact on the problems we've seen the past two years," he concluded.

Dicamba is a controversial issue for farmers, NPR reported. Some swear by it, while others feel pressured to buy only Dicamba-tolerant seeds or risk having their crops damaged by spraying nearby.

The whole set-up is a major coup for Monsanto, as NPR explained:

Dicamba has been a huge success for Monsanto, the company that sells both dicamba-tolerant seeds and a version of the herbicide that's specially formulated for use on them. This past year, dicamba-tolerant seeds were planted on some 40 million acres, representing close to half of all soybeans and cotton in the United States. Bayer, the German company that now owns Monsanto, expects that total to grow to 60 million acres in 2019.
But independent soybean sellers Beck's Hybrids and Stine Seed have pushed the EPA for further restrictions, arguing that farmers should have a real choice between seeds, one that isn't born out of fear.

It's not just non-Monsanto crops that are at risk. CBD warned that dicamba could further harm already vulnerable wildlife like monarch butterflies. A CBD report found that more than 60 million acres of monarch habitat will be sprayed with dicamba by next year, threatening both the flowering plants needed by the migrating adult butterflies and the milkweed that is the caterpillars' only food source.

"It's going to take far stronger action to curb dicamba's well-documented dangers to non-target plants and wildlife like monarch butterflies," Donley said.

There is currently a lawsuit challenging the EPA's original approval of dicamba, but it has not been decided yet, NPR reported.

The Hill: How to fight bad science infiltrating the EPA

https://thehill.com/opinion/energy-environment/414502-how-to-fight-bad-science-infiltrating-the-epa
BY MIKE MIKULKA, OPINION CONTRIBUTOR — 11/02/18 11:30 AM EDT

Scientific integrity is under attack by the U.S. EPA. Why has the erosion of clean air and water regulations become the norm? What good comes from reversing environmental protections and basic scientific integrity? What can your vote on Nov. 6 do about it?

For months, EPA's Acting Administrator Andrew Wheeler has been dismantling the agency by stacking the EPA Advisory Board nominees with fossil fuel industry allies who have dubious credentials. Meanwhile, Wheeler has cut mainstream scientists and disregarded sound science.

Wheeler relies on the White House's biased, political agenda of deregulation to justify rolling back environmental protections.In the last 100 days, he has disbanded one EPA advisory panel on air pollution and stacked another with industry allies. He's rolled back Clean Car emissions standards, proposed to replace the Clean Power Plan's limits on carbon emissions with a rule that favors the coal industry and threatened to scrap the mercury-limiting air toxics rule despite its proven public health benefits. Congress has done nothing to stop him.

His infamous predecessor, Scott Pruitt, made lots of noise about challenging scientific principles that undergird clean air and water protections. He also entertained contriving a climate debate that had even this White House worrying. One of his own advisors complaining that it made no sense. Implying preconceived conclusions through a "red" and "blue" team "debate" on climate change misunderstands scientific inquiry itself, which knows no political party, nor should it.

Yet, Wheeler is quickly and quietly intensifying and realizing Pruitt's anti-science agenda.

In mid-October, Wheeler, a former coal lobbyist, disbanded EPA's advisory panel on particulate matter — emissions that can lead to lung cancer. He then stacked EPA's primary air pollution advisory panel, known as CASAC (Clean air Science Advisory Committee), with industry-disposed scientists. This panel advises EPA on the safe level of air pollution. The panel had previously been balanced with respected academics, industry professionals, and non-profit science groups. Not any longer. One of the new appointees claimed that researchers overplayed the dangers of air pollution and reduced smog would not benefit public health. Another said fine particulate matter, or soot, is not linked to lung health.

Currently, Wheeler is about to select new, like-minded members to EPA's Science Advisory Board, and among his choices are:

a tobacco-industry-funded researcher who downplays the health risks of secondhand smoke and fine particulate matter
an Exxon Mobil consultant who disagrees with the overwhelming consensus on greenhouse gases causing climate change
two folks who argue that more carbon dioxide will benefit humans (It won't.)
Would they have Americans think it's safe to smoke cigarettes? That is Scott Pruitt's red team/blue team debate idea, only worse: it's for all clean air issues, not just climate. And there's only one team: red.

If he is successful, Wheeler effectively could select the counselors to Philip Morris, Exxon Mobil, and coal giant Murray Energy to help review and filter the public health data that EPA considers. The fox is not just guarding the henhouse, it's inviting the wolves to come in.

Andrew Wheeler's crusade to dismantle health and safety regulations will have dire consequences in the real world. To be clear: scientists, including those at EPA, widely agree that smog can cause asthma and other respiratory problems, while soot is linked to lung cancer and other deadly conditions, and mercury is, indeed, a neurotoxin that can harm a developing fetus. But regularly those scientific voices are being silenced in favor of the industry voices.

Millions of Americans' health is at stake, and his next actions to stack the EPA's Science Advisory Board could bring more erosion of public health standards and more risk to vulnerable communities and our children. Despite, our constitutional system of checks and balances, Congress has done little to stand in the way of this anti-science crusade to undermine EPA.

While EPA is taking public comment on the Science Advisory Board nominees until Nov. 7, the best way to stop Wheeler from undermining scientific integrity is one day earlier, November 6, at the polls, by electing a Congress that will stand up for science.

DTN: Washington Insider – Friday

https://www.dtnpf.com/agriculture/web/ag/perspectives/columns/washington-insider/article/2018/11/02/tariff-war-scrambles-u-s-trade
Tariff War Scrambles- 11/2/2018 | 6:11 AM CDT

Here's a quick monitor of Washington farm and trade policy issues from DTN's well-placed observer.

EPA Moves to Exempt Livestock Operations From Emissions Reporting Rule
The Trump administration is moving forward with a plan to permanently exempt livestock operations from requirements to report releases of hazardous air emissions to state and local emergency officials, setting up a likely legal showdown with environmentalists over the scope of the underlying statute.

A newly proposed rule would shield farms from the Emergency Planning and Community Right-to-Know Act (EPCRA), the 1986 statute that requires the reporting of emissions of hazardous chemicals above certain thresholds.

The law affects large livestock operations as animal waste produces ammonia and hydrogen sulfides, the two gases that can trigger notification responsibilities under EPCRA. Releases of more than 100 pounds a day must be reported under the law.

EPA has long suggested concentrated animal feeding operations (CAFOs) should be exempt from the law but its past efforts have been struck down in federal court.

In 2017 a federal appeals court sided with environmentalists and blocked a 2008 rule that exempted most CAFOs from EPCRA and all farms from inter-related requirements laid out by the Superfund law. The move prompted the Trump administration to issue new guidance last year that went further than the 2008 rule, exempting all farms from the EPCRA requirements. Congress in March enacted an exemption for CAFOs from reporting requirements of the Superfund law within the 2018 omnibus spending bill.

The bid to again codify the EPCRA exemption in regulation has strong support from the agriculture industry and was announced Tuesday (Oct. 30) by Acting EPA Administrator Andrew Wheeler, along with Sen. Jerry Moran, R-Kansas, state emergency responders and representatives of the livestock industry.

"It was never the intent of Congress for normal odors from animal waste on farms to fall under our nation's emergency hazardous waste reporting requirements," Moran said.

Wheeler echoed that sentiment Wednesday (Oct. 31) at the National Chicken Council (NCC) annual meeting where he said the proposal will ensure the livestock exemption is "clear and crystallized" in a rulemaking.

"Doing so will provide much needed certainty and clarity to America's farmers, ranchers and chicken producers," Wheeler told NCC. "It will save them from onerous reporting requirements and [from] third parties possibly using that information against them in litigation."

More Recommended for You

EPA Approves Two-Year Registration for Dicamba, But Adds Restrictions
The registration of dicamba has been extended for two years for "over-the-top" application for cotton and soybeans genetically engineered to be resistant to the herbicide, but some additional restrictions on applications were announced by EPA to address "potential concerns to surrounding crops and plants."

“EPA understands that dicamba is a valuable pest control tool for America’s farmers,” said EPA Acting Administrator Andrew Wheeler. “By extending the registration for another two years with important new label updates that place additional restrictions on the product, we are providing certainty to all stakeholders for the upcoming growing season.”

The two-year registration goes until December 20, 2020, and over-the-top applications on soybeans are prohibited 45 days after planting and 60 days after planting for cotton. The number of over-the-top applications for cotton would be reduced to two while soybeans will remain at two. Applications will only be allowed from one hour after sunrise to two hours before sunset.

In counties where endangered species may exist, the downwind buffer will remain at 110 feet and there will be a new 57-foot buffer around the other sides of the field (the 110-foot downwind buffer applies to all applications, not just in counties where endangered species may exist). There are also enhanced tank clean-out instructions and the registration for all dicamba products will automatically expire December 20, 2020, unless EPA further extends it.

Washington Insider: Tariff War Scrambles US Trade Routes
It is not news that many producers are concerned about the impact of the administration’s “get tough” trade policies. In addition, Bloomberg is reporting this week that not only is the trade fight “rattling global soybean markets. It’s also shifting the flow of crops within the U.S., changing pricing patterns and boosting storage needs for much of this season’s bumper crop.”

Traders shipping soybeans through the Pacific Northwest, a key export hub for flows to China, are now diverting supply from that pattern south to the Gulf of Mexico, where the product can be shipped to alternative destinations including Iran and the European Union. Corn flows are also changing, with some elevator owners shipping more of the grain to make space for soybeans.

"A very big part of the soybean supply that typically moves out of the U.S. to China comes off the West Coast, and that’s just not happening now," Soren Schroder, chief executive officer of Bunge Ltd., told Bloomberg on Wednesday. "But that doesn’t mean that there are no bids for soybeans, it just means that they are most likely directed toward crushing plants in the domestic market or export channels that take the flows to the Gulf."

Still, Schroder said, “it’s building up a historically high level of soybean stocks that will carry through this year, and into next.”

Soybeans that usually get sent by rail to the Pacific Northwest ports for export are now moving by train to areas near the Mississippi River, where they get put on a barge to the Gulf, according to Jim Sutter, CEO of the U.S. Soybean Export Council. St. Louis is one of the common spots for that, he said.

The Pacific Northwest is also getting more corn at the start of the season as some grain elevators seek to make storage room for higher-priced soybeans. All of that is creating dislocations and price gaps that traders with domestic assets can benefit from.

"In the short term, dislocations caused by tariffs create arbitrage opportunities that well-positioned merchants and shippers can benefit from," Corey Jorgenson, president of the grain unit of The Andersons Inc. "Long term, the trade war is bad for our business and is really bad for U.S. farmers.”

The trade war already created a merry-go-round of sorts in international trade, with Argentina and Canada buying U.S. soybeans for local processing while exporting their own produce, Bloomberg says. It’s now doing the same within the U.S., creating local-price arbitrages and reshaping the way crops flow.

The impacts of the changes in flows affect growers differently in different regions, Bloomberg said. Growers in the Dakotas, Minnesota and Nebraska, more northern states whose crops used to flow west, have sold at discounts as wide as $1.80 a bushel against Chicago futures — while farmers in some southern poultry-producing regions see stronger prices.

Monte Peterson, who farms both corn and soybeans on 4,500 acres in Valley City, an hour away from Fargo in North Dakota, says his local elevator is sending corn by rail to the Pacific Northwest instead of the usual soybeans, which can sell for two to three times more. Sutter says some are piling weather-resistant corn on the ground and storing the oilseed.

Bloomberg notes that the U.S. has approximately 8,500 grain elevators with 11.2 billion bushels of storage capacity.

“There are sales for corn and the opportunity to ship corn to the Pacific Northwest, at least in these nearby months," Peterson said. He sees that as “the only salvation” for some producers.

Despite the record size of this year’s soybean crop, “the country has enough space” to store it, said Corey of The Andersons. “It’s just an element of displacement that things need to move to non-traditional places."

Meanwhile, Sutter said his export group is bringing trade delegations from countries other than China to try to persuade them to buy from the Pacific Northwest, or the PNW as its referred to within the industry.

“We’ve been bringing trade teams" in to visit the PNW and the states that usually supply that region so they can learn about the trade route and the quality of U.S. soy, Sutter said. That includes groups from Taiwan, South Korea, Japan, Thailand, Vietnam and Indonesia. And they’ve already scored a win with a memorandum of understanding with Taiwan.

"We saw Taiwan buy soybeans off the PNW for the first time in 15 years," he said.

So, U.S. producers have long been famous for their sophisticated marketing and transportation systems, and for their “sharp pencils.” Thus, highly complex new marketing schemes can be expected to emerge. However, producers also are increasingly aware of the impacts of the trade war on their markets overall, and can be expected to continue to press hard for market interventions that reduce the negative impacts of the national trade fight, Washington Insider believes.

Daily News: EPA fines 2 trucking companies for air pollution, requires them to pay for indoor air filtration at Southern California schools

https://www.dailynews.com/2018/11/02/epa-fines-2-trucking-companies-for-air-pollution-requires-them-to-pay-for-indoor-air-filtration-at-southern-california-schools/
By STEVE SCAUZILLO - November 2, 2018 at 8:30 am

Two interstate trucking companies failed to install filters in hundreds of diesel trucks that spewed tons of lung-damaging pollution into the air near schools, hospitals and daycare centers in Southern California, resulting in penalties of $225,000 assessed by the U.S. Environmental Protection Agency, air pollution agencies announced Thursday.

In addition, the trucking companies will spend $575,000 to install indoor air filtration systems in classrooms and multi-purpose rooms at schools and daycare centers in Los Angeles and Rialto, according to a settlement reached with the EPA.

The Green Bay, WI-based Schneider National, Inc. operated 150 large diesel trucks in California from 2013-2016 without diesel particulate filters.

Also, the company did not verify that 1,200 of the carriers it hired complied with the California Truck and Bus Rule, enforced by the California Air Resources Board (CARB), according to the EPA.

Old Dominion Freight Line, Inc., based in Thomasville, N.C., operated 117 diesel trucks without filters during the same time period and failed to verify 64 of its carriers with the rule.

Old Dominion's portion of the penalties and settlement monies will be used to install filtration equipment at schools in the Rialto area, the EPA said.

Filters needed
Functioning big-rig truck tailpipe filters, in addition to a cadre of indoor air purifiers at schools, will cut the amount of pollutants by 90 percent, according to air quality officials.

Filters on trucks help prevent fine particulates smaller than 2.5 microns and ultrafine particulates 0.1 microns in size from entering the air.

When breathed, particulates bypass the body's natural defense systems and lodge in a child's lungs, causing asthma and degraded lung development that can lead to lung diseases later in life.

Also, particulates cause cardiovascular disease and even premature death in older adults, according to the EPA and the South Coast Air Quality Management District.

"Heavy-duty trucks can emit drastically higher levels of pollution when not equipped with required emissions controls," said Mike Stoker, EPA Pacific Southwest regional administrator during a press conference at Eastman Avenue Elementary School in East Los Angeles Thursday.

Diesel-powered vehicles account for half of the nitrogen oxides — a major component of local smog — and two-thirds of all the particulate emissions from transportation sources in the United States, according to the Union of Concerned Scientists.

Eastman Avenue school will receive air filtration devices and indoor sensors made by IQAir, a Swiss-based company based in La Mirada, in all its classrooms, multipurpose rooms and cafeteria, as will the Eastman Avenue Early Education Center across the street.

The facilities are one block from the 710 and 5 freeways and just yards from trucking facilities. Studies show these devices increase student productivity, performance and attendance.

Eastman Avenue school Principal Teresa Armas speaks about the need for air filtration systems to protect children's lung health at her school on Thursday, Nov. 1, 2018. In background is Monica Garcia, LAUSD board president. (photo by Steve Scauzillo)
"It is the first time we are getting these," said Teresa Armas, school principal.

The school population — about 800 — has a much higher percentage of children with asthma than the general population, she said.

The SCAQMD has installed air filtration devices in 78 schools within the four-county air district, said Wayne Nastri, executive officer. Earlier this year, the district upgraded 10-year-old equipment at Resurrection Elementary School in nearby Boyle Heights.

"With kids in the classrooms, it is a much healthier environment," Nastri said during an interview Thursday.

Nastri said the SCAQMD is following the rules of Assembly Bill 617, signed into law in August 2017, which requires the agency to address localized "hot spots" such as freeways, rail yards and factories that emit pollutants near places with a high degree of exposure, such as schools and daycare centers.

"You will be seeing a lot more of these kinds of localized efforts," he said.

On Friday, the SCAQMD board will consider creating an $87 million demonstration program for battery-electric, heavy-duty trucks with Volvo, said Sam Atwood, spokesman.

The program would require the company to deploy 23 electric trucks, cleaner off-loading equipment and a solar charging component at a future truck facility in Southern California.

Sierra Sun Times: California Attorney General Joins Comment Letter Strongly Criticizing Trump Administration's Proposed Dirty Power Plan

https://goldrushcam.com/sierrasuntimes/index.php/news/local-news/16263-california-attorney-general-joins-comment-letter-strongly-criticizing-trump-administration-s-proposed-dirty-power-plan
November 2, 2018 Proposed Plan Would Cause More Than 1,600 Premature Deaths Annually

SACRAMENTO – California Attorney General Xavier Becerra has joined a multistate comment letter denouncing the Trump xavier becerra california attorney general Administration's proposal to dismantle the Clean Power Plan that sets national limits on carbon emissions from existing fossil-fuel power plants. In place of the current Clean Power Plan, the U.S. Environmental Protection Agency (EPA) is proposing an illegal "Dirty Power Plan" that does little to nothing to address climate change pollution from power plants, weakens implementation requirements for limits on greenhouse gases and other types of air pollution, and carves out a loophole enabling fossil-fuel power plants to increase their emissions of harmful particulate matter.

"The clock is ticking, and yet the Trump Administration continues to foolishly turn its back on any progress we've made to safeguard future generations," said Attorney General Becerra. "With this misguided plan that benefits corporate polluters over the well-being of the American public, Trump is callously selling out our children's future and vowing to make America dirty again."

The EPA's proposal would eliminate the 2015 Clean Power Plan, a culmination of a decade-long effort by partnering states and cities to require mandatory cuts of carbon pollution from fossil fuel-burning power plants under the Clean Air Act. If left intact, the Clean Power Plan would eliminate as much climate changing pollution as is emitted annually by more than 160 million cars a year – or 70 percent of the nation's passenger cars. In its 2018 proposal, the EPA admits that its new Dirty Power Plan would cause over 1,630 additional premature deaths per year by 2030. In addition, the EPA concedes the plan would cause up to 15,000 new cases of respiratory problems, and nearly 190,000 missed days of school and work.

The EPA's plan blatantly disregards pleas from the scientific community, businesses and world leaders to curb emissions. According to an October 2018 report, global warming is likely to reach 1.5°C between 2030 and 2052 if emissions continue to increase at the current rate. Experts have warned that rolling back protections such as the Clean Power Plan would aggressively accelerate global warming with wide-ranging consequences, including temperature increases, ocean warming, sea level rise, increased hospitalizations and mortality, stress and die-off of animal and plant species, extreme weather events, famine, drought and forced human migration.

In the letter, the attorneys general demand that the EPA withdraw its illegal and foolish plan and address a number of issues with the proposal. In the letter, the states assert that the EPA's proposal:

Fails to provide sufficient opportunity for public participation in the rulemaking process. EPA has held only one public hearing and provided only 61 days of public comment for what is essentially three separate proposed rule changes. This is not adequate time to respond to what is essentially three separate proposed rules.

- Exempts all existing gas plants, and some coal plants, from carbon dioxide emission limits. The EPA improperly changes its interpretation of what is considered the best system of emission reduction, mischaracterizes and ignores scientific evidence, and illegally fails to regulate pollution sources.
- Ignores emission reduction systems that have resulted in shifts to cleaner forms of electricity generation.
- Relies on an unlawful interpretation of the Clean Air Act, with little reasoning. The EPA reverses prior positions and legal interpretations, without justification, and fails to fulfill the agency's legal duty to control harmful emissions under Section 111(d) of the Clean Air Act.

- Fails to consider to relevant evidence regarding additional proven systems of emission reductions and arbitrarily constrains its own analysis.
- Weakens rules that apply to power plant modifications that increase or add new emissions by creating a broad exemption to New Source Review permitting requirements, and thus, harming public health and the environment.

Attorney General Becerra will continue to vigorously defend the Clean Power Plan. In addition to the day's action, Attorney General Becerra has:

- On March 28, 2017, issued a statement preparing to defend Clean Power Plan.
- On January 9, 2018, led a coalition of 19 states and municipalities in submitting a 30-page comment letter to the EPA on due process violations, lack of fairness, and ethical lapses that arise from Administrator Scott Pruitt's involvement in the proposed rulemaking to repeal the Clean Power Plan.
- On February 27, 2018, defended the Clean Power Plan in an EPA listening session in San Francisco.
- On April 26, 2018, led a coalition of 16 attorneys general and municipalities, submitted a supplemental comment letter to the EPA with additional evidence of due process violations, lack of fairness, and ethical lapses stemming from Administrator Scott Pruitt's involvement in the EPA's efforts to repeal Clean Power Plan.
- On August 21, 2018, issued a strong statement upon the announcement of the Trump Administration's proposal to dismantle the Clean Power Plan, and committed to join the multistate coalition set to challenge a replacement rule if adopted.
- On October 26, 2018, published an article on the significance of the Clean Power Plan and the National Clean Car Standards

Delaware business now: EPA grant to aid wetlands in Delaware

https://delawarebusinessnow.com/2018/11/epa-grant-to-aid-wetlands-in-delaware/
ByDelaware Business Now -November 2, 2018

The U.S. Environmental Protection Agency (EPA) has awarded $341,691 to the Delaware Department of Natural Resources and Environmental Control (DNREC) for wetlands.

"The information that this project will generate is critical to understanding, protecting and restoring Delaware's wetlands habitat," said EPA Regional Administrator Cosmo Servidio. "It will provide the kind of sound scientific data that is essential for effective wetlands protection."

"Delaware is pleased to leverage this wetlands grant from our federal partners into another opportunity to continue improving our state's water quality," said DNREC Secretary Shawn M. Garvin. "Wetlands are a critical link in ensuring clean water for all Delawareans, and the ecological value they provide in conserving and preserving our most precious natural resource – our water supply – cannot be overstated."

DNREC also will use the funds for demonstrating and documenting the most successful techniques for restoring coastal habitat, in addition to providing opportunities for improving public education and outreach about wetlands conservation.

Tech Forum newsletter Nov. 2018 Tech art
Healthy wetlands perform important ecological functions, such as feeding downstream waters, trapping floodwaters, recharging groundwater supplies, removing pollution, and providing habitat for fish and wildlife, an EPA release stated.

For more wetlands information, visit: https://www.epa.gov/wetlands/wetland-program-development-grants.

Environmental Working Group: Is EPA's Climate Change Website Gone for Good?

https://www.ewg.org/release/epa-s-climate-change-website-gone-good
Alex Formuzis- FRIDAY, NOVEMBER 2, 2018

WASHINGTON – The section of the Environmental Protection Agency's website that linked human activity, fossil fuels and carbon dioxide to climate change seems to have disappeared for good.

This week the Environmental Data & Governance Initiative, or EDGI, which monitors any changes to federal agency websites, discovered that the main climate change section of the EPA's site is gone.

In April 2017, the agency took down the website, claiming it was temporary, in order to update the content to reflect the Trump administration's views on climate change.

Now, EDGI reports, the "update" notice has been replaced with no mention of climate change. Instead, site visitors get this message: "We want to help you find what you are looking for."

"Apparently, they don't want to help very much," said EWG President Ken Cook.

"But it's not hard to figure out why," said Cook. "Andrew Wheeler, acting chief of the agency, was a longtime lobbyist for the fossil fuel industry before he joined President Trump's anti-science, anti-public-health administration. Why would he want an EPA website packed with irrefutable data detailing how that industry is a leading driver behind dirty air, increases in childhood asthma and premature death, wildfires and hurricanes from hell, rising sea levels, drought and famine?"

The Ring of Fire: The EPA's Climate Change Websites Have All Disappeared

https://trofire.com/2018/11/02/the-epas-climate-change-websites-have-all-disappeared/
By Farron Cousins - November 2, 2018

A new report has revealed that the US Environmental Protection Agency has officially purged their climate change websites, making it impossible for Americans to get information about the growing threat without seeking outside help. This is a move that the Trump administration promised us was going to happen, but it is still quite a shock to see them engage in this level of climate denial. Ring of Fire's Farron Cousins discusses this.

Transcript:

According to news reports and very cursory internet searches, the EPA has officially removed their websites from their official website talking about climate change. Now, this is not a surprising move. We knew back in April of 2017 that the EPA had issued this memo saying they were gonna, you know, tailor their websites to fit a little bit more in line with the new direction of the agency under Scott Pruitt. Pruitt may not be there anymore, but the anti-science mentality that he and Donald Trump brought to this administration is alive and well in today's EPA. And we see that because now we can't see websites related to climate change from the US government.

Now, this administration has taken a very unique approach to climate change. You know, we had the Bush administration, who most people don't even realize, they weren't outright climate change deniers. They said, "Yeah, it appears to be warming. We're not quite sure of what the cause is." They were deniers in that regard, but at least they acknowledged that yeah, things seem to be getting worse. And towards the end of his administration, they actually acknowledged that human beings were causing the problem. So, even somebody as anti-science and as dumb at George W. Bush, at least understood that this was a very real problem and we were making it worse, they just didn't care.

And then came the Trump administration after eight years of Obama, who says not only is climate change possibly a Chinese hoax, but we're going to get rid of any mention of it. We're going to do away with it. We're going to bury the science so that the American public can't find it. Because here's the thing, people are far more likely to believe something that comes from the federal government than they are something that comes from an independent study. Something that comes from a media outlet. They are going to believe the government over those places, so this could lead to a decrease in the number of people in the United States who believe and accept the science of climate change. Now that's a long shot, that likely won't happen, but it's something that absolutely could happen as a result of this.

But this administration has to understand something here. We've been given reports, several of them in just the last two months, showing that we are running out of time. If we do not reverse course, if we do not cut down on our emissions, we are going to hit a point of no return likely within the next 12 years, if not definitely within the next 22 years. At that point, it's all about mitigation instead of prevention. We have to adapt to the change in climate instead of trying to prevent the change in climate.

And at that point, catastrophe would have already happened. Massive droughts, massive floods, wildfires, hurricanes, extinction events. Those are the kinds of things that are right on the horizon. And this administration's response to it has been to cover it up, delete it, quite literally, and prevent the American public from knowing and understanding what is actually happening in the world today.

And more importantly, prevent people from seeing whether or not our government was even taking it seriously. But as we can see from the fact that they've deleted all of these websites, we know they're not taking it seriously. We know they don't believe in the science, we know that they've been purging scientists from the EPA. They've been replacing them with industry hacks, people from the chemical industry, the oil industry, all the industries that are polluting and

destroying our planet, they are now the ones calling the shots. And it's likely that they also played a role in convincing the administration to delete everything they had about the threats of climate change.

E&E News: Trump admin halts update to climate site

https://www.eenews.net/climatewire/stories/1060104991/search?keyword=epa
Niina Heikkinen- Friday, November 2, 2018

EPA has stopped updating its climate change webpage, a new analysis has found.

The Environmental Data & Governance Initiative, which has been tracking changes to federal government webpages during the Trump administration, noticed new language on the agency website late last month.

Visitors to EPA's climate webpage no longer saw a notice on a new "splash page" telling them the site was being updated, which had been in place since April 2017.

"We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt," the notice had read.

Instead, starting Oct. 18, visitors to the page found a new message: "We want to help you find what you are looking for."

Also missing was a link to a press release discussing the agency's update to the climate change site, along with a direct link to a Jan. 19, 2017, snapshot of EPA's website preserved from the Obama administration. Visitors could, however, still access the older version of the website's homepage.

According to EDGI, the agency also deleted a link to a technical support request form.

"The cumulative effect of removing these links from the splash page is the substantial reduction of access to EPA's historical public information about climate change," EDGI wrote.

EPA did not immediately respond to a request for comment.

# # #

Karen Story
Branch Secretary
USEPA – Region 2
Public Affairs Division
Public Outreach Branch
212-637-3128

Message

From: Soltani, Beth [Soltani.Beth@epa.gov]
Sent: 2/7/2019 10:12:45 PM
To: Weekly Report Group [Weekly_Report_Group@epa.gov]
CC: Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: Region 2 Weekly Report to the Administrator
Attachments: Weekly Report to the Administrator 2-11-19.docx

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 2/11/19

Hot Issues:

Not Responsive

Limetree Bay Terminals,USVI: On 12/28/18 Region 2 issued a Plantwide Applicability Limit application completeness determination to LBT. Barring unexpected challenges during the public comment period, EPA will issue the permit 12 months from this date. The permit will provide operational flexibility to LBT. Refinery reopening activities have commenced. LBT will soon complete demolition of the #2 Beavon unit to comply with emission reduction requirements in the consent decree.

Not Responsive

Upcoming:

not responsive

Message

From: Kopec, Slawomir [kopec.slawomir@epa.gov]
Sent: 10/11/2018 12:11:15 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Brandt, Peter [Brandt.Peter@epa.gov]
Subject: Weekly reports
Attachments: Weekly Report 10-10-18.docx

Slawomir (Steve) Kopec
Special Assistant to Regional Administrator
U.S. EPA Region II
290 Broadway
New York, NY 10007
(212) 637-5037

WEEKLY HIGHLIGHTS
10/10/18

MAJOR MILESTONE REPORT – 10/10/18

Likely in October

Not Responsive

Not Responsive

Likely in November

Not Responsive

Not Responsive

Likely in December

Not Responsive

Likely in January 2019

Not Responsive

Beyond January 2019

Not Responsive

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CLEAN AIR AND SUSTAINABILITY DIVISION

Hot Issues:

Not Responsive

Past Week:

Not Responsive

Not Responsive

Limetree Bay Terminal: CASD's NEPA program reviewed and revised a HQ timeline for the LBT regulatory review. The purpose of the timeline is to inform all EPA staff of the regulatory requirements for the terminal restart, and the construction of the single point mooring system. The timeline now includes the Army Corps of Engineers' regulatory and NEPA process and all crosscutters, such as the endangered species act, coastal zone consistency, essential fish habitat, and the national historic preservation act. We coordinated closely with ORC on the rewrite.

Not Responsive

Upcoming:

ED_002591_00001801-00005

Not Responsive

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CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Not Responsive

Not Responsive

Not Responsive

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CLEAN WATER DIVISION

Not Responsive

Not Responsive

Other Items of Special Interest:

Not Responsive

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DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Not Responsive

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DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Not Responsive

Not Responsive

Not Responsive

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EMERGENCY AND REMEDIAL RESPONSE DIVISION

Hot Issues:

Not Responsive

Not Responsive

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OFFICE OF POLICY AND MANAGEMENT

OPM no weekly notes this week.

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OFFICE OF REGIONAL COUNSEL

Not Responsive

PUBLIC AFFAIRS DIVISION

Not Responsive

Not Responsive

Not Responsive

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OFFICE OF STRATEGIC PROGRAMS

No weekly report this week

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Enforcement Report

Weekly Activity Report for the Week Ending October 12, 2018 for Region 2

CONFIDENTIAL ITEMS:

None

Not Responsive

Message

From: Kopec, Slawomir [kopec.slawomir@epa.gov]
Sent: 2/7/2019 5:15:30 PM
To: R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; R2 Division Directors [R2_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Brandt, Peter [Brandt.Peter@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Weekly Reports
Attachments: Weekly Report 02-06-19.docx

Slawomir (Steve) Kopec
Special Assistant to Regional Administrator
U.S. EPA Region II
290 Broadway
New York, NY 10007
(212) 637-5037

WEEKLY HIGHLIGHTS
02/06/19

MAJOR MILESTONES REPORT – 2/6/19

Likely in February 2019

Not Responsive

ED_002591_00001804-00001

Not Responsive

Likely in March 2019

Not Responsive

Beyond March 2019

Not Responsive

Not Responsive

CLEAN AIR AND SUSTAINABILITY DIVISION

Hot Issues:

Limetree Bay Terminals: On December 28, 2018, CASD issued a Plantwide Applicability Limit (PAL) application completeness determination to LBT. Barring unexpected challenges during the public comment period, EPA will issue the PAL permit 12 months from this date. The permit will provide operational flexibility to LBT. At the LBT site, the modular village for workers is now open and workers have started moving in to begin reopening activities for the refinery. LBT is about to complete demolition of the #2 Beavon unit to comply with the emission reduction requirements in its CD.

To ensure that we are on schedule, the Air Programs Branch contacted LBT's consultants for this permit application regarding the status of the modeling protocol that will be used to perform the environmental justice analysis. Although we originally alerted the consultants about the EJ protocol in November 2018, they indicated that they have not been able to work on it yet and that they should be able to give us a better estimate in about 3 weeks. CASD is setting up a briefing for the RA to discuss the schedule and next steps. ORC, DECA and CEPD will be included in the briefing.

Not Responsive

Not Responsive

Not Responsive

Not Responsive

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CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Not Responsive

Not Responsive

RCRA:

Not Responsive

Not Responsive

CERCLA:

Not Responsive

CAA:

Not Responsive

Not Responsive

SDWA:

Not Responsive

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CLEAN WATER DIVISION

Not Responsive

Not Responsive

Not Responsive

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DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Not Responsive

Not Responsive

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DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Not Responsive

Not Responsive

Not Responsive

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EMERGENCY AND REMEDIAL RESPONSE DIVISION

Not Responsive

Not Responsive

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OFFICE OF POLICY AND MANAGEMENT

Not Responsive

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Not Responsive

Not Responsive

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PUBLIC AFFAIRS DIVISION

Not Responsive

Not Responsive

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Not Responsive

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Enforcement Report

Weekly Activity Report for the Week Ending February 8, 2019 for Region 2

Not Responsive

Not Responsive

Not Responsive

Message

From: Loving, Shanita [Loving.Shanita@epa.gov]
Sent: 12/12/2017 4:19:25 PM
To: LeAnnJohnson@perkinscoie.com
Subject: Confirmed: 12/13 at 3:00 pm ET: Meeting with EPA - Limetree Bay

Importance: High

You are confirmed for a 1 hour meeting on Wednesday, December 13th 3:00 pm – 4:00 pm ET with Bill Wehrum.
Directions and procedures to 1200 Pennsylvania Avenue NW:

Metro: If you come by Metro get off at the Federal Triangle metro stop. Exit the metro station and go up two sets of escalators to the surface level and turn right. You will see a short staircase and wheelchair ramp leading to a set of glass doors with the EPA logo - that is the William Jefferson Clinton Federal Building, North Entrance.

Taxi: Direct the taxi to drop you off on 12th Street NW, between Constitution and Pennsylvania Avenues, at the elevator for the Federal Triangle metro stop - this is almost exactly half way between the two avenues on 12th Street NW. Facing the building with the EPA logo and American flags, walk toward the building and take the glass door on your right hand side with the escalators going down to the metro on your left – that is the North Lobby of the William Jefferson Clinton building.

Security Procedures: A government issued photo id is required to enter the building and it is suggested you arrive 15 minutes early in order to be cleared and arrive at the meeting room on time. Upon entering the lobby, the meeting attendees will be asked to pass through security and provide a photo ID for entrance. Let the guards know that you were instructed to call 202-564-7404 for a security escort.

Please send me a list of participants in advance of the meeting and feel free to contact me should you need any additional information.

Shanita Loving
Staff Assistant
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406 B, WJC-North
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone: 202-564-4728

Message

From: Darwin, Henry [darwin.henry@epa.gov]
Sent: 8/31/2018 3:25:03 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: RE: Limetree

I did Pete. We are addressing the issues therein. Thank you for passing along the questions/comments.

Henry

From: Lopez, Peter
Sent: Thursday, August 30, 2018 5:53 PM
To: Darwin, Henry <darwin.henry@epa.gov>
Subject: Re: Limetree

Hi Henry.

Got your note. Will do?

Did you see my email to you re: institutional realignment?

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
(Personal Matters / Ex. 6

On Aug 29, 2018, at 1:32 PM, Darwin, Henry <darwin.henry@epa.gov> wrote:

> Pete:
>
> Acting Administrator Wheeler and I have asked the Office of Policy to engage their Office of Federal Activities to lead in the coordination of the Limetree matter. The Director, Rob Tomiak, has agreed to serve as EPA's project manager who will be the primary point of contact for Limetree in helping to connect them with the federal programs and offices they must involve to resume operations. Please inform your team to fully cooperate with Rob in these efforts.
>
> If you have any questions, please let me know.
>
> Thank you.
>
> Henry

Message

From: Kopec, Slawomir [kopec.slawomir@epa.gov]
Sent: 11/1/2018 5:49:53 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: Weekly report
Attachments: Weekly Report 10-31-18.docx

Slawomir (Steve) Kopec
Special Assistant to Regional Administrator
U.S. EPA Region II
290 Broadway
New York, NY 10007
(212) 637-5037

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WEEKLY HIGHLIGHTS
10-31-18

MAJOR MILESTONE REPORT – 10/31/18

Likely in November

Not Responsive

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Not Responsive

Likely in December

Not Responsive

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Not Responsive

Likely in January 2019

Not Responsive

Beyond January 2019

Not Responsive

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Not Responsive

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CLEAN AIR AND SUSTAINABILITY DIVISION

Hot Issues:

Not Responsive

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Not Responsive

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Not Responsive

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CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Upcoming:

Not Responsive

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Not Responsive

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CLEAN WATER DIVISION

Hot Issues:

Upcoming:

Not Responsive

Past Week:

Not Responsive

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Not Responsive

Other Items of Special Interest:

Not Responsive

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Not Responsive

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DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Not Responsive

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Not Responsive

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DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Past Week:

Not Responsive

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Not Responsive

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Not Responsive

EMERGENCY AND REMEDIAL RESPONSE DIVISION

Hot Issues:

Not Responsive

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Not Responsive

Past Week:

Not Responsive

Upcoming:

Not Responsive

Other Items of Special Interest:

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not responsive

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OFFICE OF POLICY AND MANAGEMENT

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OFFICE OF REGIONAL COUNSEL

Hot Issues

Limetree Bay Terminals:

ORC and OECA are doing a legal analysis of whether Limetree's existing 11 docks and its proposed Single-Point Mooring facility (SPM) on St. Croix would be subject to the "Marine Loading MACT", 40 CFR Part 63, Subpart Y, and the "Petroleum Refinery MACT", 40 CFR Part 63, Subpart CC (which would require compliance with the requirements of Subpart Y). If EPA finds that the existing docks and/or the SPM are subject to these regulations, then Limetree would need to install a vapor collection system to control hazardous air emissions when petroleum products are loaded onto large ocean-going vessels at the facility. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 Limetree is arguing that the existing docks and the planned SPM are an existing offshore loading terminal that do not need controls because they are not subject to the Marine Loading MACT or the Refinery Sector MACT. Limetree is seeking written confirmation by EPA to that effect. Limetree considers this time-critical because it would allow the project to be done on schedule, and it believes installation of emission controls would be prohibitively expensive. Limetree has suggested that a requirement that it install such controls may lead the company to abandon the SPM project altogether. An outside attorney for the Government of Virgin Islands (GVI) has told ORC and DECA that the GVI agrees with Limetree that the Marine Loading MACT does not apply, and he has requested a meeting with the Regional Administrator to discuss the issue and emphasize the importance of the SPM project to the GVI. ORC believes such a meeting is not necessary at this time and would be premature given that the Region and HQ have not yet made a decision on the

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applicability of the Marine Loading MACT and the Petroleum Refinery MACT. Nevertheless, it is conceivable that the VI Governor's Office or Commissioner Henry will contact the RA about this.

Upcoming Week

not responsive

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PUBLIC AFFAIRS DIVISION

not responsive

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Not Responsive

Upcoming Week:

Not Responsive

Other Items of Special Interest:

Not Responsive

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Not Responsive

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Not Responsive

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Not Responsive

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Not Responsive

OFFICE OF STRATEGIC PROGRAMS

No weekly report for OSP this week

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Enforcement Report

Not Responsive

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Not Responsive

Appointment

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 8/15/2018 4:57:50 PM
To: Lopez, Peter [lopez.peter@epa.gov]

Subject: Meeting Forward Notification: Placeholder: Limetree Bay Briefing with Region 2 and HQ/AO/OECA/OAR/OW/OLEM/OGC
Location: RA Conference Room (26)

Start: 8/16/2018 6:00:00 PM
End: 8/16/2018 7:00:00 PM

Recurrence: (none)

Your meeting was forwarded

Soto, Jose has forwarded your meeting request to additional recipients.

Meeting

Placeholder: Limetree Bay Briefing with Region 2 and HQ/AO/OECA/OAR/OW/OLEM/OGC

Meeting Time

Thursday, 16 August 2018 14:00-15:00.

Recipients

Rivera, Jose

Montella, Daniel

Knutson, Lingard

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Message

From: Filippelli, John [Filippelli.John@epa.gov]
Sent: 11/1/2018 4:11:22 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Lyon, Christopher [lyon.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]
Subject: Fwd: News Conference - Limetree Bay Terminals, CANCELLED

FYI. News conference postponed.

Sent from my iPhone

Begin forwarded message:

> **From:** "Mitchell, Judy-Ann" <Mitchell.Judy-Ann@epa.gov>
> **Date:** November 1, 2018 at 12:07:25 PM EDT
> **To:** "Iglesias, Ariel" <Iglesias.Ariel@epa.gov>, "Filippelli, John" <Filippelli.John@epa.gov>, "Schaaf, Eric" <Schaaf.Eric@epa.gov>, "Musumeci, Grace" <Musumeci.Grace@epa.gov>, "Everett, Adolph" <Everett.Adolph@epa.gov>
> **Subject: Fwd: News Conference - Limetree Bay Terminals, CANCELLED**

> JAM
>
> Judy-Ann Mitchell, Chief
> Sustainability and Multimedia Programs Branch
> USEPA - Region 2
> (212) 637-3721
>
> Begin forwarded message:
>
> > **From:** Government House <gvinews@vi.gov>
> > **Date:** November 1, 2018 at 10:15:13 AM EDT
> > **To:** mitchell.judy-ann@epa.gov
> > **Subject: News Conference - Limetree Bay Terminals, CANCELLED**
> > **Reply-To:** gvinews@vi.gov

FOR IMMEDIATE RELEASE: November 1, 2018

MEDIA ADVISORY: November 1, 2018

News Conference at 10 a.m. on St. Croix to be Rescheduled

The News Conference scheduled to take place on Friday, November 2, 2018 at Government House – Christiansted at 10:00 a.m. will be rescheduled for a later date.

We sincerely apologize for any inconvenience this may cause.

Government House | No. 21-22 Kongens Gade | 340 774-0001 | www.vi.gov

For more information:
Sandra Goomansingh | Angela Gordon
(340) 473-3128 | (340) 774-0001

Government House | Government House 21-22 Kongens Gade, St. Thomas, U.S. Virgin Islands 00802 U.S. Virgin Islands

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Message

From: Mugdan, Walter [Mugdan.Walter@epa.gov]
Sent: 2/6/2019 10:42:09 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Lyon, Christopher [lyon.christopher@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: DRAFT weekly report to the Administrator
Attachments: Weekly Report to the Administrator 2-11-19.docx

Flag: Flag for follow up

Message

From: Soltani, Beth [Soltani.Beth@epa.gov]
Sent: 8/15/2018 4:42:39 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]
CC: Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Mills, Flaire [Mills.Flaire@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
Subject: RE: Limetree briefing -- fact sheet

Ok thank you

From: Schaaf, Eric
Sent: Wednesday, August 15, 2018 12:27 PM
To: Soltani, Beth <Soltani.Beth@epa.gov>
Cc: Lopez, Peter <lopez.peter@epa.gov>; Mugdan, Walter <Mugdan.Walter@epa.gov>; Lyon, Christopher <lyon.christopher@epa.gov>; Kopec, Slawomir <kopec.slawomir@epa.gov>; Hickey, Maureen <Hickey.Maureen@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Subject: Limetree briefing -- fact sheet

Beth: If Pete decides to attach the Limetree fact sheet to the scheduler confirming the Thursday briefing, please use this revised version – thanks.

Eric

Appointment

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 5/2/2019 4:22:47 PM
To: Lopez, Peter [lopez.peter@epa.gov]

Subject: Meeting Forward Notification: Briefing on Limetree Bay
Location: RA conference room - Dial in: **Conference Line/Code / Ex. 6**

Start: 5/2/2019 6:30:00 PM
End: 5/2/2019 7:00:00 PM

Recurrence: (none)

Your meeting was forwarded

Villatora, Liliana has forwarded your meeting request to additional recipients.

Meeting

Briefing on Limetree Bay

Meeting Time

Thursday, 02 May 2019 14:30-15:00.

Recipients

Froikin, Sara

Mills, Flaire

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Message

From: Schaaf, Eric [Schaaf.Eric@epa.gov]
Sent: 8/15/2018 4:26:55 PM
To: Soltani, Beth [Soltani.Beth@epa.gov]
CC: Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Mills, Flaire [Mills.Flaire@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
Subject: Limetree briefing -- fact sheet
Attachments: Limetree Briefing Document (8-15-18)a.docx

Beth: If Pete decides to attach the Limetree fact sheet to the scheduler confirming the Thursday briefing, please use this revised version – thanks.

Eric

8/15/18

Limetree Bay/HOVENSA St. Croix Fact Sheet

BACKGROUND

From 1965 until 2015, HOVENSA, a joint venture between Hess Oil Virgin Islands Corporation (HOVIC) and the national oil company of Venezuela, Petroleos de Venezuela, S.A., operated a petroleum refinery and marine terminal on the island of St. Croix in the USVI. The facility's maximum design capacity was 545,000 barrels of crude oil per day.

- The Hovensa refinery and terminal is located at Limetree Bay, St. Croix, USVI and covers 1,500 acres in the south-central coast of St. Croix. Land use north, east and west of the site is varied including commercial, residential and some light agriculture. The Caribbean Sea forms the southern border of the facility.
- The USVI government owns a portion of the land located within the refinery boundaries.
- In February 2012, HOVENSA idled all refinery and processing operations at the facility, but marine terminal operations including oil storage operations, continued until February 2015 and distribution of oil within the USVI from this facility continued until May 2015. **Prior to idling, the HOVENSA refinery was one of the ten largest refineries in the world.**
- HOVENSA filed for Chapter 11 bankruptcy on September 15, 2015, and its above ground assets were later sold to Limetree Bay Terminals LLC (LBT). **An estimated 2,000 jobs were lost in 2012 as a result of the refinery's shutdown, placing a severe strain on the already struggling USVI economy.**
- LBT currently operates a portion of the former facility as an oil storage marine terminal.
- LBT would like to restart portions of the refinery to:
    - allow for the production of low sulfur fuel for maritime use (as required by MARPOL, effective January 2020);
    - facilitate production of renewable biodiesel to qualify under the Renewable Fuel Standards (RFS);
    - construct a single-point mooring (SPM) buoy to accommodate larger crude tankers;
    - expand terminal storage (adding 10-15 million barrels storage capacity); and
    - **generate 900 construction jobs and over 600 permanent jobs at the facility.**
- **The Virgin Islands Legislature has recently approved restart of portions of the refinery**. Numerous senators at the VI legislative hearings, held prior to the approval, expressed concerns about any weakening of environmental protections that might result from restart.

AIR

- Before LBT can restart and operate the refinery, LBT is expected to assume responsibility for a Consent Decree (CD) HOVENSA entered into in June of 2011;
- In 2017, EPA, the USVI, and LBT had nearly finalized CD modification terms that would transfer CD obligations to LBT and accommodate the idled status of the refinery (including restart provisions), but the negotiation was stalled due to the hurricanes and a number of permit-related requests that LBT directed to OAR.
- The federal permit-related questions were answered in an April 5, 2018 letter to LBT from Bill Wehrum of OAR. The letter provided a determination that the restart would not be a reactivation, that the biodiesel project would be a separate project, and that the SPM would be a modification to an existing unit.
    - The letter did not determine PSD applicability. LBT continues to be subject to PSD and must comply with the PSD permit that was issued to HOVENSA.
    - LBT must obtain USVI construction permits for all these projects, and comply with USVI Title V operating permit requirements.
- Subsequently, LBT presented to OAR a list of 27 new CD modification requests (even though the CD modification negotiations were an enforcement matter under the purview of OECA, Region 2 and DOJ).

- While some of the requests fall within the scope of the CD and may warrant further consideration and discussion, others raise significant concerns for the enforcement team.

- R2 is working through these issues with OECA and DOJ and will shortly engage with the USVI and LBT about them. These additional requests will prolong negotiations, which have been resumed after a nearly year-long pause, but we are working to resolve them as expeditiously as possible.

WATER

- On November 8, 2017 the US Army Corps of Engineers (USACE) published a public notice regarding a Clean Water Act (CWA) Section 404 permit application to install a Single Point Mooring (SPM) and an underwater pipeline system for the direct offshore transfer of bulk fuel from very large bulk carriers to existing facilities at LBT.
- Construction will include extensive excavation of the marine floor and placing concrete mats over the pipelines, which could result in impacts to coral reefs.
- EPA has advised the USACE of concerns that include relocation of an estimated 2,215 coral colonies (including some listed as endangered species) without a complete environmental assessment and a suitable alternatives analysis.
- EPA believes that additional information is required to determine the extent of environmental impacts that may result from the construction of the SPM at LBT.
- USACE has requested that LBT provide additional data to fully evaluate possible impacts.
- EPA will continue working with USACE once the applicant provides all the requested information.
- In May 2018, the USACE initiated Endangered Species Act (ESA) Section 7 Formal Consultation with the National Marine Fisheries Service (NMFS), Essential Fish Habitat Magnuson-Stevens Act Consultation with NMFS; and ESA Section 7 Informal Consultation with the US Fish and Wildlife Service, as part of the USACE's CWA Section 404 permit.

RCRA

- The facility is also subject to RCRA permitting and remediation requirements. The long-term management of hazardous waste disposal units at this site and legacy contamination are being addressed under the facility's 1999 RCRA Operating Permit.
- RCRA involvement is just for the former HOVENSA facility's permitted units and for legacy releases from HOVENSA. RCRA is not involved in LBT's activities, and EPA does not anticipate that the proposed restarting of the LBT refinery would impact the continued remediation of these past releases; which are being addressed through the HOVENSA Environmental Response Trust (ERT) which was established pursuant to HOVENSA's bankruptcy plan and approved by the USVI legislature.
- LBT does however, own and operate a waste water treatment plant that is used for treatment of groundwater and wastewater.

Other Considerations:

- St. Croix received a significant amount of rain and flooding from Hurricane Maria, and the USVI considers the restart of the facility a crucial part of its recovery.
- Community Concerns –The residents near the facility (EJ communities) have been exposed to high levels of air emissions, and would like to see that any re-start is subject to strict compliance requirements.
- EPA is working with the USVI, which is a party to the Consent Decree, to balance the need to address the environmental issues raised by restarting the refinery and the USVI's economic development.

Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 12/7/2017 8:41:28 PM
To: Weekly Report Group [Weekly_Report_Group@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; McCabe, Catherine [McCabe.Catherine@epa.gov]
CC: Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Region 2 Weekly Report
Attachments: Region 2 Weekly Report to Administrator 12.07.17.docx

Good afternoon.

Attached please find the Region 2 Weekly Report to the Administrator.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

Region 2 Weekly Report to the Administrator
December 7, 2017

Hot Issues:

not responsive

ED_002591_00001843-00001

not responsive

Past Week:

not responsive

Upcoming:

Limetree Bay Terminal, St. Croix, U.S. Virgin Islands: Region 2 is working with OAR and OECA to develop an agency response to inquiries by Limetree Bay Terminal regarding air and water permits and approvals that would be needed to allow a partial restart of oil refinery operations at its facility on the island of St. Croix in the U.S. Virgin Islands.

not responsive

Message

From: Kopec, Slawomir [kopec.slawomir@epa.gov]
Sent: 8/30/2018 12:16:51 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Weekly Report
Attachments: Weekly Report 08-29-18.docx

Slawomir (Steve) Kopec
Special Assistant to Regional Administrator
U.S. EPA Region II
290 Broadway
New York, NY 10007
(212) 637-5037

WEEKLY HIGHLIGHTS
08-29-18

MAJOR MILESTONE REPORT – 8/29/18

Likely in August

Not Responsive

Likely in September

Not Responsive

ED_002591_00001845-00001

Not Responsive

Not Responsive

Likely in October

Not Responsive

Likely in November

Not Responsive

Not Responsive

***

CLEAN AIR AND SUSTAINABILITY DIVISION

Hot Issues:

not responsive

Past Week:

HOVENSA, St. Croix, USVI: On August 22, EPA and DOJ, co-beneficiaries of the HOVENSA Environmental Response Trust (ERT), participated in a conference call with the ERT. The third beneficiary - the Government of the USVI – was unable to attend. EPA was represented by CASD and ORC. The call focused primarily on how the impending restart of the refinery may affect the ERT, and in some cases how it already is affecting the ERT. Issues discussed included the ERT's responsibilities as owner of refinery property, recent agreements between Limetree Bay Terminals and the USVI, and the potential

need to remediate mixed ERT/Limetree plumes in the future. The ERT cited and subsequently provided several documents for EPA's and DOJ's review. Additionally, the ERT noted the funding issue pertaining to the continued remediation of groundwater from the former St. Croix Petrochemical Corporation (SCPC), located at the former HOVENSA property on land leased to SCPC. HWPB will be coordinating with ORC regarding the appropriate next steps to be taken by EPA.

Not Responsive

Other Items of Special Interest:

Not Responsive

***

CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Upcoming:

Not Responsive

Not Responsive

Past Week:

Not Responsive

Not Responsive

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***

CLEAN WATER DIVISION

Action Items:

Not Responsive

Upcoming Meetings:

Not Responsive

Status:

Not Responsive

***

DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

No weekly report for DECA this week

***

DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Not Responsive

Not Responsive

Upcoming

Not Responsive

Not Responsive

***

EMERGENCY AND REMEDIAL RESPONSE DIVISION

Hot Issues:

Not Responsive

Upcoming:

Not Responsive

Other Items of Special Interest:

Not Responsive

Not Responsive

***

OFFICE OF POLICY AND MANAGEMENT

Hot Issues:

Not Responsive

Upcoming:

Past Week:

Other Items of Interest:

Not Responsive

Not Responsive

OFFICE OF REGIONAL COUNSEL

Upcoming Week:

Not Responsive

Past Week:

Not Responsive

Not Responsive

PUBLIC AFFAIRS DIVISION

Hot Issues:

Not Responsive

Past Week:

News Releases Issued:

Not Responsive

Upcoming Week:

Not Responsive

Not Responsive

***

OFFICE OF STRATEGIC PROGRAMS

Not Responsive

Message

From: Guerrero, Carmen [guerrero.carmen@epa.gov]
Sent: 1/8/2018 4:27:22 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: FW: Limetree Terminal PN - USEPA Comment Letter
Attachments: Limetree Terminal PN - USACE Comment Letter (Dec 29 2017).pdf

Saludos Pete! Here is the copy of the final letter that was sent to USACE on December 29.

Sorry…I thought I had copied you when I sent the letter to USACE. Sindulfo Castillo from USACE confirmed and acknowledged receipt of the letter on January 3, 2018.

Thanks,
Carmen

From: Guerrero, Carmen
Sent: Friday, December 29, 2017 3:52 PM
To: 'Castillo, Sindulfo CIV USARMY CESAJ (US)' <Sindulfo.Castillo@usace.army.mil>
Cc: Soto, Jose <Soto.Jose@epa.gov>; Rivera, Jose <Rivera.Jose@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>
Subject: Limetree Terminal PN - USEPA Comment Letter

Dear Sindulfo:

Attached, please find EPA's comment letter in response to USACE's Public Notice regarding Limetree Terminal project.

Please do not hesitate to contact me should you have any questions or need additional information regarding our comments.

Happy Holidays and our best wishes to you and your team for 2018,
Carmen

Carmen R. Guerrero Perez
Director
Caribbean Environmental Protection Division (CEPD)
U.S. Environmental Protection Agency (EPA)

City View Plaza II Suite 7000
Guaynabo, PR 00968-8069
787-977-5875
guerrero.carmen@epa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II, SUITE 7000
GUAYNABO, PUERTO RICO 00968-8069

December 29, 2017

Mr. Sindulfo Castillo
Chief, Antilles Regulatory Section
U.S. Army Corps of Engineers
Fundación Angel Ramos Annex Building
Suite 202
383 F.D. Roosevelt Avenue
San Juan, PR 00918

RE: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Dear Mr. Castillo:

This is in reference to Permit Application No. SAJ-2017-00416 (SP-JCM) by Mr. Forgan McIntosh on behalf of Limetree Bay Terminals LLC for the construction of a single point mooring and an underwater pipeline system for the offshore transfer of bulk fuel from very large bulk carriers to the existing facilities at Limetree Bay Marine without the need to transfer the fuel to smaller vessels.

As we understand it, to achieve the proposed project's purpose, two concrete coated, 30-inch diameter pipelines would be built from the end of the eastern jetty at Limetree Bay Terminal to a Pipeline End Manifold (PLEM) located approximately 150 feet below mean sea level. From there, the system would transition to three 24-inch diameter hoses suspended in mid-water at depths ranging from 150 to 250 feet. Sections of the two 30-inch pipelines would need to be buried under the marine floor, requiring the excavation of a 300 feet long, 62 feet wide and 20-foot-deep trench. To construct the trench, the existing concrete tetrapod revetment of the jetty would need to be temporarily removed in order to excavate approximately 14,000 cubic yards of material. The second section of the pipelines (888 feet long) would be laid on the ocean floor, while the third section would require the excavation of another trench (1,625 feet long by 62 feet wide by 16 feet deep) across the existing navigation channel. The excavated material in this area would be side casted and used to bury the pipeline once it is completed. Concrete mats would be placed over the pipelines at critical areas. Installation of the PLEM would require the placement of four 18-inch diameter by 60-feet long piles. The 24-inch hoses would be held in position by anchors requiring the placement of 60-inch diameter by 80-foot-long anchor piles.

The U.S. Environmental Protection Agency (EPA) understands that restarting the operations at the former HOVENSA site would significantly benefit the economic health and well-being of the U.S. Virgin Islands community. This is especially important for the recovery of the U.S. Virgin Islands in the aftermath of Hurricanes Irma and Maria. As the application moves forward, EPA wants to make sure there is a clear view of and a mitigation strategy for possibly significant environmental impacts of the proposed project, which must be evaluated under the National Environmental Policy

Act (NEPA). Of note, EPA understands the project impact corridor occupies an area of approximately 4.33 acres of marine bottom, of which 1.65 acres consists of hard bottom supporting coral species listed as endangered under the Endangered Species Act (*Acropora palmata, Orbicella annularis, Orbicella faveolata, orbicella franksi and Dendrogyra cylindrus*). The last major dredging within the project area occurred in 1974, providing ample opportunity for the establishment of significant coral aggregations, thus the terminal's jetties are colonized by coral and sponge species. No mention of the potential impacts from the possible movement of the mooring chain across the sea floor is made. Although the applicant has proposed the relocation of all coral colonies located within various sections of the pipeline trench corridor, as well as within the corridor for the surface-laid sections of the pipeline (approximately 2,215 coral colonies), the information supplied within the public notice is largely conceptual, and is not adequate to evaluate the possible impacts to corals. While the applicant states that relocated corals would be monitored for a total of five years to ensure their stability and good condition, the relocation of coral colonies must go well beyond the consideration of the individual colonies. To be able to evaluate the adequacy of a coral transplantation, the ecosystem services associated with the translocated corals (e.g., fish substrate/refuge, food production, recreation, cultural value and connectivity, including spawning and/or aggregation areas) must be considered. A habitat equivalency analysis of the proposed impact area and the proposed coral receiving site restoration area should be performed, as well as a coral transplantation plan. At a minimum, such plan must include details on selection of corals to be transplanted, detailed reasoning and analysis to document which coral areas would not be transplanted, and the establishment of performance survival standards (including acceptable survival percentage) as well as protection and mitigation plans and/or financial assurance measures to address non-adherence to expected coral survival rates. A good reference guide for these issues is the U.S. Coral Reef Task Force's *Handbook on Coral Reef Impacts: Avoidance, Minimization, Compensatory Mitigation, and Restoration*, which provides recommendations on best practice considerations for coral transplantation.

In addition, an assessment of indirect impacts to corals (e.g., jeopardy of coral reefs outside the immediate construction footprint by future petroleum products transfer processes) should be completed in order to fully evaluate the project's potential impacts to valuable coral reef ecosystems along the shelf and shelf edge and a significant mutton snapper spawning aggregation area that exists west of the proposed PLEM. This assessment should be conducted under the appropriate guidance and in consultation with the National Oceanic and Atmospheric Administration (NOAA), which may provide expertise in this area.

Upon the evaluation of the construction methodology described in the public notice, EPA would like to have a fuller understanding of the dredging of hard bottom and possibly the bedrock substrate within the project area, acknowledging that the proposed use of an excavator may not be sufficient to penetrate these areas. The applicant should provide additional information regarding the use of alternative dredging methods to work in hard bottom areas, and a detailed discussion of their possible environmental impacts. These alternatives should include the use of specialized equipment and/or explosives. We also believe that the construction of the proposed fuel pipeline and its associated trench, plus any protection measures to be installed, such as the use of concrete mats (as mentioned in the public notice) must also be evaluated and approved by the Pipeline and Hazardous Material Safety Administration (PHMSA).

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The public notice states that turbidity barriers, the side casting of dredged material near the uncolonized seafloor to control the suspension of sediments, and a water quality monitoring plan would be implemented to protect water quality within the project area. As per the public notice, several water samples would be taken daily at the project site during in-water work. The samples would be analyzed for turbidity, dissolved oxygen, and pH. The sample results would be compared to control data to determine whether any elevated turbidity levels are associated with the project. Visible depth visibility readings would also be taken to assess turbidity levels. If turbidity levels exceed those allowable by the U.S. Virgin Islands' codes, the Virgin Islands Department of Natural and Environmental Resources (VIDPNR) would be notified immediately, the source of the problem would be identified, and measures to reduce suspended sediments would be implemented. In addition, divers and/or remotely operated vehicles would be used to document and/or mitigate any impacts to corals during pipeline installation. Weekly reports will be submitted to the appropriate agencies. The applicant proposes that once pipeline installation is completed, monitoring of the system will take place on a monthly basis for the first six months, and then on a semi-annual basis for the life of the Single Point Mooring Project. EPA commends the applicant for this comprehensive approach to the protection of water quality at the project site. Additionally, we would like to review any available water quality data available for the project site, and recommend that formal agreements with VIDPNR and any other local or federal agencies be established prior to the start of the project in order to ensure timely and consistent data transmission, as well as the expeditious resolution of any water quality issues during in-water work. Detailed information on the potential methodology to be implemented in order to control the water quality issues that may arise during in-water work, including a discussion of the possible impacts of such methods on corals and other living resources, should be provided by the applicant as part of their impact minimization and compensation analysis.

Due to the recent hurricanes that impacted the U.S. Virgin Islands, EPA also recommends that the project's engineering design considers a vulnerability and resiliency component to extreme weather events to address, among others things, the placement and management of the project's three 24-inch diameter hoses suspended in mid-water and the two concrete pipelines. This consideration will not only assist in protecting the local environment, but also will help protect the project's investment from extreme weather events, particularly in the areas of emergency response.

After reviewing all the available data, and considering the project's scale and potential impacts to aquatic resources, EPA would like to ensure the current proposal does not impact listed endangered coral species, non-endangered coral species and associated living resources. Accordingly, EPA would like to review detailed monitoring plans to ensure that water quality issues do not result in unmanageable impacts to the living resources within the bay. As the applicant continues to move forward with advancing their project, we respectfully recommend that the Department of the Army refrain from issuing the 404 permit until the applicant addresses the concerns outlined in this letter. If EPA's concerns can be answered in a meaningful way, responsible decision makers should be able to make an informed determination about moving the project forward.

We are pleased to work with you, your staff, and the applicant on this project to constructively find ways to address and mitigate impacts as the USVI works to revitalize its fragile economy. If you or the applicant have any technical concerns and questions or require additional information or guidance on this matter, please do not hesitate to contact me at (787) 977-5875 or have your

ED_002591_00001848-00003

staff contact Mr. Jose M. Soto, of the Multimedia Permits and Compliance Branch, at (787) 977-5829.

Sincerely,

Carmen R. Guerrero Pérez
Director
Caribbean Environmental Protection Division

ED_002591_00001848-00004

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 5, 2018

OFFICE OF
AIR AND RADIATION

Ms. LeAnn Johnson Koch
Perkins Coie
700 13th Street, NW
Suite 600
Washington, D.C. 20005-3960

Re: Limetree Bay Terminals, St. Croix, U.S. Virgin Islands – Permitting Questions

Dear Ms. Johnson Koch:

This is in response to your February 1, 2018, letter to the U.S. Environmental Protection Agency's (EPA) Region 2 Office, in which you sought EPA's concurrence on three New Source Review (NSR) permitting questions pertaining to the Limetree Bay Terminals (LBT) facility in St. Croix, U.S. Virgin Islands (USVI). In your letter, you specifically asked whether EPA concurs with LBT that:

> (1) restarting some of the idled refinery units as part of the "MARPOL Project"[1] (to produce fuel compliant with the maritime sulfur regulations taking effect January 2020) will not result in the facility being viewed as a new stationary source under EPA's current so-called Reactivation Policy;
>
> (2) the MARPOL Project and another LBT project to produce Renewable Diesel Fuel are independent and should not be considered a single project for purposes of applicability under the Prevention of Significant Deterioration (PSD) regulations; and
>
> (3) the addition of a deeper water loading configuration (Single Point Mooring or SPM) should be considered a modification to an existing emissions unit (i.e., the dock system and associated loading terminal) and not a new emissions unit for the PSD applicability analysis.

In addition to the foregoing inquiries, you previously sought EPA guidance regarding when emission decreases from a project can be considered within the NSR applicability analysis.

[1] MARPOL is the International Convention for the Prevention of Pollution from Ships.

ED_002591_00001853-00001

Based on EPA's review of your submitted analyses and supporting documents, we concur that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the SPM would be considered a modification to an existing emissions unit rather than a new emissions unit. Discussion on each of these issues is provided below, along with information to address your previous question regarding accounting of emission decreases within the NSR applicability analysis.

Restarting Refinery Units and the Current Reactivation Policy

The current policy on the reactivation of sources provides that a major stationary source that has been idled for 2 or more years is presumed to be permanently shut down. *See In the Matter of Monroe Electric Generating Plant Entergy Louisiana, Inc.*, Proposed Operating Permit, Petition No. 6-99-2 (June 11, 1999). That policy states that if a source is permanently shut down, upon reactivation it is considered a "new" stationary source for purposes of PSD review. Accordingly, PSD applicability would be based on the reactivated source's potential to emit.

Importantly, however, this 2-year presumption is rebuttable. EPA will not consider the shutdown to have been permanent upon the owner or operator of the source making a demonstration that, at the time of the shutdown, and continuously throughout the shutdown period, they intended to restart the facility. Among the factors that EPA in the past has considered in evaluating the owner or operator's intent are:

- Length of time the facility has been shut down and concrete plans for restart;
- Statements by the owner or operator of intent;
- The cause of the shutdown;
- Status of permits, including but not limited to Clean Air Act operating permits, acid rain permits and other required permits, and emission inventory;
- Maintenance and inspections during shutdown; and
- Time and capital needed to restart.

In evaluating these factors, no single factor is likely to be conclusive in determining intent. Instead, EPA generally has considered the totality of all such factors and the relevant supporting documentation in evaluating whether there was a continuous intent to restart the facility.[2]

In the case of LBT's facility in St. Croix, our review of the information you have submitted leads us to conclude that both LBT and HOVENSA displayed a continuous intent to restart the refinery operations. Therefore, applying the criteria of the current Reactivation Policy, we have determined that LBT's St. Croix facility was not permanently shut down and should not be considered a "new source" for purposes of PSD applicability.

[2] As this description indicates, the current Reactivation Policy has been derived from a series of EPA site-specific determinations and guidance issued over the course of many years. Further, EPA has not cited any specific regulatory provisions of the NSR program to support its position on source "reactivation." We are applying the current Reactivation Policy to resolve the LBT issue, but we intend to reconsider the policy in the near future.

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LBT's facility in St. Croix was previously owned by HOVENSA until 2016, at which time LBT purchased the refinery and terminal operations. As LBT explains, an economic downturn caused HOVENSA to idle the refinery operations in 2012. Nevertheless, since that time, the terminal operations, wastewater treatment plant, and power generation have continued to operate at this location. Even before HOVENSA announced, on February 21, 2012, that it had completed the final idling of all refinery units, HOVENSA had informed the USVI government of its plans to retain its permits and implement maintenance procedures on their equipment so that it could restart the refinery. LBT represents that over the next several years, HOVENSA spent over $400 million to maintain the restart capability of the refinery operations, which included removing residual material from equipment, retaining control room operability, and conducting other process equipment mothballing activities.

LBT provided EPA with a timeline and supporting information that included evidence of this continuous intent by HOVENSA and LBT to restart the facility. The supporting information included company statements, press releases, and various correspondence from 2011 through 2017. LBT also confirmed that HOVENSA and LBT maintained all environmental permits in active status and submitted timely renewal applications. Further, LBT stated that these companies continued to comply with the Refinery MACT, NSPS Subpart J, and all of the applicable RCRA regulations while the refinery units were idled. LBT represents that the companies maintained critical refinery equipment, such as compressors, pumps, utilities, wastewater treatment units in working order and conducted multiple walkthrough inspections at the plant, activities that are necessary for a restart. In order to demonstrate that the maintenance activities were performed, LBT provided a list of critical equipment and the timeline of significant maintenance activities performed at the refinery. LBT also represents that neither it nor HOVENSA made any statements to any party or issued any press release indicating any intent *not* to restart the plant in the future.

Project Aggregation – Renewable Diesel Project and Refinery Restart (MARPOL Project)

The term "project aggregation" describes the process of grouping "nominally separate changes that are sufficiently related based on established criteria … into a single common project for the purpose of determining PSD applicability."[3] More specifically, the emissions of the nominally separate changes are combined for the purposes of determining whether a "significant emissions increase" – referred to as "Step 1" of the NSR applicability test – will occur from the project. EPA's project aggregation policy aims to ensure the proper permitting of modifications that involve multiple physical and/or operational changes. Where the projects at issue are more reasonably deemed to constitute a single project for purposes of NSR, a source will not be allowed to circumvent major NSR by seeking to permit the individual activities separately under minor source NSR.

[3] Letter from Stephen Page, Director, Office of Air Quality Planning and Standards, to David Isaacs, Vice President, Government Policy, Semiconductor Industry Association (August 26, 2011). (SIA Letter)

LBT plans to construct the Renewable Diesel Project and the MARPOL Project at the current plant site in late 2018. Given that these projects will begin close in time to one another, LBT has sought EPA's concurrence that these projects should not be aggregated (i.e., considered to be a single project) for the purposes of the PSD applicability analyses. LBT representatives have been clear in statements to EPA that, while they are pursuing the Renewable Diesel Project and the MARPOL projects concurrently, they are separate and distinct projects. Based upon EPA's review of all the information LBT provided, we concur that the two projects are independent of each other and, therefore, should not be aggregated for purposes of PSD applicability.

In analyzing whether the two LBT projects at issue here should be aggregated, we have followed our current policy on project aggregation, which takes into account indicia of relatedness among the individual actions at a source in order to determine whether the activities, in the aggregate, are one physical or operational change as those terms are used in the statute and regulations.[4] Our policy on aggregation outlines an approach relying upon case-specific factors (*e.g.*, timing, funding, and the company's own records) and the relationship between nominally separate changes.

As explained in your letter, the MARPOL Project involves restarting certain existing refinery units to process crude oil, heavy fuel oil, and petroleum intermediates into refined petroleum products. This project will involve restarting a crude unit, a reformer, two naphtha hydrotreating units, a coker unit, two distillate hydrotreating units, an isomerization unit, and two sulfur recovery plants. These units will be configured to produce low-sulfur fuels (i.e., gasoline, diesel, and fuel oil) and are scheduled to begin operation just before January 2020, when the relevant MARPOL amendments and EPA implementing regulations take effect. LBT represents that the economic viability of the MARPOL Project depends on the value generated from converting petroleum crude into refined petroleum products and market advantages that may exist due to an anticipated market shortfall of MARPOL-compliant marine fuel in 2020.

Your letter explains that the proposed Renewable Diesel project will convert vegetable, animal, and recycled cooking oils into renewable diesel fuel. This project involves building a feedstock pretreatment train and a new hydrogen unit to convert the oils into diesel compounds, and repurposing an existing hydrotreating unit (previously used for the hydrotreating of petroleum liquids) as the reactor for the conversion. LBT represents that the Renewable Diesel Project will produce fuel meeting the requirements of the Renewable Fuel Standard (RFS) and California's Low Carbon Fuel Standard (LCFS) programs, and that the fuel could be blended with transportation fuel sold in the United States to generate Renewable Identification Numbers (RINs) under the RFS as well as LCFS credits. Further, LBT suggests that the renewable diesel fuel may be eligible for a federal blender's tax credit. According to LBT, the economic viability of the Renewable Diesel Project depends heavily on the future value of converting vegetable, animal, and recycled cooking oils into renewable fuel, as well as the value of RINs, LCFS, and other tax credits. Significantly, none of these factors relate to the MARPOL project.

---

[4] While EPA issued a revised policy on project aggregation in 2009, the policy has been stayed and is currently under reconsideration by the Agency. *See* 74 FR 2376 (January 15, 2009), 74 FR 7193 (Feb. 13, 2009), 75 FR 27643 (May 18, 2010). *See* 75 FR 19570-71 (April 15, 2010) for a collection of memoranda that provide examples of EPA's current approach to project aggregation.

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LBT has shown that each of these two projects is technically distinct and does not depend on the other in terms of decision-making and timing, interaction between units, the process technologies used, feedstocks involved, or products produced. LBT stated that the MARPOL Project will be fully self-contained as the selected units are inspected, reconditioned as needed, and restarted. More specifically, LBT maintains that the raw materials, piping, process equipment, and material transfer systems for each project will be completely unshared and independent of the other project. LBT represents that the construction of one project does not necessitate or otherwise influence the construction of the other project.

LBT has demonstrated to our satisfaction that the economic viability of each project stands on its own, such that the Renewable Diesel Project could proceed on its own financial merits, regardless of the future of the MARPOL Project, and vice versa. In particular, LBT noted the unique opportunity presented to timely and economically reconfigure the idled hydrotreating equipment and the current availability of renewable fuel and tax credits as proof of lack of economic dependency between the Renewable Diesel and MARPOL Projects. Each project's feasibility is based on its own set of incentives and market realities and does not depend on the other project going forward.

We note that the one thing that may be considered to be common to both projects is the potential for shared utilities. However, sharing utilities does not in and of itself mean that activities at a source are functionally or economically dependent on one another. Since both projects will produce fuel gas, the power and steam required to operate each project can be generated from fuel gas produced by either the renewable diesel unit or the MARPOL refining unit, and in some cases the projects may combust fuel oil, so neither project is dependent on the other project for steam or power generation. In addition, LBT stated that each project will rely on the existing wastewater treatment and water production facilities at the terminal. LBT maintains there is no appreciable cost benefit that the Renewable Diesel Project will receive by virtue of the MARPOL Project because the utilities are already in operation as part of the ongoing terminal operations.

Single Point Mooring – Modification to an Existing Emission Unit

LBT also seeks a determination that the addition of a single point mooring (SPM) project to its existing marine loading/unloading system should be considered a modification to an existing unit at the facility rather than a new unit pursuant to the PSD regulations. In your letter, you explain that the existing marine loading/unloading system consists of ten marine docks, each of which can load and unload multiple petroleum products. According to LBT, the proposed SPM addition would "extend from the jetty on the seabed for approximately 5,800 feet to a Pipeline End Manifold" that would be connected to a buoy via a flexible hose, and the buoy would load/unload crude oil onto ships via two floating hoses.

Based on the information provided by LBT, EPA believes that the addition of the SPM is reasonably considered to be an extension of the existing marine loading terminal. Therefore, EPA concludes that the SPM should be treated as a modification of the existing marine terminal emissions unit.

The definition of "emissions unit" in the PSD regulations does not speak to how broadly or narrowly to consider the scope of an emissions unit at a stationary source, nor does it address how to treat a new emissions point, such as the SPM, that is added to an existing stationary source with existing emission units. The definition at 40 CFR §52.21 (b)(7) states:

> *Emissions unit* means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric utility steam generating unit as defined in paragraph (b)(31) of this section. For purposes of this section, there are two types of emissions units as described in paragraphs (b)(7)(i) and (ii) of this section:
>
> > (i) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.
> >
> > (ii) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (b)(7)(i) of this section. A replacement unit, as defined in paragraph (b)(33) of this section, is an existing emissions unit.

This regulatory language can be reasonably interpreted to provide that multiple pieces of related process equipment (or emission points) comprise a single emissions unit.

Prior EPA determinations interpreting the PSD regulations provide specific guidance on this question. Those determinations illustrate that ascertaining the proper scope of an "emissions unit" often requires very case- and fact-intensive analyses. For instance, in a letter to the Semiconductor Industry Association, EPA confirmed that it was appropriate to treat an entire semiconductor fabrication building, or "fab," as one emissions unit.[5] EPA based this decision on the "interconnected nature of the 'tools' in the fab" and the systems that deliver materials and manage discharges. The letter also pointed out that fab units could be located in adjoining buildings if they are "physically connected, integrated, and operated" in a continuous and consolidated manner, and that it may be more appropriate to treat physically separated operations as a separate emissions unit. In that letter, EPA also referenced other determinations by EPA Regions, in which the Regional office provided rationale for why grouping related processes and equipment into a single emissions unit made sense given the circumstances.[6]

In analyzing the SPM project, we note that the existing marine terminal currently loads and unloads crude oil in addition to other petroleum products. Based on the information provided in LBT's recent permit application to the Virgin Islands Department of Planning and Natural Resources, the SPM will load and unload only crude oil. Since LBT is currently loading and

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[5] SIA Letter.

[6] Letter from Judith M. Katz, Region III, U.S. EPA, to John M. Daniel, Director, Air Program Coordination, Commonwealth of Virginia, Department of Environmental Quality, (November 30, 2000); Letter from Douglas M Skie, Region VIII, U.S. EPA, to Brad Beckham, Director, Air Pollution Control Division, Colorado Department of Health (February 6, 1990).

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unloading crude oil at the existing marine terminal, the proposed SPM would not change the nature of the pollutant-emitting activity occurring at the terminal. Furthermore, the SPM will be physically connected to the existing marine loading terminal by way of an underwater piping system and will be completely integrated with the loading and storage operations at the existing terminal. Consequently, the SPM and current marine terminal appear to share the same interconnectedness that EPA previously found persuasive in its analysis of semiconductor fabs, which supports treating LBT's proposed SPM and the existing terminal as a single emissions unit.

We also note that state agency permit actions have also reflected the flexibility within the definition of emissions unit. There are several examples of state permitting agencies treating multiple marine loading berths/docks as a single emissions unit in the context of Title V permits.[7] Thus, the treatment of multiple loading docks or berths as a single emissions unit is not unusual.

Finally, in other correspondence LBT has informed EPA that it will be installing a vapor capture and collection system at the existing marine terminal, although LBT has indicated the system will not be used to reduce emissions that occur while loading ships at the SPM. Instead, LBT has indicated it intends to comply with the submerged loading requirements[8] when the ships are loaded at the SPM, and that the control of emissions from the existing docks will help offset the emission increases from the operation of the SPM. We note that, in the context of the PSD program, a BACT determination for a major modification is focused on each emissions unit. However, this approach does not foreclose a determination that different emission points within an emissions unit can have distinct BACT requirements due to technical or economic feasibility or other factors considered under a BACT review. Consequently, for LBT to install a vapor recovery system at the existing loading berths and apply a different control strategy for the SPM emission point does not necessitate that the SPM be treated as a separate emissions unit under the PSD program. EPA views the proposed SPM and the new vapor control system as being part of the overall integrated loading/unloading operation at the terminal, and views this operation as an integrated emissions unit for PSD purposes.

Consideration of Emission Decreases from the Project

While not specifically raised in your February 1, 2018 letter, LBT previously asked EPA whether, under the NSR applicability procedures (e.g., 40 CFR §52.21(a)(2)), emission decreases may be taken into account when a "significant emissions increase" calculation of projects which involve only existing units is undertaken at Step I of the NSR applicability analysis. As you should be aware, EPA has recently clarified that emission decreases from a project are to be considered at Step 1. This applies not only to existing emission units for but all categories of projects. *See* Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program (March 13, 2018).

---

[7] *See, e.g.*, Indiana Department of Environmental Management, Part 70 Operating Permit, BP Products North America, Inc. – Whiting Business Unit (December 14, 2006); Commonwealth of Virginia, Department of Environmental Quality, Federal Operating Permit, TransMontaigne Operating Company, L.P. – Norfolk Terminal (April 7, 2014). EPA is also aware of analogous non-marine loading activities, such as truck loading racks, being treated as a single emissions unit.

[8] 46 CFR 153.282.

Conclusion

EPA's responses contained within this letter are based on the information LBT has provided EPA through letters and emails pertaining to your permitting questions. Since EPA does not have emissions information and other specifics regarding your planned projects, EPA is not providing any final determination on the applicability of the PSD regulations to your projects. A final determination on PSD applicability will be made on the basis of the information provided in your application and supporting materials. Finally, nothing in this letter's discussion of PSD policies should be interpreted to reflect EPA's views on the applicability or requirements of any other programs, including the New Source Performance Standards and the National Emissions Standards for Hazardous Air Pollutants.

If you have any questions about this letter, please contact Anna Marie Wood in the Office of Air Quality Planning and Standards at (919) 541-3604 or wood.anna@epa.gov.

Sincerely,

William L. Wehrum
Assistant Administrator

cc: Alexander Dominguez
David Harlow
John Filippelli
Bill Harnett
Peter D. Lopez
Peter Tsirigotis
Anna Marie Wood

ED_002591_00001853-00008

DRAFT 12/7 2:00 pm

Region 2 Weekly Report to the Administrator
December 7, 2017

Hot Issues:

not responsive

ED_002591_00001855-00001

not responsive

Upcoming:

Limetree Bay Terminal, St. Croix, U.S. Virgin Islands: Region 2 is working with OAR and OECA to develop an agency response to inquiries by Limetree Bay Terminal regarding air and water permits and approvals that would be needed to allow a partial restart of oil refinery operations at its facility on the island of St. Croix in the U.S. Virgin Islands.

not responsive

Message

From: Darwin, Henry [darwin.henry@epa.gov]
Sent: 8/29/2018 8:32:40 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Traylor, Patrick [traylor.patrick@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
Subject: Limetree

Pete:

Acting Administrator Wheeler and I have asked the Office of Policy to engage their Office of Federal Activities to lead in the coordination of the Limetree matter. The Director, Rob Tomiak, has agreed to serve as EPA's project manager who will be the primary point of contact for Limetree in helping to connect them with the federal programs and offices they must involve to resume operations. Please inform your team to fully cooperate with Rob in these efforts.

If you have any questions, please let me know.

Thank you.

Henry

Message

From: Filippelli, John [Filippelli.John@epa.gov]
Sent: 10/31/2018 5:46:27 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Lyon, Christopher [lyon.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]
Subject: FW: News Conference - Limetree Bay Terminals

Hi Pete,

FYI. We'll keep you informed of developments as we become aware of them.

John

From: Mitchell, Judy-Ann
Sent: Wednesday, October 31, 2018 1:43 PM
To: Filippelli, John <Filippelli.John@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Iglesias, Ariel <Iglesias.Ariel@epa.gov>; Ruvo, Richard <Ruvo.Richard@epa.gov>; Everett, Adolph <Everett.Adolph@epa.gov>
Subject: FW: News Conference - Limetree Bay Terminals

FYI

JAM

Judy-Ann Mitchell, Chief
Sustainability and Multimedia Programs Branch
USEPA – Region 2
(212) 637-3721

From: Government House <gvinews@vi.gov>
Sent: Wednesday, October 31, 2018 1:31 PM
To: Mitchell, Judy-Ann <Mitchell.Judy-Ann@epa.gov>
Subject: News Conference - Limetree Bay Terminals

FOR IMMEDIATE RELEASE: October 31, 2018

MEDIA ADVISORY: October 31, 2018

News Conference at 10 a.m. on St. Croix

A News Conference will take place on Friday, November 2, 2018 at Government House – Christiansted, beginning at 10:00 a.m.

Governor Kenneth E. Mapp and representatives from ArcLight Capital Partners LLC —owner of Limetree Bay Terminals LLC will participate in a joint news conference to discuss the next phase of the refinery's restart.

Media may attend or phone in at 1-877-860-3058. Participant Code 485856#

For more information on the news conference, please contact Sandra Goomansingh at (340) 774-0001 or (340) 473-3128.

For more information:
Sandra Goomansingh | Angela Gordon
(340) 473-3128 | (340) 774-0001

Government House | Government House 21-22 Kongens Gade, St. Thomas, U.S. Virgin Islands 00802 U.S. Virgin Islands

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Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 8/15/2018 2:13:55 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: Re: Placeholder: Limetree Bay Briefing with Region 2 and HQ/AO/OECA/OAR/OW/OLEM/OGC

I very much appreciate your thinking to include me on this. Thank you.

As it happens, I already have a call with an outside stakeholder in another matter scheduled for that same time, so I will likely not be able to participate tomorrow in the LTB call, which I regret. Nevertheless, the appropriate people from our OAQPS staff have been invited, and I'm confident that their participation will be more than sufficient. I had just recently given Anna Wood and Dave Svendsgaard a heads-up on where things appear to stand in this matter, so the timing here is otherwise good.

Thanks again.

Sent from my iPhone

> On Aug 15, 2018, at 7:50 AM, Lopez, Peter <lopez.peter@epa.gov> wrote:
>
> FYI- I did not see you on the invite.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> From: "Lopez, Peter" <lopez.peter@epa.gov<mailto:lopez.peter@epa.gov>>
> To: "Darwin, Henry" <darwin.henry@epa.gov<mailto:darwin.henry@epa.gov>>, "Molina, Michael"
<molina.michael@epa.gov<mailto:molina.michael@epa.gov>>, "Bodine, Susan"
<bodine.susan@epa.gov<mailto:bodine.susan@epa.gov>>, "Starfield, Lawrence"
<Starfield.Lawrence@epa.gov<mailto:Starfield.Lawrence@epa.gov>>, "Traylor, Patrick"
<traylor.patrick@epa.gov<mailto:traylor.patrick@epa.gov>>, "Brooks, Phillip"
<Brooks.Phillip@epa.gov<mailto:Brooks.Phillip@epa.gov>>, "Spina, Providence"
<Spina.Providence@epa.gov<mailto:Spina.Providence@epa.gov>>, "Wehrum, Bill"
<Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>>, "Wood, Anna"
<Wood.Anna@epa.gov<mailto:Wood.Anna@epa.gov>>, "Shaw, Betsy"
<Shaw.Betsy@epa.gov<mailto:Shaw.Betsy@epa.gov>>, "Rao, Raj" <Rao.Raj@epa.gov<mailto:Rao.Raj@epa.gov>>,
"Svendsgaard, Dave" <Svendsgaard.Dave@epa.gov<mailto:Svendsgaard.Dave@epa.gov>>, "Ross, David P"
<ross.davidp@epa.gov<mailto:ross.davidp@epa.gov>>, "Forsgren, Lee"
<Forsgren.Lee@epa.gov<mailto:Forsgren.Lee@epa.gov>>, "Breen, Barry"
<Breen.Barry@epa.gov<mailto:Breen.Barry@epa.gov>>, "Wright, Peter"
<wright.peter@epa.gov<mailto:wright.peter@epa.gov>>, "Leopold, Matt (OGC)"
<Leopold.Matt@epa.gov<mailto:Leopold.Matt@epa.gov>>, "Minoli, Kevin"
<Minoli.Kevin@epa.gov<mailto:Minoli.Kevin@epa.gov>>, "Doster, Brian"
<Doster.Brian@epa.gov<mailto:Doster.Brian@epa.gov>>, "Krallman, John"
<krallman.john@epa.gov<mailto:krallman.john@epa.gov>>, "Mugdan, Walter"
<Mugdan.Walter@epa.gov<mailto:Mugdan.Walter@epa.gov>>, "Lyon, Christopher"
<lyon.christopher@epa.gov<mailto:lyon.christopher@epa.gov>>, "Kopec, Slawomir"
<kopec.slawomir@epa.gov<mailto:kopec.slawomir@epa.gov>>, "Guerrero, Carmen"
<guerrero.carmen@epa.gov<mailto:guerrero.carmen@epa.gov>>, "Font, Jose"
<Font.Jose@epa.gov<mailto:Font.Jose@epa.gov>>, "Soto, Jose"
<Soto.Jose@epa.gov<mailto:Soto.Jose@epa.gov>>, "Mears, Mary"
<Mears.Mary@epa.gov<mailto:Mears.Mary@epa.gov>>, "LaPosta, Dore"
<LaPosta.Dore@epa.gov<mailto:LaPosta.Dore@epa.gov>>, "Anderson, Kate"
<Anderson.Kate@epa.gov<mailto:Anderson.Kate@epa.gov>>, "Patel, Harish"
<Patel.Harish@epa.gov<mailto:Patel.Harish@epa.gov>>, "Filippelli, John"
<Filippelli.John@epa.gov<mailto:Filippelli.John@epa.gov>>, "Iglesias, Ariel"
<Iglesias.Ariel@epa.gov<mailto:Iglesias.Ariel@epa.gov>>, "Laureano, Javier"
<laureano.javier@epa.gov<mailto:laureano.javier@epa.gov>>, "Gratz, Jeff"
<Gratz.Jeff@epa.gov<mailto:Gratz.Jeff@epa.gov>>, "Schaaf, Eric"
<Schaaf.Eric@epa.gov<mailto:Schaaf.Eric@epa.gov>>
> Cc: "Soltani, Beth" <Soltani.Beth@epa.gov<mailto:Soltani.Beth@epa.gov>>, "Hickey, Maureen"
<Hickey.Maureen@epa.gov<mailto:Hickey.Maureen@epa.gov>>
> Subject: Placeholder: Limetree Bay Briefing with Region 2 and HQ/AO/OECA/OAR/OW/OLEM/OGC
>
> This is a request from Pete Lopez, Region 2 RA to bring together all parties to discuss the Limetree Bay issue in the US Virgin Islands and to make sure
> that we're all in agreement.
>
> Pete is hoping to convene a meeting {ASAP} by VTC/conference call this Thursday, August 16 at 2:00 pm. Please let us know your availability by accepting/declining this invitation.
>

> Thank you.
>
> Maureen
> 212-637-5035
>
>
> <meeting.ics>

Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 12/7/2017 4:04:12 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; McCabe, Catherine [McCabe.Catherine@epa.gov]
CC: Brandt, Peter [Brandt.Peter@epa.gov]; Chiang, Johnny [Chiang.Johnny@epa.gov]; Hwilka, Theresa [Hwilka.Theresa@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Regional highlights for this week.
Attachments: EPAR2 weekly highlights 12-07-17.pdf

Good morning everyone.

Thank you everyone for your timely submissions.

Attached is the highlights for this week.

Have a good weekend.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

WEEKLY HIGHLIGHTS
WEEK OF 12/07/17

MAJOR MILESTONE REPORT

Confirmed Dates:

Likely in December

not responsive

Likely in January

not responsive

▪ Issue permit modification public notice for the Landfarms Closure Plan at the Hovensa Refinery, St. Croix, USVI.
(CASD – Nidal Azzam)

not responsive

ED_002591_00001863-00001

Not Responsive

Likely in February

Not Responsive

***

CLEAN AIR AND SUSTAINABILITY DIVISION

Hot Issues:

Not Responsive

not responsive

Limetree Bay Terminal (LBT): A briefing for Bill Wehrum is tentatively scheduled for 12/7/2017, but may be rescheduled for next week. In a Director-level call on December 5, 2017, CASD, ORC and DECA discussed Region 2's perspective and concerns with our HQ counterparts.

not responsive

Not Responsive

Upcoming:

Not Responsive

***

CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Hot Issues:

not responsive

Upcoming:

Limetree Bay Terminal: EPA has requested and received a 15-day extension to the public comment period from the US Army Corps of Engineers. A draft comment letter with detailed information is being shared with CWD, CASD, and ORC for review and comment before it is sent out for concurrences to the Regional Administrator's Office next week.

not responsive

Not Responsive

Past Week:

Not Responsive

Upcoming:

Not Responsive

***

DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Hot Issues:

Not Responsive

Upcoming:

Not Responsive

***

DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Past Week:

Not Responsive

Upcoming:

Not Responsive

Not Responsive

Other Items of Special Interest:

Not Responsive

***

EMERGENCY REMEDIATION AND RESPONSE DIVISION

Upcoming:

Not Responsive

***

OFFICE OF POLICY AND MANAGEMENT

No Highlights this week

***

OFFICE OF REGIONAL COUNSEL

Past Week:

Not Responsive

***

OFFICE OF STRATEGIC PROGRAMS

Past Week:

Not Responsive

***

PUBLIC AFFAIRS DIVISION

Hot Issues:

Not Responsive

Not Responsive

Appointment

From: Lyon, Christopher [lyon.christopher@epa.gov]
Sent: 5/2/2019 4:18:09 PM
To: Lopez, Peter [lopez.peter@epa.gov]

Subject: Accepted: Briefing on Limetree Bay
Location: RA conference room - Dial in: Conference Line/Code / Ex. 6

Start: 5/2/2019 6:30:00 PM
End: 5/2/2019 7:00:00 PM

Recurrence: (none)

Message

From: Reed, Chris [Reed.Chris@epa.gov]
Sent: 2/6/2019 8:46:38 PM
CC: Tomiak, Robert [tomiak.robert@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]; Krallman, John [krallman.john@epa.gov]; Mills, Flaire [Mills.Flaire@epa.gov]; Cox, Andrew [Cox.Andrew@epa.gov]; Abrams, Nancy [Abrams.Nancy@epa.gov]; Azzam, Nidal [Azzam.Nidal@epa.gov]; Chan, Suilin [Chan.Suilin@epa.gov]; Dholakia, Umesh [Dholakia.Umesh@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Everett, Adolph [Everett.Adolph@epa.gov]; Ruvo, Richard [Ruvo.Richard@epa.gov]; Sharpe, Kristinn [Sharpe.Kristinn@epa.gov]; Soto, Jose [Soto.Jose@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Musumeci, Grace [Musumeci.Grace@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Buzzelle, Stanley [Buzzelle.Stanley@epa.gov]; Huff, Rebecca [huff.rebecca@epa.gov]; Siegel, Joseph [Siegel.Joseph@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Corona, Elizabeth [Corona.Elizabeth@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Froikin, Sara [Froikin.Sara@epa.gov]; Khoury, Lynn [Khoury.Lynn@epa.gov]
Subject: Agenda for LBT Call tomorrow
Attachments: Agenda LBTWG 2719.docx

Welcome back! We will have our first LBT Workgroup call of 2019 tomorrow. The agenda is attached. We will use this meeting to remind folks where we are on various issues as well as give updates where applicable.

Meeting will be at 1:00 EST.

Conference Line/Code / Ex. 6

Christopher Reed
Office of Policy
US Environmental Protection Agency
1200 Pennsylvania Ave, NW 1807T
Washington, DC 20460
202-566-0606

Limetree Bay Coordination Workgroup
Thursday, February 7, 2018 1pm Eastern
7216 WJC South & VTC

Call-in #: **Conference Line/Code / Ex. 6**

1:00 Roll Call – Chris Reed

1:05 Update on OP Meeting with Counsel – Tom Tyler

- 404 Issue

1:15 Updates and stat checks on ongoing issues – HQ & R2 Staff

- CD Negotiations Update
- MACT Subpart Y Update
- Refinery Sector Rule
- PAL Update
    - EJ Update

1:45 Next steps – Chris Reed

1:50 Adjourn

Message

From: Covington, Tayler [covington.tayler@epa.gov]
on behalf of Region2 PAD News [Region2_PAD_News@epa.gov]
Sent: 7/24/2018 1:30:50 PM
Subject: News Clips

Region 2 News Clips

EPA launches pilot cleanup program in Gowanus Canal (NEWS12 BK; July 23, 2018)

Officials from the Environmental Protection Agency are conducting dredging efforts in the Gowanus Canal.

EPA Marks Final Phase Of Gowanus Canal Dredging Pilot (BKLYNER; July 23, 2018)

During Monday morning's intermittent rain, EPA Regional Administrator Peter Lopez, Assembly Member Jo Anne Simon, and Dan Wiley from Congress Member Nydia Velázquez's office marked the final phase of the dredging and capping pilot project at the Gowanus Canal's 4th Street Turning Basin.

Development coming to Gowanus Canal, but first a major cleanup (1010 WINS; July 23, 2018)

A higher up from the EPA was in Brooklyn on Monday, as discussions continue on how best to clean up one of the nation's dirtiest waterways.

The big sink: Whole Foods's esplanade along Gowanus Canal puckers due to waterway's cleanup (BROOKLYN PAPER; July 24, 2018)

The Gowanus Canal is swallowing this food whole!

Gowanus Canal Dredging Program Progresses (DREDING TODAY; July 23, 2018)

The U.S. Environmental Protection Agency (EPA) said in its latest announcement that this week marks the one-year anniversary of their Superfund Task Force Report.

Harmful algal blooms close Lake Champlain beaches (GLEN FALLS POST-STAR; July 23, 2018)

The Bulwagga Bay Beach and Port Henry Champ Beach on Lake Champlain were closed over the weekend because of harmful algal blooms.

Salamanca Visits Water Pollution Control Plant (BRONX TIMES; July 23, 2018)

Councilman Rafael Salamanca got a firsthand look at the Rockaway Water Pollution Control Plant, operated by NYC Department of Environmental Protection, DEP Deputy Commissioner Pam Elardo.

BPU Goes Giddyup as Murphy Wants NJ on Fast Track to Clean Energy (NJ SPOTLIGHT; July 23, 2018)

Most times, the New Jersey Board of Public Utilities is about as sleepy an agency as there is in Trenton — slow moving, often opaque, and rarely making significant enough decisions to draw much attention, or even less likely, controversy.

Boat dumps raw sewage in Brooklyn basin (NEW YORK POST; July 23, 2018)

They're up s-–t's creek — literally.

Party Boat Dumps 500 Gallons Of Raw Sewage Into Water Off Red Hook (GOTHAMIST, July 23, 2018)

The waters surrounding our lovely little trash island may be best described as garbage juice, so I can see where someone might gaze out upon the landscape and think, "Well, surely nothing I do could make this situation *worse*."

NY DEC planning public meetings on commercial fishing (NEWSDAY; July 23, 2018) AP

State environmental officials are planning public meetings in an effort to reform New York's commercial fishing license system.

Slow going, and a long haul, at Vineland Superfund sites (PRESS OF ATLANTIC CITY; July 22, 2018)

Deep digs are completed in six homes around the Kil-Tone Superfund site here, according to the U.S. Environmental Protection Agency.

Ridgewood Reservoir once delivered water, but now delivers life: Our Neighborhood, The Way it Was (QUEENS COURIER; July 21, 2018)

Last week we looked at how our neighborhood's earliest settlers found the water they needed to live. This week, we take a look at the Ridgewood Reservoir, the heart of Brooklyn's first reliable water system, which also lent its name to the community that grew nearby.

Drinking water not affected by untreated waste discharges, officials say (POUGHKEEPSIE JOURNAL; July 20, 2018)

Drinking water in the City of Poughkeepsie wasn't affected by hundreds of thousands of gallons of untreated waste recently discharged into the Hudson River, according to Randy J. Alstadt, Poughkeepsie's Water Treatment Facility plant administrator.

PR/USVI

Local organization repudiates reclassification of seven nature reserves (EL NUEVO DIA – Google Translated to English)

Two groups of environmental protection in Toa Baja and Camuy showed today, Sunday, their total repudiation of the decision of Governor Ricardo Rossello Nevares to reclassify seven nature reserves on the recommendation of the Planning Board.

Have you prepared for the hurricane season? (EL NUEVO DIA – Google Translated to English)

There is a saying that "it's never too late". Therefore, if you have not yet taken the necessary measures to safely face this hurricane season, it is on time.

Governor rebuffs panel probing troubled utility (ENERGYWIRE; July 23, 2018)

On Wednesday, the House Natural Resources Committee has scheduled an oversight hearing on what Chairman Rob Bishop (R-Utah) is calling the management crisis at the bankrupt Puerto Rico Electric Power Authority (PREPA).

As restart begins, cleanup continues at refinery (US VIRGIN ISLANDS DAILY NEWS; July 23, 2018)

The most recent report issued by a group tasked with monitoring groundwater and soil at the former HOVENSA refinery on St. Croix shows ongoing work at the site.

EPA: Limetree removed asbestos from site after Maria (US VIRGIN ISLANDS DAILY NEWS; July 23, 2018)

Among the issues the U.S. Environmental Protection Agency discussed in response to an inquiry from The Daily News was the presence of asbestos at the St. Croix refinery.

EPA: Refinery consent decree still in effect (US VIRGIN ISLANDS DAILY NEWS; July 23, 2018)

U.S. Environmental Protection Agency officials have confirmed the status of a $700 million consent decree between HOVENSA and the federal agency, which could have potential ramifications for plans to restart the St. Croix refinery.

Out of operation AAA filtration plan (NOTICEL – Google Translate; July 23, 2018)

The high turbidity by the rains recorded yesterday afternoon in the intake of raw water from the Jayuya Urbano dam, keeps the filtration plant out of operation, informed the executive director of the northern region of the Aqueduct and Sewer Authority (AAA), José A. Rivera Ortiz.

High turbidity affects the production of the Jayuya Urbano filter plant (LA PERLA DEL SUR – Google Translated to English; July 23, 2018)

The high turbidity due to rains recorded yesterday afternoon in the intake of raw water from the Jayuya Urbano dam, keeps the filtration plant out of operation, informed the executive director of the northern region of the Aqueduct and Sewer Authority (AAA), José A. Rivera Ortiz.

National News

Auto

Bloomberg - Trump to Seek Repeal of California's Smog-Fighting Power

E&E News - Greens Decry 'Orwellian' New Title for Car-Emissions Rule

Politico - Auto Rule Rollback Could Hinge on Highway Deaths

The Hill - Trump to Propose Blocking California's Clean Car Standards: Report

WTTW - Illinois Sues EPA Over Pruitt's Loophole for 'Super Polluting' Trucks

Biofuel

Reuters - EPA Wrongly Denied Biofuel Waiver For West Virginia Refinery: Court

Clean Up Sites

E&E News - Officials to Test Navajo Wells Leaking for Years

WTHR - EPA Calls for Sampling Plan for Franklin Industrial Site

Coal Ash

CNN - With EPA Rule Change, Worries Linger for Those Near Coal Ash Ponds

Energy News - Georgia Next in Line for EPA Approval on State Coal Ash Permit Program

Times - EPA Rollback of Coal Ash Regulations Could Significantly Impact Little Blue Run

EPA Spending Bill

Water Finance and Management - House Approves EPA Spending Bill

Ozone

Tri-City Herald - Ozone Pollution Alerts May Be the New Normal for Tri-Cities. One Starts Sunday

Wastewater

Kallanish Energy - EPA, New Mexico to Look at Drilling Wastewater Re-use

Full Articles

Region 2 News

NEWS12 BK

EPA launches pilot cleanup program in Gowanus Canal

July 23, 2018

Officials from the Environmental Protection Agency are conducting dredging efforts in the Gowanus Canal.

They are launching a pilot project on a small portion as a test for cleaning up the rest of the waterway.

The EPA says thousands of yards of contamination have already been dredged since last year near the Fourth Street turning basin.

The Gowanus Canal has been designated as a Superfund site due to the presence of contaminants like mercury, lead and copper — marking it as one of the most contaminated areas in the country.

Some residents who live in the neighborhoods surrounding the Gowanus Canal like Cobble Hill, Carroll Gardens and Boerum Hill say they are happy to see progress.

BACK TO TOP

BKLYNER

EPA Marks Final Phase Of Gowanus Canal Dredging Pilot

By Pamela Wong

July 23, 2018

During Monday morning's intermittent rain, EPA Regional Administrator Peter Lopez, Assembly Member Jo Anne Simon, and Dan Wiley from Congress Member Nydia Velázquez's office marked the final phase of the dredging and capping pilot project at the Gowanus Canal's 4th Street Turning Basin.

L-R: David Briggs (Gowanus Community Advisory Group member & Executive Director of Gowanus By Design), Dan Wiley (District Office Director for Nydia Velázquez), Peter Lopez (EPA Regional Administrator, Region 2), Assembly Member Jo Anne Simon (Photo: Pamela Wong/BKLYNER)

"We're in the midst of working on our pilot project which is intended to illustrate and test out the methodology for mitigation, to practice some of the methods that we're using for bank stabilization, and for moving the progress further," Lopez said while crews poured capping materials into the bottom of the 4th Street Basin behind him. "The capping is what's underway right now, as you see. We're laying down the liner," he explained.

The 4th Street Turning Basin pilot project has included installing steel sheet piles along the banks of the canal to allow for safe dredging, removing approximately 11 feet of sediment from the bottom of the Canal and transporting it to an off-site treatment facility. Currently in its final phase, approximately two feet of sand, clay, and "activated carbon-absorbing materials" are being laid down at the bottom of the turning basin to "create a clean canal bottom."

Capping work at Gowanus Canal 4th Street Turning Basin (Photo: Pamela Wong/BKLYNER)

"Tremendous progress has been made at this site, and what we are learning here will be applied to the overall cleanup of the Gowanus Canal," said Lopez. "This pilot project is serving its purpose—to show us what works best and what may not work as well under real-world conditions as we move toward full-scale cleanup of this highly-contaminated canal."

Approximately 17,000 cubic yards of contaminated sediment have been dredged from the Gowanus Canal's 4th Street turning basin so far. The project will help the EPA determine the overall engineering design for the dredging and capping of the entire Canal.

The EPA's final cleanup plan for the Gowanus Canal Superfund site includes:

- Removing contaminated sediment from the bottom of the canal via dredging
- Capping the dredged areas using various capping techniques
- Working with the City of New York to prevent CSO discharges or street runoff from compromising the cleanup
- Excavating and restoring approximately 475 feet of the 1st Street Basin and 25 feet of the 5th Street Basin
- Treating the dredged contaminated sediment at an off-site facility

More than 300,000 cubic yards of highly contaminated sediment is expected to be dredged from the upper and middle portions of the Canal (the upper part runs from the top of the Canal down to 3rd Street while the middle runs from 3rd

Street to just south of the Hamilton Avenue Bridge). Another 281,000 cubic yards of contaminated sediment is expected to be pulled out of the lower portion of the Canal (from Hamilton Avenue Bridge down to the mouth of the Canal).

Capping work at Gowanus Canal 4th Street Turning Basin (Photo: Pamela Wong/BKLYNER)

Currently expected to be completed in the fall, the 4th Street pilot study began in October 2017 but ran into delays earlier this year when heavy machinery installing steel sheets to reinforce the crumbling bulkheads along the canal began disrupting some of the surrounding land and nearby buildings. An area of stones on the Whole Foods promenade, where Monday's press event was held, buckled from vibrations caused by the work, prompting the closure of that section of the promenade to the public.

"Our goal has been to stabilize these banks, that's what these sheet metal pilings are for, drive them down a significant depth to make sure that as we do the dredging that the banks retain their integrity and can be developed," Lopez explained. "Some of the soft material that you see here settled, the material was relatively new. As we were driving the sheet piling in, things were moving, some of the material here moved. The method for driving [the pilings] was causing quite a bit of vibration, so we had to step back and assess how we can do that differently."

Buckled bricks along Whole Foods Promenade (Photo: Pamela Wong/BKLYNER)

“That started shortly after the piling driving started which was in the earlier part of this year,” Walter Mugdan, EPA Superfund Regional Administrator for Region 2, further explained following the press conference. “Normally pilings are driven by pounding them in, or vibrating them in, and both of those techniques turned out to be unacceptable in this particular location.”

“There was a little bit of cracking occuring in one of the buildings across the [Canal], also from the vibrations, so we ended up directing the company that’s doing the work, to use a different technique which hydraulically presses the pile down into the ground, so rather than pounding it or vibrating it, it simply presses it, and that has the least amount of impact to the surrounding area,” Mugdan added.

“I wouldn’t say it’s dangerous, but we don’t want people walking there,” Lopez said of the damaged portion of the walkway. “The main structures as we understand are solid, it’s just the soft material in between. The building foundation and the concrete wall, [those are] not moving, but there was soft material in between that settled.”

“Once [the pilot] is done, the parties who are part of the process will help restore [the promenade],” Lopez added. “We have an agreement with Whole Foods, to come back and help restore their property and return it to its previous condition.” Among the Primary Responsible Parties [PRPs], National Grid is the lead responsible party that is contracting and overseeing the work at the pilot site, according to Mugdan.

Capping work at Gowanus Canal 4th Street Turning Basin (Photo: Pamela Wong/BKLYNER)

The pile driving along other areas of the canal will be done "site by site," Mugdan said. "We now have a variety of techniques and we know that this pressing technique is available—it requires specialized equipment—but it's available to us if and when it's necessary."

Selecting which type of capping material will be used will also be determined "site by site" as the cleanup progresses along the Canal. An "amended cap" was being laid down into the pilot site throughout Monday's press event. "It has additional carbon-rich material in it beyond sand, so it not only provides a physical barrier between the contaminated sediment below and what's above, it also creates a barrier that will capture chemicals as they come up," Mugdan explained.

"There are a variety of [capping] techniques that we piloted and different techniques will be used in different parts of the canal depending on the level of contamination," he continued. The head of the canal, the area opposite Public Place, and the area opposite Lowe's have experienced the heaviest contamination because each location formerly housed a manufactured gas plant, according to Mugdan. "Those are areas of heavier contamination. With the coal tar material, contamination goes down as much as 100 feet, it can't all be dug out, so those are the areas where we'll get rid of the soft gooey stuff, the 'black mayonnaise.' The harder sediment below that's still contaminated will get solidified with this process of adding cement in place, in situ, and it [will] become like a sheet of concrete."

Capping work at Gowanus Canal 4th Street Turning Basin (Photo: Pamela Wong/BKLYNER)

"There are many things that make the canal unique," Mugdan explained. "It's so narrow, it's right in this extremely dense urban area, there are these low bridges they have to work around. There are a lot of things that make this an engineering challenge and a logistics challenge. These turning basins have provided a useful locale for doing these pilots, then we eventually get out into the main stem of the canal and we have some better background as to what we're doing."

Dan Wiley, District Office Director for Congress Member Nydia Velázquez, reminded those in attendance at the press event that a North Gowanus Public Visioning Session will take place Wednesday evening. "Not only do we have the cleanup, we also have to make sure that we preserve the community and we're able to get the best deal for the locality," Wiley said.

Council Member Stephen Levin represents the northern section of Gowanus. His office coordinated Wednesday's meeting, and while the Council Member was not at the press conference, a representative of his, Ben Solotaire said, "We're committed to the cleanup of the canal, we've been working with our elected partners in the community. We want to guarantee that the open space at the canal where the CSO tank facility is going to go and the other spaces are

designed and being constructed with the community in mind and with the input of the community. As this process moves forward we look forward to working together with everybody and making it successful."

The 4th Street Turning Basin pilot project is scheduled to be completed in the fall. The "full-scale dredging of the remainder of the Canal" is scheduled to begin in 2020. The estimated cost of the Superfund cleanup project is $506 million.

Today's press event coincided with the one-year anniversary of the release of the EPA's Superfund Task Force Report. The Superfund Task Force was established to provide recommendations for improving the Superfund program. Learn more about the Superfund Task Force at epa.gov.

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1010 WINS

Development coming to Gowanus Canal, but first a major cleanup

July 23, 2018

A higher up from the EPA was in Brooklyn on Monday, as discussions continue on how best to clean up one of the nation's dirtiest waterways.

The initial cleanup of a short spur continued near a Whole Foods on Monday.

"Once you start to dig down deep you risk bank failure, we don't want that," EPA Regional Administrator Peter Lopez.

He said metal plates have stabilized the banks, 17,000 cubic yds of contaminated sediment have been removed, and a sand mixture is being poured on top to cap the contaminated canal bed.

"We need to get through the remediation and again make sure that we can get everything stabilized before more development occurs," he said.

Eventually there will be residential and commercial development with promenades, shops, and even kayaking.

BACK TO TOP

BROOKLYN PAPER

The big sink: Whole Foods's esplanade along Gowanus Canal puckers due to waterway's cleanup

By Julianne Cuba

July 24, 2018

The Gowanus Canal is swallowing this food whole!

The ground beneath a seating area outside Gowanus's Whole Foods started sinking towards the toxic waterway it abuts after equipment workers used in the Superfund site's scrub shook the land around the store, forcing employees to rope the space off indefinitely, according to the Feds leading the canal's cleanse.

"As we were experimenting, a couple things happened, and some of the soft material that you see here settled," Environmental Protection Agency Regional Administrator Pete Lopez said outside the Third Street grocer on Monday. "I wouldn't say it's dangerous, but I don't want people walking there."

The dirt underneath the tables and chairs on the brick promenade along the canal's Fourth Street Turning Basin shifted amid a pilot dredging-and-capping program in the basin, which stalled last year after workers realized the massive machines they used to install new bulkheads along that section of the channel too powerfully struck its banks, creating fissures in nearby buildings and land — including that beneath the al fresco hangout.

But those vibrations did not affect the Whole Foods building itself, which Lopez assured is safe from collapse.

"The main structure, as we understand it, is solid," he said. "We will keep a close eye on it because of course we don't want anyone to be hurt, or any damage."

The polluters who contaminated Brooklyn's Nautical Purgatory and are required to foot the bill for its cleanup, including utility company National Grid, will now also be charged with the cost to repair the grocer's waterfront esplanade, according to Lopez, who said the Amazon-owned supermarket won't have to spend a dime to fix the pedestrian space it paid to create.

"We don't expect Whole Foods to pay. I think they like us, we promised to fix their property," he said.

But the grocery store's patrons won't be able to munch on its produce along the putrid canal until the slow-going pilot program wraps, because Lopez's colleague said the Feds must finish that work before turning their attention to the plummeting promenade, where Whole Foods staff posted signs advising "caution, watch your step" and that it will be "closed until further notice due to ongoing cleanup efforts" in the meantime.

"The next step is to finish off this pilot project, and when the work is done this is all going to get repaired," said Environmental Protection Agency bigwig Walter Mugdan.

And although the initial dredging-and-capping program is progressing, Lopez said it's still moving slower than expected, and likely won't end until the fall at the earliest — roughly six months later than planned.

"We think it will continue into the fall. We're going to be here for some time doing the project," he said.

But the officials — who gathered near the Fourth Street Turning Basin on Monday to celebrate the one-year anniversary of a task force set up to streamline the federal agency's Superfund program by its now-disgraced former head Scott Pruitt — said their old boss's departure won't muck up the canal's already in-motion cleanse.

"We're full steam ahead," said Lopez.

Still, another Environmental Protection Agency staffer would not even attempt to guess when the entire purge will wrap — noting that years of work remain despite the 2022 end date officials first gave the project — or how much its current $506-million price tag may balloon due to hiccups, such as the sinking esplanade, that arise along the way.

"It's going to be a number of years before we're actually back here and doing dredging, and then there are three to four years' worth of field work for us to actually implement it," said John Prince. "It's going to take longer than we could estimate a few years ago. That's as close as we're going to get."

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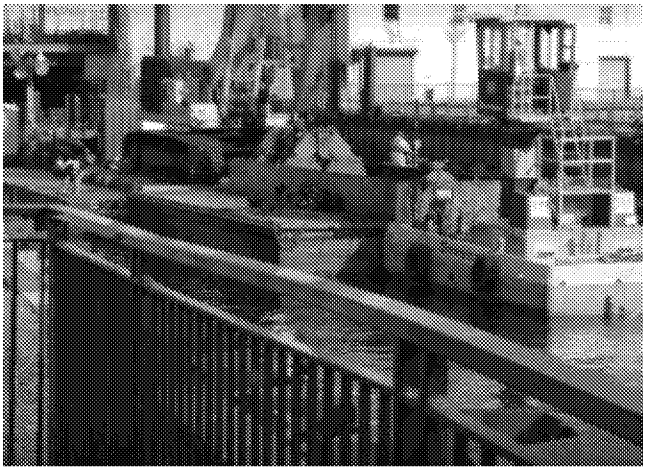
DREDING TODAY

Gowanus Canal Dredging Program Progresses

July 23, 2018



The U.S. Environmental Protection Agency (EPA) said in its latest announcement that this week marks the one-year anniversary of their Superfund Task Force Report.

The Superfund Task Force was commissioned to provide recommendations on how EPA could streamline and improve the Superfund program.

"EPA has made significant progress in carrying out the report's recommendations. The Agency also finalized its plans for completing all 42 recommendations by the end of 2019, which are outlined in a new 2018 Update to the Superfund Task Force recommendations," they stated.

"EPA has improved the health, living conditions, and economic opportunity of thousands of people living near Superfund sites over the past year as the Agency worked to implement the Task Force recommendations," said EPA Acting Administrator Andrew Wheeler.

"I am proud of the accomplishments achieved by EPA's hardworking staff, and we will continue to engage directly with stakeholders and communities near Superfund sites to accelerate cleanup and promote economic revitalization. Our plan to complete Task Force recommendations by the end of 2019 will ensure this work continues as one of EPA's highest priorities."

Yesterday, EPA Regional Administrator Pete Lopez, Dan Wiley, Congresswoman Nydia M. Velázquez's District Director for Southwest Brooklyn, other dignitaries and community members looked on as the dredging and capping pilot project at the Gowanus Canal Superfund site in Brooklyn, N.Y. enters its final phase.

Under EPA oversight, approximately 17,000 cubic yards of contaminated sediment have been dredged from the Gowanus Canal's 4th Street turning basin. Work is currently underway to cap the bottom. said EPA.

Under the pilot project, steel sheet piles walls were installed along the sides of the canal to allow dredging work to be performed safely and sediment was removed and taken off-site for treatment and disposal. In the final phase, layers of sand, clay, and activated carbon-absorbing materials will be placed on the turning basin bottom to create a clean canal bottom.

The pilot study began in October 2017 and is expected to be completed later this fall.

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GLEN FALLS POST-STAR

Harmful algal blooms close Lake Champlain beaches

By Gwendolyn Craig

July 23, 2018

The Bulwagga Bay Beach and Port Henry Champ Beach on Lake Champlain were closed over the weekend because of harmful algal blooms.

They will reopen after state health officials test the water and deem it safe.

In a statement to *The Post-Star*, DOH said the closures were based on visual observations of blooms. Bulwagga Bay Beach closed on July 19 and Port Henry Champ Beach closed on July 21.

Harmful algae is another name for cyanobacteria, a kind of photosynthesizing bacteria that sometimes produces toxins. Exposure can cause respiratory problems, diarrhea, nausea, skin rash and other health complications. Cyanobacteria toxins have also been known to kill dogs

While not all blooms have toxins, the state encourages people and their pets to stay out of them.

The state's protocol for reopening a beach includes testing the water for toxins after the water is bloom-free for 24 hours. Once that sample is taken, the state's lab at the Wadsworth Center will test for microcystin, a kind of liver toxin that some harmful algal blooms produce.

If the toxin levels are less than 4 micrograms per liter, the beach may be reopened to swimming.

DOH said a water sample was supposed to be collected by the town Monday morning and sent to the Wadsworth Center for testing. That beach could be reopened as soon as Tuesday.

Lake Champlain and Lake George are part of a statewide initiative to study and combat the blooms.

The state Department of Environmental Conservation releases a weekly report of harmful algal blooms. The DEC reported 45 water bodies on its list as of Friday, though none were confirmed in Warren, Washington or Saratoga counties.

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BRONX TIMES

Salamanca Visits Water Pollution Control Plant

By Robert Wirsing

July 23, 2018

Councilman Rafael Salamanca got a firsthand look at the Rockaway Water Pollution Control Plant, operated by NYC Department of Environmental Protection, DEP Deputy Commissioner Pam Elardo. The event included touring the facility, seeing how the waste water is treated and processed and discussing how together, they can address the pervasive ordor issues at the Hunts Point Wastewater Treatment Plant.

BACK TO TOP

NJ SPOTLIIGHT

BPU Goes Giddyup as Murphy Wants NJ on Fast Track to Clean Energy

By Tom Johnson

July 23, 2018

Most times, the New Jersey Board of Public Utilities is about as sleepy an agency as there is in Trenton — slow moving, often opaque, and rarely making significant enough decisions to draw much attention, or even less likely, controversy.

Not anymore. With Gov. Phil Murphy advocating an aggressive clean-energy agenda, the quasi-judicial body finds itself on the political hot seat. It is juggling a range of policies that could vault the state into a leadership role in a rapidly changing energy sector.

At the same time, it is overseeing a massive investment by the state's utilities to modernize an aging power grid, something that policymakers here and across the nation agree needs to happen for more resiliency and reliability in an era of climate change. All these developments could leave consumers saddled with billions of dollars in new costs on their utility bills.

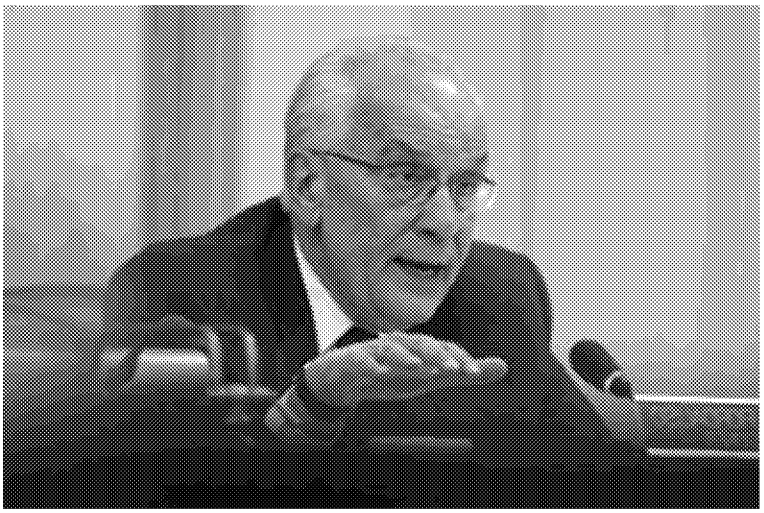
Six months into his new role as president of BPU, Joseph Fiordaliso sounds like he would not have it any other way.

"I have to start with one word — excitement. It's exciting,'' said Fiordaliso, a commissioner for the past 13 years before being appointed to head the agency by Murphy in January. ''We're really the focal point of the Governor's agenda as far as clean energy is concerned.''

Must reform solar-energy program

The agenda is ambitious — both in the short run and the long term. By 2030, the governor wants to develop 3,500 megawatts of offshore-wind energy. And within a couple of years, the agency must figure out a new way to pay for solar energy, or a program that has spurred more than 90,000 installations in New Jersey could crash. The state's utilities also must come up with new programs to have customers reduce gas and electric consumption.

That's hardly all. Sometime in the next year, Public Service Enterprise Group will be knocking on the agency's door, seeking approval for $300 million in subsidies to prop up its nuclear power plants in South Jersey. The governor also wants a new Energy Master Plan by next July.



Fiordaliso, a native of Newark who now lives in Livingston, believes the governor's goals are achievable. "We're going to get to where we have to get,'' he said. "We don't have the time for things to lag.''

Asked about how the agency is going to do so without a huge impact to ratepayers, Fiordaliso argued that just as the state has seen prices for solar energy drop over the past decade, prices for other renewable energy — including offshore wind — continue to drop.

"We are always looking at these programs with the ratepayer in mind,'' he said. "That's why we are going take this step by step so we move prudently as we go.''

Easing impact of climate change

There are benefits to the green energy program as well, he argued, noting that offshore wind, solar and other technologies assist with economic development. New Jersey's solar sector employs about 7,000 people, according to recent reports.

Moreover, Fiordaliso said the state has an obligation to do all it can to ease the impact of climate change. "If the scientists are correct — and I believe them — we have a very difficult future ahead of us,'' he said.

One of the more pressing issues facing the state is offshore wind. If New Jersey does not move more swiftly, developers fear they may not be able to qualify for federal tax incentives that could reduce the cost of their projects by about 12 percent. With the tax credit due to expire by the end of 2019, developers say it is imperative that New Jersey start accepting applications for projects by the end of the year.

"Our goal is to do the solicitation ASAP,'' Fiordaliso said. On Wednesday, the board is scheduled to vote on a critical component of the offshore-wind program — a funding mechanism that will funnel ratepayer money to developers to help make the projects economically viable to Wall Street.

To address other issues involving offshore wind, the agency is waiting for the State Treasurer to sign off on a Request-For-Proposal to hire a consultant to develop a strategic plan for offshore wind in New Jersey.

Other consultants are expected to be brought on board to help the agency develop regulations and programs dealing with energy efficiency, energy storage, and other aspects of the BPU's regulatory framework. The utilities will be charged to fund those hires.

Despite the shift to clean energy, Fiordaliso said natural gas and nuclear power will bridge the gap to achieving 100 percent renewable energy generation. "We are going to need, as I see it, something to get to clean energy,'' he said.

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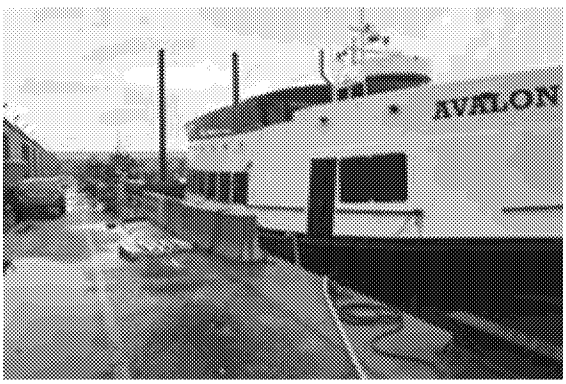
NEW YORK POST

Boat dumps raw sewage in Brooklyn basin

By Ben Feuerherd, Nick Fugallo and Bruce Golding

July 23, 2018



They're up s—t's creek — literally.

Workers servicing a "party yacht" spilled about 500 gallons of raw sewage into Red Hook's Atlantic Basin Sunday, police said.

The human waste spewed out of the 100-foot Avalon around 1 p.m., fouling the waters of the Buttermilk Channel, cops said.

The disgusting mishap disgorged an amount of filth equal to more than 300 flushes of a toilet that meets federal standards — or enough fetid slop to fill 2 $^1/_2$ hot tubs.

Red Hook resident Kathleen Murphy, 31, was outraged by the vile incident.

"Red Hook is big on fish, and what do you think the fish will do if they see waste in the area? Attempt to eat it," she said.

“Then we get sick from the poisoned fish.”

Another Red Hook resident, Brian McGinn, 23, said an appropriate punishment needed to be dished out.

“Let’s feed the owner some of what they’re dumping and see how that changes,” he said.

According to the BoatUS Foundation, it’s illegal to discharge untreated sewage on inland waters or within three miles of shore.

Officials with both the US Coast Guard and the state Department of Environmental Conservation responded to Sunday’s accident, the NYPD said.

Cops caught wind of it when an NYPD Harbor Unit overheard chatter about it over a police radio.

The two-level Avalon can carry 200 passengers and has a sun deck with “faux grass,” along with an outdoor dance floor under a tent with “clear plastic sides that can be rolled up or down in the event of inclement weather,” according to the Web site for Marco Polo Cruises.

The 80-foot boat is also featured on the Prestige Yacht Charters Web site, which says its “one-of-a-kind interior” — which includes a bar and buffet area — “has the feeling of your own private floating nightclub.”

A man who answered the phone at Marco Polo Cruises said, “The Avalon hasn’t operated in like two years, so that shouldn’t be us.”

Prestige charters the Avalon but “does not own or operate the boat” and “had nothing to do with the incident,” according to company president David Hackert.

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GOTHAMIST

Party Boat Dumps 500 Gallons Of Raw Sewage Into Water Off Red Hook

By Claire Lampen in NEWS

July 23, 2018

The waters surrounding our lovely little trash island may be best described as garbage juice, so I can see where someone might gaze out upon the landscape and think, "Well, surely nothing I do could make this situation *worse*." But New York City can always get more disgusting—just ask the residents of Red Hook, who now have the pleasure of living alongside

an enormous floating sewage dump after a party boat spewed 500 gallons of human waste into the Atlantic Basin this weekend. That's 2.5 hot tubs' worth of poop, according to the New York Post's helpful visual metaphor, floating alarmingly close to the Red Hook Lobster Pound.

The Post reports that the roughly 100-foot Avalon (which boasts a 200-person capacity and a fake grass-trimmed deck) discharged its stinking mass, the equivalent of 300 toilet flushes, around 1 p.m. on Sunday afternoon. The NYPD Harbor Unit picked up the scent after talk of the gigantic dump surfaced on a police radio, and according to the NYPD, the United States Coast Guard and New York State Department of Environmental Conservation are now investigating the offending "dinner cruise boat." Because not only is this a very gross thing to do, it is also very much against the law.

The BoatUS Foundation states that, while "sewage regulations are some of the most misunderstood boating laws ... it is ILLEGAL to discharge UNTREATED sewage on inland waters and within 3 miles of shore." Boats must come equipped with an onboard treatment device, or a holding tank that can be emptied on shore, to avoid fecal bacteria contaminating the waters and shellfish beds—a big concern for Red Hook. As one angry resident pointed out to the Post, who wants to eat feces-fed fish?

Neither the Coast Guard nor the Department of Environmental Conservation immediately responded to a request for comment, and it's unclear who was responsible for chartering the boat on Sunday. We'll update when we know more.

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NEWSDAY

NY DEC planning public meetings on commercial fishing

By Associated Press

July 23, 2018

State environmental officials are planning public meetings in an effort to reform New York's commercial fishing license system.

The sessions to be conducted by the Department of Environmental Conservation will be over a three-week period beginning in late July. That will allow officials to gather feedback from key stakeholders about the current system and ideas for reforms to modernize and improve it.

New York's current licensing system has evolved over the past 30 years in response to changing fish populations in state waters, and the system has become complex.

Marine fisheries consultant George LaPointe will preside at the meetings, which begin July 30 at Kingsborough County College in Brooklyn.

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PRESS OF ATLANTIC CITY

Slow going, and a long haul, at Vineland Superfund sites

By MICHELLE BRUNETTI

July 22, 2018

VINELAND — Deep digs are completed in six homes around the Kil-Tone Superfund site here, according to the U.S. Environmental Protection Agency.

More than 50 other properties must now have their soil removed to 6 feet deep, and that work will continue in the fall on an undetermined number of homes, EPA spokesman Elias Rodriguez said.

Kil-Tone and Vineland Chemical, also in this historic manufacturing city, are two of the most active Superfund sites in our region. Most others are in a long-term monitoring phase.

The Kil-Tone pesticide manufacturing plant, at 527 E. Chestnut Ave., is the newest Superfund site in our region. It was added to the U.S. Environmental Protection Agency's federal Superfund list in 2016, after the agency found lead and arsenic contamination of groundwater and soil on and around the property.

The yards of 57 nearby homes were affected, and the EPA installed new lawns on them to contain the contaminants. The agency estimated cleanup costs at $15 million. It has spent $4.1 million to date, EPA spokesman Elias Rodriguez said.

A deep dig to remove contaminated soil from six of those properties began in November 2017 and finished June 29, Rodriguez said. The next phase of the deep dig will begin in the fall.

Arsenic causes cancer and other health problems, and lead is a toxic metal that can damage a child's ability to learn and cause adverse health effects in adults, according to the EPA.

At Vineland Chemical, 1611 W. Wheat Road, arsenic pollution that made its way into nearby waterways is the main problem. Recontamination of exposed sediment and soil was found in the Blackwater Branch of the Maurice River in 2016.

The EPA said at the time the site would need an additional $15 million cleanup, after spending about $219.4 million on the effort since 1992.

The EPA is in the beginning stages of implementing a new treatment system there, Rodriguez said, and the total spent to date is now $221.5 million.

In 1994, the EPA reached a settlement with Vineland Chemical and its owners, who paid about $1.2 million toward the cleanup, according to the EPA. They also were required to put other properties in trust to be sold. The rest has been funded with taxpayer dollars.

Since the early 2000s, the EPA has been pumping out and treating about 2 million gallons of groundwater per day, EPA project manager Hunter Young has said.

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QUEENS COURIER

Ridgewood Reservoir once delivered water, but now delivers life: Our Neighborhood, The Way it Was

By The Old Timer

July 21, 2018

Last week we looked at how our neighborhood's earliest settlers found the water they needed to live. This week, we take a look at the Ridgewood Reservoir, the heart of Brooklyn's first reliable water system, which also lent its name to the community that grew nearby.

The Ridgewood Reservoir was developed on 105 acres of farmland purchased from Isaac Snedeker located near Cypress Hills Cemetery, about a quarter-mile west of Fresh Pond Road (now Cypress Hills Street) and south of Cypress Avenue.

About 48 acres of the Snedeker Farm formed a natural basin and rose about 150 feet above sea level. In fact, the reservoir's location is at one of the highest points on geographic Long Island, atop a moraine formed by Ice Age glaciers eons ago.

Location of the reservoir was important, as the gravity-fed system allowed water to flow naturally from the high reservoir down through the distribution system running below Brooklyn streets. At its peak, the reservoir would hold 150 million gallons of water, providing enough water to Brooklyn residents to last them at least 10 days.

A smaller, secondary reservoir holding about 20 million gallons was built in Flatbush Hills, about 175 feet above sea level.

The plan include constructing an iron pipeline 36 inches in diameter and five miles long connecting the Ridgewood Reservoir to the distribution system; the pipe generally ran along Cypress Avenue to Vermont Avenue, then proceeded further into Brooklyn.

A strip of land leading south from the main reservoir to Elderts Lane was acquired to install a 36-inch diameter, 3,400-foot-long iron-clad force tube pumping water into the reservoir from a long, covered aqueduct (or conduit) running along what eventually became Rockaway Boulevard.

Looking on a map of Brooklyn and Queens today, we see constant reminders of the Ridgewood Reservoir system, including Force Tube Avenue in Cypress Hills, Conduit Avenue through Brooklyn and Queens and Aqueduct Racetrack.

The covered aqueduct/conduit ran through south Queens and was connected to pumping stations developed near the spring-fed Baisley Pond, about six miles east of the reservoir. The aqueduct continued along what would later become Sunrise Highway into present-day Nassau County and connect to another water source for the reservoir: the Hempstead Lakes at present-day Hempstead Lake State Park.

The four ponds at Baisley and Hempstead were capable of producing 25 million gallons of water a day. The conduit would later terminate at a water source near the Suffolk County town of Wyandanch, which was then called "Ridgewood."

Within two years of the project's start, developer H.S. Wells and Company guaranteed, 10 million gallons of water would be delivered to Brooklyn per day; an additional 10 million gallons per day would be delivered within three years of the project's beginning.

The water works, at full capacity, were capable of delivering 40 million gallons per day with all four steam engines and pumps installed at the main reservoir, and when the aqueduct system was expanded further east on Long Island to tap additional supplies of water.

This undated photo shows the Ridgewood Reservoir full of water while it was used to provide Brooklyn residents with the water needed to cook, clean, bathe and drink. Now completely out of the city's water system for more than 25 years, the reservoir's become naturally reforested, full of all kinds of wildlife. (Ridgewood Times archives)

Breaking ground

The formal ground-breaking for the Ridgewood Reservoir took place on July 31, 1856. The Common Council of Brooklyn arranged for 30 horse-drawn stage coaches to leave Brooklyn City Hall downtown between 2:30 and 3 p.m. to journey to the reservoir site.

The ceremony was to start at about 4 p.m. A platform had been built and draped with American flags. Stewart's Brass Band entertained the crowd with patriotic songs before the ceremony began.

Among the estimated 1,000 people in attendance was Jacob Denton, who owned a farm on the east side of Fresh Pond Road that later became part of Mount Carmel Cemetery, and his son, William.

Brooklyn Mayor George Hall was among the featured speakers; he would use a special shovel to turn the first dirt.

Renaming the area

The groundbreaking was featured on the front of the following day's issue of The New York Times. They stated that from now on the site would be called "Ridge Wood" and not Cypress Hills. It did not state the authority for this name, but presumably the directors of the Nassau Water Company had so decided.

Prior to this date, none of the maps of the area show the name Ridgewood in use. However, subsequent to the groundbreaking, the maps show the site as the Ridgewood Reservoir.

The June 28, 1858, issue of the Long Island Democrat followed suit in one of its stories: "The 4th of July at Ridgewood, Long Island: This place formerly known as South Williamsburgh was lately christened Ridgewood. It is located on the Cypress Hills macadamized road about three miles from Peck Ferry Slip, near the Ridgewood Reservoir of the Brooklyn Water Works, and in the immediate vicinity of the Cemetery of the Evergreens."

But today, the Ridgewood Reservoir is actually located in Glendale. Over the years, as Ridgewood and Glendale became developed, the Long Island Rail Road's Bay Ridge branch became part of the boundary separating the neighborhoods.

Land north and west of the Bay Ridge line is in Ridgewood; and areas south and east of the line — including the reservoir — is considered Glendale.

Drinking 'Ridgewoods'

Although H.S. Wells and Company had guaranteed to deliver 10 million gallons of water per day within two years, as it developed, they were substantially late, as work would not wrap up until 3 1/2 years after it started.

Finally, on April 28, 1859, the City of Brooklyn held a five-mile-long parade to celebrate the completion of the initial stage of the water works. To prevent any anticipated violence, 500 police officers were hired to supplement the Brooklyn Police Force, but as it happened, they were not needed.

The parade started at the corner of Myrtle and Bedford avenues and proceeded north along Bedford Avenue through Williamsburgh.

Major Gen. H.B. Duryea, who was head of the Fifth Brigade, led the parade. The Fifth Brigade was made up of the 13th, 14th, 17th and 72nd Regiments. New York Gov. Edwin Denison Morgan also participated, as did the common council of Brooklyn.

Because pure water meant that decent ice could be made, about 100 icemen marched in the parade, carrying their ice tongs.

When the first water from Ridgewood Reservoir flowed through the mains of the City of Brooklyn on April 28, 1859, the residents tasting the good water called their drinks "Ridgewoods."

Although the celebration took place in April 1859, it was not until the following year, Jan. 20, 1860, that the water works became fully operational.

The lake at the heart of the Ridgewood Reservoir in Basin 2 (File photo/QNS)

Recycling the reservoir

For nearly 100 years, the Ridgewood Reservoir provided Brooklyn residents with all the water they needed to drink, cook, clean and bathe. It would outlive the City of Brooklyn itself, which was incorporated into Greater New York City in 1898.

After New York City connected its water system — which supplies water from reservoirs upstate — to Brooklyn, the Ridgewood Reservoir became redundant. It was rendered a backup water supply in 1959, and taken completely out of the city's water system 40 years later.

The basins were drained and the site was left dormant for 25 years, allowing the reservoir to naturally reforest itself. Eleven years ago, the city Department of Environmental Protection (DEP) transferred ownership of the reservoir to the Parks Department for future development as parkland. Incredibly, while the two outer basins were reforested, the center basin is home to a shallow, beautiful lake surrounded by natural reeds.

Several years later, then-Mayor Michael Bloomberg outlined a master plan which would have transformed the Ridgewood Reservoir and neighboring Highland Park into one of eight "regional parks" across the city.

Initial plans called for one of the three reservoir basins to be cleared and developed into new athletic fields and park space. As much as $50 million in city funds were initially allocated for this endeavor.

Residents, environmentalists and other civic activists fought the proposal, claiming that development plans would harm the reservoir's fragile ecology created over the previous two decades. As reported by QNS and the Ridgewood Times, the reservoir is "home to more than 100 species of birds — including at least five that have been listed as Threatened or of Special Concern in New York state — several different species of plant and fauna and a wide variety of tree species."

The Great Recession of 2007-09 caused financial distress in the city, forcing the $50 million reservoir revitalization plan to be tabled indefinitely. The Parks Department, however, received funds in recent years to renovate the perimeter pathways and a causeway between two of the three basins.

Local elected officials held a ribbon cutting in October 2013 marking the completion of renovations to the exterior of the Ridgewood Reservoir (Ridgewood Times archives)

In just the last year, the state and federal governments have recognized the ecological importance and the historical significance of the Ridgewood Reservoir. The site was added to the National and State Registers of Historic Places, and the state Department of Environmental Conservation announced it would designate the reservoir as a wetland.

Writing to local Assemblywoman Catherine Nolan, DEC Commissioner Basil Seggos said that the wetlands within the reservoir are of "unusual local importance," making them eligible to be added to DEC's official wetlands map.

It would seem that the Ridgewood Reservoir truly has come full circle. The heart of a mechanical water system that once brought a taste of nature to a city now has come back to nature itself.

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POUGHKEEPSIE JOURNAL

Drinking water not affected by untreated waste discharges, officials say

By Ryan Santistevan

July 20, 2018

Drinking water in the City of Poughkeepsie wasn't affected by hundreds of thousands of gallons of untreated waste recently discharged into the Hudson River, according to Randy J. Alstadt, Poughkeepsie's Water Treatment Facility plant administrator.

More than 500,000 gallons of untreated waste discharged into the river at 200 Rinaldi Blvd. since July 14, according to alerts sent out by the state. Heavy rain and thunderstorms were cited as the cause of the discharges on July 14 and 17, according to the alerts.

There have been six reported discharges at this location, two miles downstream from the plant, since June, according to the New York Department of Environmental Conservation.

Alstadt said the plant pulls water from the middle of the Hudson River, five feet from the bottom. The water then goes through a multi-step treatment process before it reaches taps in area homes.

The river flows at periods of 1 billion gallons per day, Alstadt said . The average intake flow at the plant is 12 million gallons per day.

"Dilution and the distance our intake is from the spill would make impact to our facility unlikely," Alstadt said in a statement. "The treatment facility operated normally including three phases of disinfection which includes ozonation, ultraviolet light and chlorination."

Untreated waste overflow isn't new

The discharges into the river is nothing new, according to Mayor Rob Rolison. The city reports any discharge from its combined sewer systems to the state's alert system, as required by New York's Sewage Pollution Right to Know Act.

The notifications sent out to the public by the state are new and part of a NYSDEC updated program. The city must notify the DEC within two hours of discovering the overflow and the public must be notified within four hours.

"The City of Poughkeepsie, like many older cities has a partially combined sewer collection system which means that in parts of the city, storm water runoff, domestic sewage and industrial wastewater are collected in the same pipe and transmitted to the wastewater treatment plant," Rolison wrote in a letter to the Common Council, city administrator and city engineer.

The excess discharge locations are recognized as combined sewer overflow outfalls and there are over 800 in the state.

"This process has occurred since the creation of the combined sewer system except for the fact that the discharge is controlled and permitted by DEC," he wrote in the letter.

"DEC aggressively monitors such overflows and other wastewater discharges in order to ensure protection of public health and the environment and reserves the right to pursue actions against municipalities for failure to comply with reporting requirements," according to a statement from the DEC.

A sign indicating the location of a wet weather discharge point along the Hudson River near Shadows Marina in the City of Poughkeepsie on July 18, 2018. (Photo: Patrick Oehler/Poughkeepsie Journal)

Plans to separate the sewer system

In 2008, the city created a long-term plan to separate the sewer system and it was approved by the NYSDEC, Rolison said.

Improvements were expected to be made to the system up until 2028. He said the current price estimate to fix the system is $50 million. In 2018, $2.7 million was allocated toward sewer improvements.

The city has already spent millions of dollars to improve the system and is working to develop plans for construction of approximately $10 million in improvements, according to Rolison.

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PR/USVI

EL NUEVO DIA – Google Translated to English

Local organization repudiates reclassification of seven nature reserves

July 23, 2018

Two groups of environmental protection in Toa Baja and Camuy showed today, Sunday, their total repudiation of the decision of Governor Ricardo Rossello Nevares to reclassify seven nature reserves on the recommendation of the Planning Board.

Rosselló Nevares rescinded, through two executive orders signed on July 3, the delimitations of the natural reserves of Mar Chiquita, Finca Nolla, the Camuy River, the wetland Playa Lucía, Punta Cabuyones, Punta Guilarte and Punta Petrona.

The delimitations were contained in seven sectoral plans, documents that specify the uses allowed in the nature reserves, which were approved in December 2016, the last month of the Alejandro García Padilla government.

The governor justified his decision to sign both orders and annul the sectoral plans because the last administration did not give enough citizen participation in the elaboration of sectoral plans, caused conflicting uses in the land and used as a basis documents that are not the current state of law. Therefore, the Planning Board recommended the cancellation of the documents so they can be submitted and evaluated again.

Juan Camacho, spokesman of the group "Toabajeños in defense of the environment", emphasized that the abandonment of the delimitations of the seven reserves "is the beginning of a new wave of construction in maritime-terrestrial zones and in ecologically sensitive lands."

"By means of the excuse of the existence of procedural conflicts and, incredibly, by the 'absence of citizen participation', the governor and the Planning Board begin the process of banquet all of our protected lands.Today they cancel the designation of natural reserve and tomorrow they alter the Territorial Ordinance Plan, changing the classification of the land, "Camacho said in a written communication.

As an example, Camacho pointed out the decision of Rosselló Nevares to amend the Territorial Ordinance Plan of the Municipality of Peñuelas that opened the way for the development of the residential-tourist project known as El Caño Hotel and Resort in the Encarnación neighborhood.

"Everything seems to indicate that both the new projects and those that in the recent past did not comply with the existing regulations and with the endorsement of the citizenship, will have free passage through the administration of this administration, so tomorrow they will come by the Model Forest, the Corridor Ecological Northeast, Caño Tiburones and other reserves, all with the help of the new permit law, Title V of the Promise Law and a particular interest in contempt for natural resources that this administration demonstrates, "Camacho added.

For his part, the candidate for the presidency of the Popular Democratic Party (PPD) in Camuy, Elvis Cuba Quiles, showed his opposition to the reclassification of Finca Nolla and Río Camuy.

"The ecological restoration project of Finca Nolla, led by the Coastal Ecological Conservation and Restoration Center of the University of Puerto Rico in Aguadilla, was one of the projects highlighted by the Annual Report of Achievements of the Coastal Program of the Fish and Wildlife Service of the United States, that achievement must be protected, "Cuba Quiles said in a press release.

"It is known by everyone that in our territory we have the third largest cave system in the world where, at the moment, 18 entries have been discovered, and no other place in the world has a marvel like the Caves of the Camuy River, and the obligation of all Puerto Ricans are to protect the set of natural elements associated with the Camuy River, "Cuba Quiles added.

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EL NUEVO DIA – Google Translated to English

Have you prepared for the hurricane season?

By Mildred Rivera Marrero

July 23, 2018

It is important that you identify your resources, strengths and weaknesses, including your ability to move, your support group and your home, but it also involves making an assessment of your health.

There is a saying that "it's never too late". Therefore, if you have not yet taken the necessary measures to safely face this hurricane season, it is on time.

Hurricane Maria changed the rules of the game for everyone. It caused great damage to homes and infrastructure. But, the most significant impact was the interruption of telecommunications and electric power service, which still affects thousands of people today.

As a consequence, we live the closure of all kinds of shops and service offices, as well as a shortage of food and water, lack of access to medicines and medical attention.

The deaths of people with diverse health conditions, especially of older adults, are counted in thousands, although there is no exact figure.

That is the scenario for which we have to prepare. And, the first thing we must do is evaluate our individual risks and needs, because we all have different conditions, even if we live in the same sector.

In several workshops and conferences offered in the past months in advance of this season, the first thing that has been emphasized is the need to make an assessment of the risks. That is, in case of a hurricane or heavy rains that cause flooding or landslides, what is your "A" plan and what is your "B" plan?

To do this, you must answer questions such as the following:

• If I live in a flood-prone area, isolated or prone to landslides, where will I go to protect myself before the event occurs?

• Am I independent or do I need help to move? Who can assist me?

• Do I care for a person with mobility limitations, in a wheelchair or bedridden? Who can assist me?

• Do I use special medical equipment that requires electrical power continuously?

• Who can I call at an emergency time? Do I have your phone numbers?

• If communications are interrupted, how can I communicate to ask for help?

• How will I leave my house and my sector? Do I have a car or will someone offer me transportation?

• If the electric light and water go away, do I have an alternate power source, such as a plant or solar energy system? Do I have stored water?

• Do I have adequate supplies of non-perishable food and water? The recommendation before Maria was that they be stored for 24 hours or three days. After what we have gone through, the supply should be for one or two weeks.

• Do I have my medications for at least 30 days?

• If I have diabetes and use insulin, how will I have it refrigerated? Insulin can last up to 28 days out of the refrigerator, if it has not been exposed to the sun.

• Do I have an emergency backpack with the necessary items, including essential documents?

• If my primary care physician is not available, do I have an alternative? It would be good to inform and coordinate with your doctor and your health insurance.

• How much cash should I have to meet my needs for at least three weeks, in case banks and ATMs do not operate?

• I have pets? Must have provisions for several weeks.

The answer to these and other questions will allow you to make an emergency plan for you and your family, which you should share with family and neighbors and, of course, with the people you have identified as your support network. This step in your emergency plan is vital, especially now that emigration has left many people without support. If your children and other family members emigrated, you should make contact with neighbors or acquaintances to help you if you need it.

It is important that you identify your resources, strengths and weaknesses. That includes their ability to move, their support group and their housing, but it also involves making an assessment of their health and recognizing that, in times of emergency, older people are more vulnerable to diseases. Therefore, you have to give priority to take care of your physical and mental health.

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ENERGYWIRE

Governor rebuffs panel probing troubled utility

By Peter Behr, E&E News Reporter Published

July 23, 2018

On Wednesday, the House Natural Resources Committee has scheduled an oversight hearing on what Chairman Rob Bishop (R-Utah) is calling the management crisis at the bankrupt Puerto Rico Electric Power Authority (PREPA).

Bishop asked Puerto Rico Gov. Ricardo Rosselló, a central figure in that crisis, to attend the hearing or send a representative. On Friday, the governor said he would not appear, a committee aide said.

In a letter to the governor last week, Bishop pointed to the departure of PREPA's CEO on July 12 after just four months on the job and the resignation of a majority of PREPA's governing board following controversy over executive pay.

Bishop said the upheaval is evidence that the commonwealth's bankrupt utility remains crippled by political pressures.

"Undoubtedly, the recovery and revitalization of Puerto Rico in the near and long-term is unattainable without the depoliticization of PREPA," Bishop's letter said.

For Wednesday's hearing, the committee also invited representatives of Puerto Rico's creditors and Energy Department Assistant Secretary Bruce Walker, who has headed the department's response to Hurricane Maria's devastation last year.

Committee staff said House members are seeking a new plan that can lead to restructuring of the 77-year-old utility to create a more efficient, storm-resistant electric power network. That requires decisive action by Rosselló and other commonwealth leaders to create investor confidence in PREPA's management, Bishop has said.

The hearing Wednesday could lay groundwork for a new legislative proposal to move PREPA's restructuring forward, committee aides said.

Local outrage

PREPA's management woes have led the news in Puerto Rico and raised concerns on the mainland.

PREPA CEO Walter Higgins left that job this month in what some observers said was a response to legislators' criticism of his salary.

PREPA board member Rafael Diaz-Granados was picked to replace Higgins, but he too resigned after the governor criticized his $750,000 pay, according to press reports.

Four other members of PREPA's seven-member board also turned in resignations. Rosselló then appointed former PREPA Chairman José Ortiz to head the utility.

Politicians have been reacting to public outcry on social media. While utility executives often command high salaries, Puerto Rico's deep economic malaise has people skeptical of any public official making significantly more than they do.

The challenge of creating a new structure for PREPA is compounded by the continuing financial crisis facing the entire commonwealth, which declared bankruptcy in May 2017 with $120 billion in municipal debt and pension obligations it could not pay.

As bankruptcy loomed, Bishop's committee engineered the Puerto Rico Oversight, Management and Economic Stability Act, enacted in 2016, which included appointment of an independent fiscal oversight board. A resolution of the commonwealth's debt is not in sight, and Rosselló and the oversight board are at odds.

Rosselló also appears to be at odds with Bishop. He asked the committee to apologize for a tweet, which posted the chairman's hearing invitation letter and told the governor to call his office.

Bishop and committee Republicans are focused on ridding PREPA of political influence, resolving the debt issue, designing a new structure for the utility that privatizes parts or all of its operations, and creating an independent utility regulator with strong oversight authority, aides said.

Committee Democrats, while recognizing PREPA's management crisis, are also resisting a financial settlement that is unfairly generous to commonwealth creditors at the expense of the utility and its customers.

In June, the Energy Department issued recommendations for reforming the island's utility structure and building a more resilience grid.

The report, "Energy Resilience Solutions for the Puerto Rico Grid," did not dictate a federal solution, DOE said (Energywire, June 21).

Rebuilding the grid "ultimately depends on the leadership and commitment of the Government of Puerto Rico," DOE said, and of PREPA and its regulator, the Puerto Rico Energy Commission, which have a history of contention but not collaboration. The committee returns to that challenge Wednesday.

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US VIRGIN ISLANDS DAILY NEWS

As restart begins, cleanup continues at refinery

By BRIAN O'CONNOR Daily News Staff

July 23, 2018

The most recent report issued by a group tasked with monitoring groundwater and soil at the former HOVENSA refinery on St. Croix shows ongoing work at the site.

Recovery at the site is managed by the HOVENSA Environmental Response Trust, an entity created as part of HOVENSA's 2015 bankruptcy filing.

The Environmental Response Trust is worth $72 million, and maintains an additional $75 million environmental insurance policy on the site. The trust pays a court-appointed firm, Los Angeles-based Project Navigator Ltd., to conduct monitoring and environmental remediation at the site.

The U.S. Environmental Protection Agency website offers reports about the remediation effort every two years.

The most recent report is dated 2015, though EPA spokeswoman Mary Mears provided a copy of the 2017 report in response to an inquiry by The Daily News. The 2017 report is currently under EPA review, before being included in the national database, Mears wrote.

According to Mears, the EPA received the report by its March deadline, "but the reports for 2017 are not yet posted to the web, as they first undergo a review from EPA and then are uploaded into the national database, which is a process that takes some time."

Like virtually every aspect of island life, the 2017 Atlantic hurricane season had an impact on the recovery effort at the idled oil refinery, according to the Environmental Response Trust's report.

"Remaining work includes completing pending repairs on the recovery well system, replacing missing signs and labels across the site, repair and replacement of fencing, replacement of the damaged Conex containers used to store tools and materials, sourcing and replacing the damaged tools and materials, repairing and replacing damaged light duty vehicles and repairing damaged heavy equipment," the report reads.

Remediation ongoing at the site includes recovery pumping, well vacuuming, a solar-powered recovery pump, and absorbent materials in the forms of socks and booms. The target of the recovery and filtration efforts are petroleum hydrocarbons, a broad category of organic compounds that make up unrefined oil.

The pumps deal with about 116,592 gallons of water per day, and remove about 142 gallons of hydrocarbons per day from the watershed directly under the refinery site. The figures record a significant decrease in the removal from the prior period, which saw roughly 267 gallons of hydrocarbons per day, according to the report.

"The decrease is primarily attributed to the decreased size of the recovery well system and also attributed to the effects of Hurricanes Irma and Maria," the report reads in part. "Recovery pumps were taken offline as part of the preparations for Hurricanes Irma and Maria, and the significant impact of Hurricane Maria resulted in recovery wells remaining offline until repairs could be made and utilities restored."

Since recovery efforts began, roughly 44.4 million gallons of petrochemicals have been removed from the watershed.

A second report, which details groundwater monitoring just south of the main refinery site looking for increases in the amount of contaminants leaking into the surrounding watershed showed no significant increases in pollutants, indicating that pollutants are currently contained to the refinery site, according to the report.

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US VIRGIN ISLANDS DAILY NEWS

EPA: Limetree removed asbestos from site after Maria

By Brian O'Connor, Daily News

July 23, 2018

Among the issues the U.S. Environmental Protection Agency discussed in response to an inquiry from The Daily News was the presence of asbestos at the St. Croix refinery.

Limetree Bay Terminals officials discussed the possible presence of asbestos at the site in an internal memo dated Oct. 9, a copy of which was furnished to The Daily News. In an email in response to The Daily News,

EPA spokeswoman Mary Mears said those concerns were addressed as part of a post-hurricane assessment of the facility.

"Limetree Bay sent the asbestos-containing material to the mainland to be disposed of at landfills that accept such waste," Mears wrote. "An EPA On Scene Coordinator did a post-hurricane assessment at the facility and did not observe the presence of any asbestos-containing material."

EPA regulates asbestos — which is an irritant when inhaled — under the terms of the National Emission Standards for Hazardous Air Pollutants.

According to Mears, the amount of asbestos released into the air as result of Hurricane Maria, which rumbled past St. Croix on Sept. 19 and Sept 20, exceeds the amounts the emission standards typically deal with.

"EPA was informed by the facility that during the hurricanes, Limetree Bay sustained some damage to insulation of pipes and other process equipment. Although the damage was not a true 'asbestos renovation or demolition' under NESHAP, since the amount of asbestos debris caused by Hurricane Maria was larger than the regulated amounts associated with NESHAP (greater than 160 linear feet), it was subject to the asbestos NESHAP work practice requirements for handling and disposing of the debris properly," Mears wrote.

Standards require keeping debris wet and bagged in leak-tight bags, and moving the material to a regulated landfill, according to Mears. The removal also requires employees licensed to conduct asbestos removal.

In the Oct. 9 memo, Nate Werner, Limetree's director of operations, warned employees that insulation material in some of the buildings at the refinery could contain asbestos, and that employee access to the site was limited to those with appropriate personal protective equipment.

Werner's memo also indicates Limetree Bay officials were working to keep the material damp, as required by EPA standards.

"During the weekly safety topic, we discussed damage to insulation in the idled refinery process units from the storm and potential hazards it might present," Werner wrote. "Limetree Bay is required to assume most of this insulation contains asbestos, but only testing will confirm that. Insulation is being kept damp while removal/disposal operations are underway. Access to areas where damaged insulation is present has been restricted and proper PPE is required."

Asbestos is a naturally occurring mineral sometimes used as an insulator because of its high heat tolerance and fibrous consistency.

However, asbestos fiber inhalation has been associated with lung cancer, mesothelioma — a cancer of the linings of internal organs — and a pneumonia-like irritation of the lungs.

Asbestos use in the United States is not banned, but the substance is heavily regulated by the EPA.

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US VIRGIN ISLANDS DAILY NEWS

EPA: Refinery consent decree still in effect

By Brian O'Connor, Daily News

July 23, 2018

U.S. Environmental Protection Agency officials have confirmed the status of a $700 million consent decree between HOVENSA and the federal agency, which could have potential ramifications for plans to restart the St. Croix refinery.

Officials with Limetree Bay Terminals and ArcLight Capital Partners testified Friday before the V.I. Legislature that only a full restart, including the reactivation of the refinery's catalytic cracking device, would require them to pay the full $700 million. The Legislature is scheduled to take up the issue in special session Wednesday.

In an email to the Daily News on Friday, EPA spokeswoman Mary Mears said Limetree is bound by the consent decree, though the exact nature of the liability is still under discussion.

"When the HOVENSA facility idled in 2011, most of the work, referred to as injunctive relief, required by the Consent Decree had not yet been completed," Mears wrote. "Injunctive relief was anticipated to result in expenditures of approximately $700 million. The consent decree and documents filed in HOVENSA's bankruptcy action require the new owner to become party to the consent decree and transferred consent decree obligations relating to the purchased assets to the new owner. Following purchase of the facility, Limetree Bay Terminals commenced discussions with the Department of Justice and EPA."

Limetree approached the EPA about potential restart and other projects in late 2017, according to Mears.

Representatives for the government — notably Joel Holt, a St. Croix attorney who assisted the government in negotiating the restart — have said that since the refinery restart won't entail restarting of the entire facility, Limetree won't have to pay the entire $700 million associated cost.

However, Limetree and ArcLight have evaluated the restart from the perspective of having to invest at least some of the restart money into bringing units they plan to use into compliance, Holt said.

"Each unit that they want to open comes under that consent decree," Holt told senators on Friday. "Each one of those units will have its own requirements that they'll have to comply with."

The consent decree came after a series of incidents on St. Croix in which emissions from the plant sickened residents in surrounding communities.

One of the chief toxins that led to the consent decree was the release of benzene, a petrochemical known to cause myocardial infarction, acute leukemia, bone marrow failure, and cardiovascular disease at high concentrations.

The American Petroleum Institute, a trade association and lobbying group for oil and natural gas producers, wrote in 1948 that despite federal limits, benzene should be avoided.

"Inasmuch as the body develops no tolerance to benzene, and there is a wide variation in individual susceptibility, it is generally considered that the only absolutely safe concentration for benzene is zero," a Petroleum Institute Toxicological Review from 1948 reads.

The U.S. Occupational Safety and Health Administration puts the acceptable rate of exposure at one part of benzene per million parts of air for eight hours. Short-term exposure should not exceed more than 5 parts per million for a 15-minute period, according to OSHA regulations.

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NOTICEL – Google Translated to English

Out of operation AAA filtration plant

July 23, 2018

The high turbidity by the rains recorded yesterday afternoon in the intake of raw water from the Jayuya Urbano dam, keeps the filtration plant out of operation, informed the executive director of the northern region of the Aqueduct and Sewer Authority (AAA), José A. Rivera Ortiz.

"AAA Brigades carry out cleaning work on the pocetos, to begin the filtration and distribution process, and at the moment the Rio Grande, Puerto Plata, Arenas, Gripiñas Coabey, Santa Bárbara and the urban areas experience intermittency in the water service. drinking, "said the official.

Rivera Ortiz added that the works should conclude in the afternoon of Monday.

It is recommended that once the service is restored, boil the water for three minutes before human consumption.

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LA PERLA DEL SUR – Google Translated to English

High turbidity affects the production of the Jayuya Urbano filter plant

July 23, 2018

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National News

Auto

Bloomberg

Trump to Seek Repeal of California's Smog-Fighting Power

https://www.bloomberg.com/news/articles/2018-07-23/trump-is-said-to-seek-repeal-of-california-s-smog-fighting-power

Posted: July 23rd, 2018 @ 12:07pm By: Ryan Beene , Jennifer A Dlouhy , John Lippert , and Ari Natter

The Trump administration will seek to revoke California's authority to regulate automobile greenhouse gas emissions -- including its mandate for electric car sales -- in a proposed revision of Obama-era standards, according to three people familiar with the plan.

The proposal, expected to be released this week, amounts to a frontal assault on one of former President Barack Obama's signature regulatory programs to curb greenhouse gas emissions that contribute to climate change. It also sets up a high-stakes battle over California's unique ability to combat air pollution and, if finalized, is sure to set off a protracted courtroom battle.

The proposed revamp would also put the brakes on federal rules to boost fuel efficiency into the next decade, said the people, who asked to not be identified discussing the proposals before they are public. Instead it will cap federal fuel economy requirements at the 2020 level, which under federal law must be at least a 35-mile-per-gallon fleet average,

rather than letting them rise to roughly 50 mpg by 2025 as envisioned in the plan left behind by Obama, according to the people.

As part of the effort, the U.S. Environmental Protection Agency will propose revoking the Clean Air Act waiver granted to California that has allowed the state to regulate carbon emissions from vehicle tailpipes and force carmakers to sell electric vehicles in the state in higher numbers, according to three people familiar with the plan.

The U.S. National Highway Traffic Safety Administration will likewise assert that California is barred from regulating greenhouse gas emissions from autos under the 1975 law that established the first federal fuel-efficiency requirements, the people said.

The proposal is still in the final stages of a broad interagency review led by President Donald Trump's Office of Management and Budget, but these major elements of the plan were not expected to change, the people said.

Messages seeking comment from OMB, NHTSA and the EPA were not immediately returned. California Air Resources Board head Mary Nichols declined to comment. Once the agencies formally unveil the proposal, the public will have a chance to weigh in, with those comments used to develop a final rule that could be implemented as soon as the end of the year.

Although the proposal will outline other options, the administration will put its weight behind the dramatic overhaul, including the revocation of California's cherished authority, the people said.

The state's 2009 waiver under the Clean Air Act has allowed California to set emissions rules for cars and trucks that are more stringent than the federal government's. But the state has aligned its rules with those set by the EPA and NHTSA in a so-called national program of clean-car rules. Negotiations toward another set of harmonized rules has not yet yielded agreement.

If Trump's plan sticks, it could be his biggest regulatory rollback yet. Agencies are expected to claim it will reduce traffic fatalities by making it cheaper for drivers to replace older, less-safe cars, while paring sticker prices for new vehicles even if motorists have to spend more for gasoline.

California, for its part, rejects the idea that its 48-year ability to write its own tailpipe emission rules should end. "We have the law on our side, as well as the people of the country and the people of the world," said Dan Sperling, a member of the state's Air Resources Board said.

The most-populous U.S. state and 16 others plus the District of Columbia filed a lawsuit on May 2 seeking to block the Trump administration's effort to unravel the Obama-era emissions targets. Sperling said that number will grow as more and more people come to realize how fundamentally Trump is attacking the idea of states' rights.

Caught somewhere in the middle are automakers, which in recent months have stressed they would not support freezing the federal targets and want Washington and Sacramento to continue linking their vehicle efficiency goals. While they spent the first year of the Trump administration attacking Obama's rules as too costly, they fear the regulatory uncertainty that a years-long court battle over a rollback would create. In addition, other major auto markets such as China and Europe are pressing forward with tougher mandates of their own for cleaner cars.

"This is nothing less than an outrageous attack on public health and states' rights," said Frank O'Donnell, president of Clean Air Watch. "It's a dumb move for an administration that claims it wants peace, because this will lead to an emissions war: progressive states versus a reactionary federal government. The big question: who will the car companies back?"

Some conservatives have long chafed at the rare authority granted California and welcome the effort to revoke.

"Congress didn't intend for California to set national fuel economy standards," said Steve Milloy, a policy adviser for the Heartland Institute, a group critical of climate science. "It's nutty it's been allowed to develop. National fuel economy standards are set by the federal government so that's what we are going to do."
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E&E News
Greens Decry 'Orwellian' New Title for Car-Emissions Rule
https://www.eenews.net/greenwire/stories/1060090065
Posted: July 23rd, 2018 By: Maxine Joselow, E&E News reporter

The White House Office of Management and Budget has tweaked the title of EPA's proposed rollback of Obama-era clean car rules, placing a greater emphasis on safety and cost.

The proposal is now titled "The Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule" for model years 2021 to 2026, according to the Reginfo.gov online regulations repository.

Previously, it was called "2021-2026 Model Year Corporate Average Fuel Economy Standards and Light-Duty Vehicle Greenhouse Gas Emissions Standards."

The change signals the proposal's impending release. EPA is expected to formally announce it sometime this week, said an agency official (E&E News PM, July 19).

The change also suggests EPA may seek to justify the rollback by arguing it will increase safety on the roads and save consumers money.

With regard to safety, nearly 40,000 people die on the nation's highways each year, according to the National Highway Traffic Safety Administration. EPA may argue that increases in fuel efficiency are often achieved by downsizing and lightweighting, which lead to less safe vehicles.

With regard to cost, a new light-duty vehicle has an average price tag of $36,270, according to Kelley Blue Book, a California-based automotive research company. EPA may argue increases in fuel efficiency can raise the up-front cost of a new car.

Former EPA Administrator Scott Pruitt previously mentioned cost as a primary concern in his April announcement about revising the standards (Greenwire, April 3).

Paul Billings, senior vice president for advocacy at the American Lung Association, called the new title "Orwellian."

"It's an attempt to create some sort of narrative that cars are unsafe and this is going to make cars more safe, which is absurd," Billings said.

While EPA may claim the Obama-era rules lead to higher costs for consumers, "more fuel-efficient cars pay for that initial investment very quickly, particularly at today's gas prices," he said.

In addition to tweaking the proposal's title, OMB also listed several meetings about the rollback among interested advocates, EPA and the Department of Transportation.

Attendees listed represent both industry and environmental interests, including the Alliance of Automobile Manufacturers, the Manufacturers of Emission Controls Association, Environment America and the National Association of Clean Air Agencies.

EPA didn't respond to a request for comment seeking details on the proposal's release.

Transportation Department spokesman Andy Post said in an email, "We will keep you posted as we get closer." He declined to provide further details.
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Politico
Auto Rule Rollback Could Hinge on Highway Deaths
https://www.politico.com/newsletters/morning-energy/2018/07/23/auto-rule-rollback-could-hinge-on-highway-deaths-293797
Posted: July 23rd, 2018 @ 10:00am By: Kelsey Tamborrino

The Transportation Department and EPA are gearing up to release a proposal rolling back Obama-era rules requiring significant gains in car fuel efficiency as soon as this week — and the Trump administration appears ready to argue that less efficient cars are safer for human lives.

Newly posted OMB meeting records show for the first time that the EPA version is called the "Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule." (The rulemaking previously had a more generic name.) Former Administrator Scott Pruitt made it clear in April when he announced plans to roll back EPA's greenhouse gas standards that lowering the up-front costs of new vehicles was a major concern, in part because he said higher prices could motivate consumers to continue driving older, dirtier cars.

But the safety reference in the rule's name is a new and apparently key feature of the rollback. The debate over whether increases in fuel efficiency — which are often driven by downsizing and lightweighting — mean that those vehicles are less safe has been raging for about as long as fuel economy standards have existed. The forthcoming proposal is expected to analyze whether lowering the fuel efficiency targets means fewer traffic fatalities — potentially more than 1,000 of the nearly 40,000 annual highway deaths in the U.S., according to sources familiar with a draft that circulated earlier this year. It is not clear whether the proposal will factor in the costs related to increased air pollution associated with rolling back the standards, but the Trump administration has already been relying on much lower figures to estimate the cost effects of climate change in rolling back other Obama-era rules. Advocates of lower efficiency note that traffic deaths per capita and per miles driven have decreased significantly since fuel economy standards were first created by Congress in the 1970s.

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The Hill

Trump to Propose Blocking California's Clean Car Standards: Report

http://thehill.com/policy/energy-environment/398372-trump-admin-to-propose-blocking-californias-clean-car-standards

Posted: July 23rd, 2018 @ 12:38pm By: Timothy Cama

The Trump administration is planning a proposal to block California regulators from enforcing their own emissions standards for vehicles sold in the state.

Bloomberg News reported Monday that the proposal will be part of a regulation the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) will jointly propose in the coming days to freeze or reduce federal greenhouse gas emissions and fuel efficiency rules for cars.

The proposal would set up a battle with California over whether the Clean Air Act allows its decades-long aggressive crackdown on car emissions. The fight is almost certain to go to court if the administration pursues it.

The rules have become part of California's environmental identity, as well as part of its efforts to clean the air in Los Angeles and other heavily polluted areas.

The Obama administration permitted California to set its own greenhouse gas emissions for cars in 2009, giving it a waiver under the Clean Air Act. Numerous other states now follow California's standards.

Under Obama, the EPA and NHTSA decided to negotiate with California so that the country retains one nationwide standard, even though California had the authority to institute its own.

Separately, the Golden State uses its waiver to require car companies to sell a certain amount of electric vehicles in the state. That authority would also be revoked with the Trump administration's action.

The EPA and NHTSA revealed in a regulatory notice Friday that its upcoming proposal to reduce vehicle efficiency and emissions standards will be dubbed the "Safer and Affordable Fuel Efficient Vehicles Rule," indicating that administration officials will likely argue that stricter standards would compromise safety.

Then-EPA head Scott Pruitt formally declared in April that the Obama plan to make emissions and efficiency standards stricter through 2026 is not appropriate. It was the first step toward potentially rolling the standards back.

The agencies are expected in the coming days to float a proposal with a handful of ideas, including various levels of looser rules through 2026 and freezing the standards in 2020 with no additional ramping up.

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WTTW

Illinois Sues EPA Over Pruitt's Loophole for 'Super Polluting' Trucks

https://chicagotonight.wttw.com/2018/07/23/illinois-sues-epa-over-pruitt-s-loophole-super-polluting-trucks

Posted: July 23rd, 2018 @ 2:08pm By: Alex Ruppenthal

Illinois Attorney General Lisa Madigan is suing the U.S. Environmental Protection Agency – again.

Last week, Madigan joined her counterparts in more than a dozen states in filing suit against the agency, this time over an order issued by former EPA Administrator Scott Pruitt on his final day in office that suspends a 2016 rule limiting the number of highly polluting trucks on the nation's roads.

Pruitt resigned earlier this month after facing months of pressure over scandals related to his travel spending, security costs, influence from industry lobbyists and other issues.

On July 6, Pruitt's final day in office, the EPA announced that it would not be enforcing its own rule intended to reduce pollution caused by trucks. The rule applies to so-called gliders, which are new, heavy-duty truck bodies outfitted with refurbished or rebuilt engines from before 2010 that produce large quantities of pollution.

The 2016 Glider Rule, as it is known, mandates that most engines installed in gliders meet the same emissions standards applicable to newly manufactured engines, which create significantly less pollution. It also caps the number of gliders a company can manufacturer each year at 300.

The rule is meant to limit the excessive amounts of smog and lung-damaging particulate matter emitted by outdated truck engines, which have been described as "super polluting."

"If left unchallenged, this outrageous special interest giveaway will cause widespread harm to the environment," Madigan said in a statement on Friday. "Allowing these highly polluting trucks to circumvent necessary clean air safeguards is unlawful."

Madigan has already taken a number of legal actions against the Trump administration's EPA, including over its regulation of harmful landfill emissions and proposed rollbacks of various air quality standards.

According to Madigan's office and media reports, Pruitt's move will allow the sale of trucks that produce up to 55 times as much air pollution as trucks outfitted with modern emissions systems. Emissions from the highly polluting trucks are linked to asthma, low birth weight, infant mortality and lung cancer, according to Madigan's office.

Several environmental groups have filed a separate lawsuit against the EPA over the same issue. Last week, a circuit court of appeals ruled in favor of the groups, granting an administrative stay that places a temporary hold on Pruitt's order.

Madigan and attorneys general in 14 other states filed their own lawsuit because of the irreparable harm that residents in their states would suffer if the order is allowed to stand, according to Madigan's office.

Environmental regulators in California, Minnesota and Pennsylvania are also part of the coalition suing the EPA.
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Biofuel

Reuters

EPA Wrongly Denied Biofuel Waiver For West Virginia Refinery: Court

https://www.reuters.com/article/us-usa-biofuel-epa/epa-wrongly-denied-biofuel-waiver-for-west-virginia-refinery-court-idUSKBN1KA2G7

Posted: July 20th, 2018 @ 1:17pm By: Jarrett Renshaw

(Reuters) - The U.S. Environmental Protection Agency must reconsider its denial of small West Virginia refinery Ergon's application for an exemption from U.S. biofuel laws after it relied on an "error-riddled" analysis, an appeals court ruled on Friday.

The EPA relied on a recommendation from the Department of Energy that, among other things, failed to take into account that Ergon produced high levels of diesel that may not easily be blended and sold into the local market, according to the 4th U.S. Circuit Court of Appeals in Maryland.

The decision will likely bolster supporters of the EPA's expansion of the small refinery waiver program under President Donald Trump, many of whom argue that President Barack Obama's EPA had been too stingy with exemptions.

The biofuel industry, meanwhile, has criticized the expansion of the program under Trump, saying it undercuts the U.S. Renewable Fuel Standard (RFS).

The RFS requires refiners to blend biofuels like ethanol into the fuel pool or buy compliance credits from those who do - a measure aimed at helping corn farmers and cutting foreign imports of petroleum. But refineries up to 75,000 barrels per day can seek exemptions from the law each year if they can prove compliance would cause them financial hardship.

Ergon operates a small refinery (23,500 barrels per day) in Newell, West Virginia that produces specialty lube oils and diesel.

"We are pleased to see the 4th Circuit Court ruling which recognizes the significant and disproportionate hardship that RFS places on small refineries," said Ergon-West Virginia Inc President Kris Patrick.

The EPA did not immediately respond to requests for comment.

Former EPA administrator Scott Pruitt, who resigned earlier this month following a slew of ethics controversies, oversaw a surge in small refinery waivers.

The EPA put out data last week that said it granted 48 such waivers for the years 2016 and 2017, representing some 2.25 billion gallons of biofuels.

The EPA is required to consult with the Department of Energy on the applications. Under Pruitt, the EPA consistently ignored recommendations from the Energy Department to reject or limit waivers to oil refiners seeking exemptions from biofuels laws.

The panel of appellate judges ruled that the DOE's analysis was flawed because it did not take into the account the regional market for biodiesel and also separated the plant's lube oil production in part of application and included in other areas.

"Although the EPA is statutorily required to consider the DOE's recommendation, it may not turn a blind eye to errors and omissions apparent on the face of the report, which Ergon pointed out and the EPA did not address in any meaningful way," the judges wrote.

In a previous case, the 10th Circuit Court overturned the EPA's denial of Sinclair Oil's exemption applications last year, arguing the agency was using too narrow of a test when evaluating the applications. The EPA remedied the reversal by granting Sinclair 2018 compliance credits related to its 2014 and 2015 obligations.
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Clean Up Sites

E&E News
Officials to Test Navajo Wells Leaking for Years
https://www.eenews.net/energywire/2018/07/23/stories/1060089965
Posted: July 23rd, 2018 By: Mike Soraghan, E&E News reporter

Federal and tribal officials later this month plan to start testing 48 oil and gas wells on Navajo Nation lands in the Four Corners region that appear to have been leaking for years.

EPA says it will deploy teams with counterparts from the Navajo Nation to sample discharges from the wells, said Margot Perez-Sullivan, a spokeswoman with EPA's Region 9 office.

"This sampling effort will help us determine if there are any constituents of concern and help develop next steps," Perez-Sullivan said.

EPA said the New Mexico Department of Energy, Minerals and Natural Resources alerted the agency to one of the wells, called the Foshay well. State officials were concerned about discharges flowing onto state lands.

The agency then worked with Navajo Nation officials to identify other wells with similar characteristics, Perez-Sullivan said. Attempts to reach Navajo Nation environmental officials were unsuccessful.

Staff of the environmental group Earthworks visited two of the sites, said Bruce Baizel, director of the group's energy program. One was spraying water, and another appeared to be a long-standing oil spill.

Soil samples they took found barium, a primary ingredient in drilling mud, at both sites, according to an analysis done by Wilma Subra, a chemist and technical consultant for environmental groups. High levels of volatile organic compounds were found in one of the two samples.

Records indicate that the issue with the Foshay well began in the 1970s and has continued for decades.

The Foshay well, located near a parking access for the Bureau of Land Management's Bisti/De-Na-Zin Wilderness Area, was drilled in 1971 by the Delaware Apache Corp. as a wildcat well. Interior Department documents in a state online file indicate it was a dry hole. In 1974, it was plugged back by another operator, converted to a water well and turned over to BLM.

In the late 1990s, state inspectors found water flowing from the well into a ditch and onto state lands, according to a 1999 letter from the assistant manager of the BLM district to Navajo Nation officials. He said the "uncontrolled flow" of water was killing native plants and causing salt to accumulate. But the letter also noted that water from the well was an important water source for livestock and some wildlife in the area.

The letter said the well was on Navajo land and asked the nation to develop a plan to control the flow of water. Nothing in the online file indicates what happened with the well after that.
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WTHR
EPA Calls For Sampling Plan For Franklin Industrial Site
https://www.wthr.com/article/epa-calls-sampling-plan-franklin-industrial-site
Posted: July 21st, 2018 @ 7:46pm (undated July 23rd, 2018 @ 6:29am) By: Sandra Chapman

FRANKLIN, Ind. (WTHR) – The U.S. EPA is providing more specifics about its request for sampling at the Franklin industrial site where a New Jersey Environmental not-for-profit says it discovered dangerous chemicals seeping into homes.

The information comes after Franklin Mayor, Steve Barnett put out a statement saying the Indiana Department of Environmental Management could not confirm the veracity of the test results released by the Edison Wetlands Association. Barnett's letter also indicated the EPA shared that response.

Last Thursday, just three days after 13 Investigates broke the story about the testing, EPA told WTHR, it was concerned about the results and was "working with Amphenol Corp to conduct additional testing to investigate possible vapor intrusion pathways." The agency is not backing off that stance, and provided more clarification about its course of action by responding to a series of questions from 13 Investigates.

Is EPA concerned that toxins have shown up in testing results and could Amphenol be the source?

EPA Response: "EPA has directed Amphenol to develop a site-wide sampling plan to determine if VOC's (volatile organic compounds) are present in soil, soil vapor or groundwater at the site. EPA will address any issues fund as a result of the on-site sampling."

Does EPA take issue with the testing results?

EPA Response: "EPA appreciates the initiative taken by the Edison Wetlands Association. However, as this sampling of homes was not a sampling event undertaken with EPA oversight of sampling and analytical method used, EPA is not able to determine the usability of the data. (Example: Reported Radon sampling results are intended to show that it is possible for vapors to enter homes from the subsurface and not to claim a connection between radon and nearby industrial sites. Radon is naturally occurring in many places) The Edison Wetlands Association has not provided the addresses of the homes that were sampled to the EPA. EPA intends to to use data from the upcoming sampling by Amphenol to determine if the Amphenol site is impacting areas outside its site boundaries. EPA will rely on the data from its own work to make decisions about appropriate next steps."

Will EPA mandate that Amphenol Corp conduct more testing?

EPA Response: "EPA under its regulatory authority, is working with the Amphenol Corporation to investigate the potential for a vapor intrusion pathway between the facility and the adjacent residential area. Sampling of soil, soil vapors and groundwater will proceed under EPA oversight. Under EPA oversight, Ampehnol will also measure the ambient air around its facility and the VOC emissions from its ground water pump-and-treat system. Based on current information, the treatment system emission levels are very low. (below any level requiring IDEM to require an air permit) Nonetheless, EPA will obtain and analyze refreshed data and will share the results with the community when available."

The agency also told 13 Investigates that a site manager will be in Franklin for the testing and a site inspection in August.

Stacie Davidson co-founder of the group "If It Was Your Child" confirmed names and addresses of the homes sampled were not provided by Edison Wetlands due to privacy agreements with the homeowners who wanted to keep their identifying information confidential.
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Coal Ash

CNN
With EPA Rule Change, Worries Linger For Those Near Coal Ash Ponds
https://www.cnn.com/2018/07/21/health/epa-coal-ash-reaction/index.html
Posted: July 21st, 2018 @ 12:39pm By: Nadia Kounang

(CNN)In March 2017, coal mogul Bob Murray came to the Washington headquarters of the US Department of Energy for a meeting with Secretary Rick Perry. Also at the table was Andrew Wheeler, who this month became acting head of the Environmental Protection Agency.

Wheeler had helped organize the meeting as a lobbyist for the firm Faegre Baker Daniels, where Murray Energy was one of four energy clients he represented. The Murray team's agenda that day: a four-page action plan "for achieving reliable and low cost electricity in America and to assist in the survival of our Country's coal industry."

Murray, chief executive of Murray Energy, one of the largest coal companies in the country, was leading a pro-coal campaign on the Trump administration. He had sent a similar plan to Vice President Mike Pence as well as then-EPA head Scott Pruitt.

Details of the plans and emails were discovered in documents obtained through the Freedom of Information Act by E&E news.

The plan had 17 bullet points, including cutting the EPA staff at least in half, because, according to Murray, "Tens of thousands of government bureaucrats have issued over 82,000 pages of regulations under Obama, many of them regarding coal mining and utilization. The Obama EPA, alone, wrote over 25,000 pages of rules, thirty-eight (38) times the words in our Holy Bible."

Murray also suggested withdrawing from the Paris climate accord because it "is an attempt by the rest of the world to obtain funding from our Country."
At the top of Murray's list was managing coal ash, the leftover waste power plants create from burning coal. Coal ash contains heavy metals including arsenic, lead and mercury that can be harmful to your health.

The plan stated that the relevant regulation needed to be rewritten "delegating the authority to the states."

Murray presented drafts of six proposed presidential executive orders, including one aimed at deregulating coal ash. The draft read, "the states should be authorized to develop and enforce their own plans for disposal of coal combustion residuals ... rather than the USEPA."

This week, as one of his first major acts at the EPA, Wheeler signed and finalized new standards overseeing coal ash.

It's a revision of 2015 regulations put into place by the Obama administration after two significant industrial coal ash spills. The regulations now put more authority in the hands of states to regulate their own waste.

Most significantly, under the original version of the regulations, companies had to provide annual groundwater monitoring results. Under the new revisions, if the plant is able to prove that it isn't polluting the aquifer, it is no longer required to monitor. Provisions that previously required assessments from professional engineers were also struck.

The revised rules "provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected," Wheeler said in a statement. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."

Critics of the new coal ash rules say they are a gift to industry and a continued burden for those communities near coal ash sites.

"These rules will allow yet more tons of coal ash, containing toxics like arsenic and mercury, to be dumped into unlined leaking pits sitting in groundwater and next to rivers, lakes and drinking water reservoirs," said Frank Holleman, a senior attorney with the Southern Environmental Law Center, referencing the finalized coal ash rules. "These rules also substitute politics for science by allowing action to be taken based on certification by a politically appointed agency director instead of a licensed practicing engineer."

"It is now apparently the goal of EPA to save industry money by allowing them to continue to dump toxic waste into leaking pits, which is exactly what the new rule accomplishes," said Lisa Evans, an attorney with the nonprofit environmental law group Earthjustice.

CNN Chief Medical Correspondent Dr. Sanjay Gupta requested to speak with Wheeler about the impact of his lobbying experience on his new position but was declined.

One of the largest sources of industrial waste

Coal ash is one of the most-generated forms of industrial waste in the country. According to the American Coal Ash Association, about 110 million tons were generated last year.

The association says that about half of all coal ash produced in the United States is recycled into construction materials such as concrete or wallboard.

However, that leaves about 50 million tons of coal ash does not get repurposed, and instead needs to be disposed of every year.

Historically, when coal was burned, plants would send the ash out of smokestacks, creating dark plumes of smoke. Now, scrubbers and filters collect much of the ash. It may not escape into the air anymore, but it does have to go somewhere.

So, power plants often mix the leftover ash with water and sluice it into unlined pits, where the ash settles to the bottom. In some places, these ponds have been dug into the groundwater table -- water that can be pulled up by private drinking wells, or that eventually makes its way into public drinking water sources. Many of these sites also sit along the banks of rivers, lakes and streams, where nothing more than earthen banks separate waste from freshwater.

According to the EPA, there are over 1,000 coal ash disposal sites across the country, many of them constructed in the 1950s and 1960s, well before any sort of regulations.

Holleman said he can't imagine a more precarious way to manage this waste.

"Millions of tons of industrial waste directly on the banks of major drinking water reservoirs that serve hundreds of thousands of people," he said, "that's a recipe for disaster."

Two serious incidents

In the past decade, there have been two major coal ash spills in the United States. In 2008, a break in a dam at the Tennessee Valley Authority's Kingston power plant sent over a billion gallons of coal ash cascading into the Clinch River. The black sludge blanketed over 300 acres, inundating the area around Kingston. The spill destroyed three homes and damaged a dozen others. Scientists found fish contaminated with high levels of arsenic and selenium months after the spill.
In 2014, a corroded pipe at Duke Energy's Dan River steam station in North Carolina sent up to 39,000 tons of coal ash flooding into nearby waters. The black sludge made its way 70 miles downstream. Today, the state still warns against eating some fish from the river because of high mercury levels.

A year after the Dan River spill, the EPA enacted the first set of comprehensive regulations overseeing coal ash. Among the requirements: Coal ash sites were to be monitored for structural integrity, coal-burning utilities had to conduct and publish groundwater monitoring results for the first time, and ponds that were found to be contaminating groundwater in excess of a allowable limits, or that were structurally faulty, were to be closed following specific guidelines.

Closing a coal ash pond can involve one of two methods approved by the EPA. The water can be drained out of the pond and a liner put over the top, which is known as "cap in place." The other method involves completely excavating the entire pond and ash, drying the ash, and then moving it into a lined container. Environmentalists prefer the latter method of excavation, saying that it ensures that there is a barrier to protect groundwater, but power companies say that this is a much more costly method involving transport of the ash and additional labor, among other expenses. And those expenses, they say, would be passed on ultimately to customers. Industry argues that if the ponds aren't showing to be leaking, there should be no need to move them.

'Localized' impact

This past March was the EPA's deadline for utilities nationwide to publish the first set of national groundwater monitoring results. The findings were striking, showing contamination at coal ash sites across the country.

"This is a pretty wide phenomena across the country with hundreds of sites, all showing them leaking," said Avner Vengosh, a professor of Earth and ocean sciences at Duke University.

At Indianapolis Power & Light Co.'s Harding Street Station, for example, levels of arsenic in some parts of the plant were found to be more than 40 times higher than federal drinking water standards. In North Carolina, levels of radium were found anywhere from 2.5 times greater to 38 times greater than federal drinking water standards.

In both of these situations, the wells tested are directly at the coal ash sites. Environmentalists worry that these contaminants could eventually leach into nearby groundwater sources.

The Edison Electric Institute, a trade group representing the industry, said in a statement that "Company reports contain initial data, and it is premature to use these results to predict any impacts to drinking water or public safety. These initial data now must be analyzed and assessed further."
Duke Energy spokeswoman Erin Culbert told Gupta that there is no indication from testing or modeling that any of the contamination from Duke Energy's facilities is reaching drinking water.

"The area of impact that you see around the ash basins is really localized between the ash basin and the local river or lake," she said.

Vengosh said that's not a reassurance. "The fact that (the contaminants) have arrived in the aquifer is the key," he said. "Even if they aren't affected now, they can be affected in the future."

When a contaminated well is found, it is simply too late, he said.

Living amid coal ash

The threat of a potential contaminant lingers in many communities neighboring coal ash sites, despite reassurances that industry testing shows that water sources are safe at the moment.

For many people in these communities, coal ash is a bogeyman.

Public health experts say that the elements found in coal ash -- heavy metals like arsenic, lead, and mercury -- can pose serious health risks. According to the EPA, exposure to coal ash waste "can cause severe health and environmental problems in the form of cancer and non-cancer risks in humans, lowered IQ among children, and deformities and reproductive harm in fish and wildlife. Many of these pollutants, once in the environment, remain there for years."

They note that "some minority and low-income communities" are at an even greater risk due to their "close proximity to these discharges and relatively high consumption of fish."

But it's challenging to tease out exactly how much coal ash people have been exposed to, at what levels, and how they were exposed, possibly by inhaling coal ash dust or drinking contaminated water. To complicate it further, the coal ash itself can have different levels of element concentrations depending on where the coal was sourced.

Tracey Brown Edwards remembers growing up next to Duke Energy's Belews Creek Steam Station in Walnut Cove, North Carolina. The plant's coal ash pond sat next to Belews Lake, a recreational lake used for fishing and swimming north of Winston-Salem.

Edwards describes an idyllic childhood in the town of about 1,000 people, a place where kids played outside all day and picked fruit off trees when they were hungry. Growing up, they didn't think much about the plant, but she remembers how soot from the power station was always around: in the air, on plants, on rooftops and on cars. "You could actually write your name in the dust that was set on the vehicles," she said.

Edwards, 44, has had three strokes and a heart attack, which left her temporarily paralyzed on her right side. She can't help but wonder whether Duke Energy had something to do with her health and that of her neighbors.

"There's been a lot of young people with cancer, certain kinds of cancers, brain cancer, stomach cancers, breast cancer," she said. In her small block of five homes, four of the families have been hit by cancer. Her doctors can't say it is related to coal ash, but they also can't rule it out.

Danielle Bailey-Lash, 43, has lived in Walnut Cove since she was 13 and couldn't imagine raising her family anywhere else. When she and her husband married, they settled in a house on the lake. She has fond memories of growing up there, fishing and eating from the lake, and swimming in the water. It was a "dream location; it had everything we needed," she told Gupta.

But in 2009, Bailey-Lash began experiencing headaches that became so severe, she had to go to the hospital the following year. Doctors found a tumor the size of a juice box just above her right ear. She was diagnosed with stage 3 astrocytoma, a form of brain cancer, and her doctors said she just had months to live. She underwent chemotherapy and radiation, and today, she has no trace of cancer. The diagnosis is still a shock to her, she never smoked and had no history of the disease in her family.

Her doctors can't make any conclusions about what contributed to the disease, but when Gupta asked what she thought, she answered confidently: "I'm 100% sure I know what caused it: Duke Energy."

While an EPA draft report found that people who lived within a mile of a coal ash pond had an increased risk of cancer from drinking arsenic-contaminated water, there are very few studies that explore the direct relationship between coal ash and cancer. A North Carolina state assessment of cancer incidences by county didn't find a higher incidence of cancer in counties with coal ash sites.

But, critics say the analysis didn't narrow down to neighborhood levels.

Trying to find answers

Drilling down on those kind of numbers and connections is a challenge.

"For epidemiology, it's very difficult to address coal ash questions because of the scattered nature of coal ash," said Mary Fox, co-director of the Risk Sciences and Public Policy Institute at Johns Hopkins.

Cancers in particular are difficult to pin down. Nationally, the rate of cancer in adults is quite high: According to the American Cancer Association, one in three adults will be diagnosed with any type of cancer in their lifetime. On top of that, the disease has a latency period up to 30 years or more, which could mean a host of factors could contribute to potential exposures. And children are particularly vulnerable, simply because they have smaller systems to process the exposure.

Lisa Bradley, a toxicologist who serves on the board of the American Coal Ash Association, an industry group with members that work for various coal ash producers, said that the EPA's measurements for risk are extremely conservative, looking at cancer risk rates calculated at between 1 in 10,000 and 1 in 1 million chances.

None of that brings relief to Andree Davis, who lives next door to the Belews Creek plant. The soil on her property was tested by the University of North Carolina's Superfund Research program and found to have levels of arsenic above EPA thresholds. She said she began breaking out in lesions and sores from showering at home and has resorted to bathing at friends' homes and a local hotel.

She hasn't seen a doctor about the sores because she's concerned about the cost.

Davis wants to move, but she asks angrily, who would buy her house? "Nobody wants to buy it, because everybody's aware of our situation with the coal ash contamination," she said.

Culbert said that Duke has been a conscientious neighbor and has been monitoring groundwater impacts for the past decade.

"We do know from monitoring data that we started taking about a decade ago that there are localized groundwater impacts immediately near the ash basins. So while they have some groundwater impacts near them, we know from this network of monitoring wells that it's not impacting neighbors offsite in terms of their private drinking wells and their water supplies that their families rely on."

Duke Energy is also offering to compensate those neighbors who live within half-mile of the plant and can prove that they sold their homes for less than market value because of their proximity to the plant; Duke promises to bring them up to "fair market value," a similar home in a neighboring area that is outside of the half mile radius. Those sellers have to sign a waiver stating that they will ask for no further compensation and prevents the owners from suing for any health claims related to the groundwater.

Industry interests

Industry has been actively trying to revise the standards since President Trump came into office. Aside from efforts from Murray Energy, the Utility Solids Waste Activities Group, an industry organization representing more than 110 utility groups, sent a petition to the agency, challenging the 2015 regulations on coal ash containment. It called the regulations too rigorous and costly.

According to the letter, the rule resulted "in significant economic and operational impacts to coal-fired power generation," claiming that it was such a burden that "the economic viability of coal-fired power plants is jeopardized."

When the EPA announced the initial set of rule changes this week, the EPA highlighted the $30 million in annual cost savings.

"Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs," Wheeler said in a statement.

"This action provides the regulatory certainty needed to make investment decisions to ensure compliance and the continued protection of health and the environment," said Jim Roewer, executive director of the Utility Solids Waste Activities Group.

In the announcement this week, the EPA said it expects to make more revisions to the original 2015 coal ash regulations in the coming year.

How much is a savings of $30 million? Duke Energy alone made more than $3 billion in profit last year.

Industry trade groups such as the Utility Solids Waste Activities Group argue that empowering states isn't a rollback but rather a way to better tailor to the needs of each site. "We believe [states] are in a better spot to look at local issues. The folks at the state regulatory agencies have a much better feel for the issues at hand," Roewer said.

Richard Kinch, a member of the National Ash Management Advisory Board, an independent body that advises Duke Energy, and one of the primary authors of the original 2015 regulations, agreed that the states are in a better position to regulate the waste. It's the approach the EPA has traditionally taken with waste management, he said.

But Kinch, who worked on the agency's coal ash issues during his 41-year career at the EPA, noted that leaning on states also requires trust. "Maybe there are people that don't feel they trust states and that states will be inappropriate in their actions," he said.

And that's precisely what the Southern Environmental Law Center's Holleman is concerned about. He said that until the 2015 regulations were enacted, coal ash waste was in the hands of the states -- and that record is far from sterling. "It's just really putting us back to where we were when the Kingston Coal Ash facilities spilled open into the Clinch River in Tennessee," he said.

"When you boil all these changes down, what they do is relieve the utilities one way or another from the obligation of having to clean up these sites based on the groundwater contamination that has been proven at them across the country."
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Energy News
Georgia next in line for EPA approval on state coal ash permit program
https://energynews.us/2018/07/23/southeast/georgia-next-in-line-for-epa-approval-on-state-coal-ash-permit-program/
Posted: July 23rd, 2018 By: Gillian Neimark

Environmental groups say the rush to let states regulate coal ash has lacked transparency or public input.

Georgia hopes to follow Oklahoma and become the second state to win federal approval to regulate coal ash disposal on its own.

“We’re working very diligently with the EPA to get a state-run program in Georgia,” says Jeff Cown, chief of the Land Protection Branch for the Georgia Environmental Protection Division.

The U.S. Environmental Protection Agency has regulated coal ash disposal since October 2015, following a devastating 2014 spill that sent 39,000 tons of toxic ash into the Dan River in North Carolina.

Last summer the agency announced it was open to delegating that authority back to states, and Oklahoma last month became the first to win approval under that program to manage coal ash at the state level.

Scott Pruitt, the former Oklahoma attorney general who resigned last month as EPA administrator, said at the time that the decision "places oversight of coal ash disposal into the hands of those who are best positioned to oversee coal ash management: the officials who have intimate knowledge of the facilities and the environment in their state."

Coal-fired power plants produce 110 million tons of coal combustion residuals (CCR) a year. Georgia generates 6.1 million tons annually, and since 2015 it has also accepted nearly 7 million tons in total of coal ash from other states. Depending on where the coal is mined, it can contain a host of heavy metals including arsenic, lead and mercury that can leak into water supplies.

Cown said Georgia residents won't need to worry about that risk if the state's application is accepted. "Our regulations will be equal to or even more protective than the federal EPA rules, which currently run over 500 pages."

But environmental groups say it's too soon to know what impact a shift to state regulation would have because of a lack of transparency and time for public comment in the application process.

"Delegated programs are very common under the EPA," said Lisa Evans, an attorney specializing in hazardous waste law at Earthjustice, a nonprofit environmental law organization. "But I don't know of another major delegated program that doesn't take steps to guarantee a meaningful public role in establishing regulations."

Evans said there are ground rules on what an application should look like, how to post that application and what the public participation rules will be. "The EPA skipped those steps with coal ash. They were in such a hurry under (former EPA Administrator Scott) Pruitt to approve state programs."

In order to view Georgia's application, which was submitted in April 2018, EarthJustice had to file a Freedom of Information Act request. The group only received access to the 387-page document this month.

"This will take many weeks to review," Evans said. "The application process for state coal ash programs is being conducted behind closed doors. These materials should have been made available for the public to review in a timely manner."

An EPA guidance document in August 2017 outlined six provisions that would allow states or EPA the ability to incorporate "flexibilities" into their coal ash permit programs. These kinds of documents alert the public to how a rule might be implemented or enforced.

"These flexibilities had often been loopholes meant for municipal solid waste landfills," said Frank Holleman, senior attorney at the Southern Environmental Law Center. "They involved mostly household waste, not industrial waste."

Citizens and environmental groups were given 30 days to comment on the guidance document, Evans said. "We asked for 60 days and they agreed," she said, "but on the 29th day, as I was leaving the office, I got a call that they had rescinded the extra time and I had until midnight."

Earthjustice and other advocacy groups protested and took the full 60 days anyway, she said. The EPA later agreed to include the comments.

State regulation of coal ash, like that approved for Oklahoma, marks the EPA's continuing shift toward more state responsibility and less federal oversight of coal ash, overhauling the Obama administration's 2015 rules.

Meanwhile, the agency is revising the 2015 federal rules, finalizing the first phase of changes last week. The revisions allow states to suspend groundwater monitoring in some cases. They also allow state officials rather than professional engineers to offer technical certifications, and to delay compliance dates for the closure of leaking coal ash ponds and ponds within five feet of groundwater.

If Georgia and other states are approved to regulate coal residuals, Holleman said, it may be more difficult to enforce regulations. Under the current law, coal ash is not defined as hazardous waste, but citizens and environmental groups can sue utilities in order to require them to comply with regulations.

"Right now, a citizen can file a notice of intent to bring a lawsuit. There is a 60-day waiting period. If the utility does not act within 60 days to enforce the regulations, then the citizen can file an enforcement action in the district court," he said.

Once a state agency is in control, Holleman said, the process will be more onerous and costly. If state agencies write an inadequate permit that does not contain protections, citizens will have to contest it through a state administrative law proceeding. "They will have to do that before they even start trying to enforce the law against the utility," Holleman explains, "and there may be years of free pollution and violations."

At Oklahoma public meetings in 2016, Department of Environmental Quality official Jeffrey Shepherd noted that the department "has been told by industry that complying with the state rules may offer some protection from citizen suits."

Under current federal regulations, permits for coal combustion residuals have no expiration dates, and Evans worries states won't regularly review permits.

"All coal ash ponds and landfills leak hazardous chemicals," she said. "Thus Georgia, and every state, must regularly re-examine coal ash disposal permits to determine whether dump sites are being operated in a safe, protective and responsible manner."

Cown said the state would have authority to revoke a permit if a utility is noncompliant. "Rule making is always a balance between protection and cost, and we believe we've offered a balanced rule."

With former coal lobbyist Andrew Wheeler heading the EPA, advocates expect state applications to continue to be approved. Texas has also applied to regulate coal ash, and Evans expects other coal-reliant states to follow suit.
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Times
EPA Rollback of Coal Ash Regulations Could Significantly Impact Little Blue Run

http://www.timesonline.com/news/20180721/epa-rollback-of-coal-ash-regulations-could-significantly-impact-little-blue-run

Posted: July 21st, 2018 @ 4:00am (updated July 21st, 2018 @ 9:29pm) By: Jared Stonesifer

The Environmental Protection Agency on Wednesday enacted sweeping rollbacks on environmental regulations for coal ash impoundments, a decision that could have significant ramifications for the Little Blue facility in western Beaver County.

Wednesday's decision revises rules implemented in 2015 under former President Barack Obama's administration. Put simply, the revisions will put more power back into the hands of state governments and the energy industry when it comes to regulating coal ash waste sites.

Energy industry officials and lobbyists had been petitioning the EPA to change the rules since President Donald Trump came into office.

In a news release, Acting EPA Administrator Andrew Wheeler said the revisions will provide more "flexibility" for states and utilities, and could save those entities upward of $31 million annually in "regulatory costs."

"These amendments provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected," Wheeler said. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."

Specifically, the revisions would allow states to suspend mandatory groundwater monitoring at coal ash sites, if it's been proven there are no leaks or contaminants present.

Another revision allows for the extension of deadlines for power companies to close and clean-up coal ash sites, while another would give power to state officials to determine compliance issues instead of professionally-licensed engineers.

Jennifer Young, a spokeswoman for FirstEnergy Corp., said company officials are still digesting the implications for the new rules. FirstEnergy owns Little Blue, as it does the Bruce Mansfield coal-fired power plant that, for decades, has disposed of its coal waste at the site in Greene Township.

Little Blue, which straddles the border between Beaver County and West Virginia, is a 900-acre site that opened in the 1970s. The state Department of Environmental Protection ordered the facility closed at the end of 2016, though remediation and closure activities at the site won't cease until 2029.

In the years leading up to Little Blue's closure, it handled about 2.5 million tons of coal ash annually. Because of Little Blue's closure, FirstEnergy now ships it coal ash via barge to a site in Moundsville, W.Va.

On Thursday, Young said the company's first impression of the revisions is a positive one.

"We think the revised groundwater constituent screening levels are more reasonable for assessing the quality of groundwater beneath our sites," she said. "In addition, adjusting some closure deadlines to align with potential changes to the Effluent Limitations Guidelines Rule will help with planning and budgeting for effective compliance measures."

Young added that company officials will continue to review the revisions to determine any further impacts on Little Blue.

While Wednesday's decision was largely praised by industry officials, it has been derided by a bevy of environmental advocacy groups.

Lisa Hallowell, a senior attorney with the Environmental Integrity Project, in a news release attacked the Trump administration for its environmental rollbacks.

"This indefensible gutting of our nation's first-ever coal ash pollution control rule cements the shameful environmental legacy of the Trump administration," she said. "Today's action opens the door for weakened monitoring and cleanup standards, which means — in no uncertain terms — that the public and the environment on which we all depend will be in harm's way."

In addition, a deputy legislative director for the Sierra Club said her organization will not allow the administration to give "carte blanche to well-funded polluters that threaten the water of thousands of communities across our country with their toxic coal ash."

"We'll use every means we have to beat back this latest attempt to weaken basic clean water protections for working families, farmers, and outdoor businesses — whose lives and livelihoods are being threatened by coal ash every day," Dalal Aboulhosn said. "Our work will not be completed until every coal ash pit is properly secured and every local resident has access to an online monitor that confirms it."

The EPA said Wednesday that the new regulations will be effective in 30 days. The agency also said it intends to propose additional changes to the 2015 rule later this year.
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EPA Spending Bill

Water Finance and Management
House Approves EPA Spending Bill
https://waterfm.com/house-approves-epa-spending-bill/
Posted: July 23rd, 2018 By: WFM Staff

The House of Representatives has approved FY19 appropriations legislation that would provide funding for the U.S. Environmental Protection Agency (EPA) next year. The bill as approved by the House would facilitate billions of dollars' worth of low-cost water infrastructure loans.

The bill, an Interior and Environment Appropriations bill, contains a total of $35.3 billion in funding for programs that protect and make the best use of domestic natural resources, that provide investments in infrastructure such as improvements for drinking water systems, and that help protect against and fight devastating wildfires. The bill also makes strides to rein in harmful regulations at the Environmental Protection Agency (EPA).

The appropriations legislation would deliver just over $8 billion to EPA, a figure that includes $1.013 billion for the Drinking Water State Revolving Fund (SRF) and $1.543 billion for the Clean Water SRF. While the amounts provided for each SRF are $150 million below each program's FY18 funding levels, they would still represent appropriations well above what each program has typically received in recent years. The legislation includes a provision that would continue

to apply "Buy America" restrictions for iron and steel products used on projects funded in whole or in part with SRF funds.

The bill also includes a total of $77 million for EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program, which provides low-cost financing for large-scale drinking water and wastewater infrastructure projects. The bill's WIFIA funding includes $67 million that could be leveraged into more than $8 billion worth of loans to communities, plus an additional $10 million to help EPA administer the program. Lawmakers had originally written the bill to give EPA $8 billion in administrative funds for WIFIA, but an amendment adopted on the House floor boosted that sum by $2 million.

"These bills fund vital programs across the federal government, including those that make Americans safer, protect our nation's resources, and create jobs, especially in America's small businesses. The package targets resources to programs that will help boost economic growth and opportunity, protect consumers and investors, promote an efficient federal court system, and help stop financial crime," House Appropriations Committee Chairman Rodney Frelinghuysen said.

Other amendments adopted on the House floor would direct funding to EPA to carry out the next Clean Watersheds Needs Survey and provide an additional $10 million to support an EPA grant program aimed at helping communities replace lead service lines.

According to the Association of Metropolitan Water Agencies (AMWA), the Senate could begin consideration of its own FY19 EPA funding bill as soon as this week. That bill, as approved by the Senate Appropriations Committee, would provide slightly higher SRF funding than the House-passed measure, but slightly less WIFIA funding.
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Ozone

Tri-City Herald
Ozone Pollution Alerts May Be the New Normal for Tri-Cities. One Starts Sunday
https://www.tri-cityherald.com/news/local/article215281375.html
Posted: July 21st, 2018 @ 12:21pm (updated July 21st, 2018 @ 12:36pm) By: Annette Cary

KENNEWICK, WA - Sunday may not be the best day to mow your lawn.

If you were thinking of making a coffee run, take the time to go inside to order rather than idling in the drive-through.

And you might want to wait until this evening to gas up your car for the coming work week.

Taking extra precautions when unhealthy ozone levels are forecast for the Tri-Cities may be the new normal.

The Washington State Department of Ecology has its eye on a forecast for hot weather and a light breeze from the north that may increase ozone generation and trap it along the Horse Heaven Hills as it builds up Sunday through Monday and possibly Tuesday.

Smoke from wildfires also has been linked to spikes in Tri-City ozone levels.

Ozone in the Earth's upper atmosphere is good, shielding people from harmful ultraviolet radiation.

But high levels near the ground are a health hazard. Ozone can aggravate asthma, inflame and scar lung tissue, and make people more susceptible to bronchitis and pneumonia.

Children, the elderly, people with lung disease and those who work hard or exercise outdoors are most at risk.

After finding unhealthy ozone levels in the Tri-Cities air in 2015 that were nearly as high as those downwind of Seattle, the Department of Ecology launched a study with support from the Benton Clean Air Agency.

The average for 2015 through 2017 exceeded the federal regulatory limit for ozone, which could trigger sanctions from the U.S. Environmental Protection Agency.

The sanctions likely would hit the local economy. They could make getting air quality permits more difficult for new or expanding businesses, or require them to invest in projects that would offset their contribution to the ozone problem.

Representatives of Tri-City-area government agencies, the Department of Ecology, the Benton Clean Air Agency and Ben Franklin Transit met Thursday to start hashing out a strategy.

The consensus was the community needs to be proactive, said Ranil Dhammapala, atmospheric scientist for Ecology's Air Quality Program.

The expectation is that EPA should look favorably on the Tri-Cities if it is already taking steps to reduce ozone, he said.

Local agencies will move ahead with two working groups to develop strategies to promote reducing ozone. One will focus on transportation and the other on industry and growth.

The Environmental Protection Agency recommends waiting until evening to use gas-powered lawnmowers on days when ozone levels are expected to be high. Children, the elderly, people with lung disease and those who work hard or exercise outdoors are most at risk.

Ozone is created when nitrogen oxide and volatile organic compounds mix and then bake in sunlight on hot days.

In the Tri-Cities light breezes from the north carry pollutants in the air until they dam up against the Horse Heaven Hills, trapping the pollution and baking them in the heat to create ozone.

The chemicals that create ozone can come from the exhaust of motor vehicles and gasoline vapors. They also can come from industrial facilities.

Avoid excess idling of cars, particularly on days where high ozone levels are expected, recommends the Environmental Protection Agency.
The Tri-Cities is technically out of compliance with federal regulations now, but it won't be legally noncompliant until the EPA next reconsiders its designation for the area.

If EPA follows the schedule it historically uses, it will reconsider whether the Tri-Cities is in compliance with ozone levels in 2022.

Because federal standards are based on an average of the highest ozone days each year, reducing activities that can lead to ozone production on days when ozone levels are expected to be high can help the Tri-Cities' standing with the EPA.

The EPA recommends avoiding excessive idling of cars, postponing car trips and deferring lawn work that uses gasoline-powered equipment until evening. Cars should be refueled in the evening when it is cooler because gasoline fumes escape when a car is filled.

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Wastewater

Kallanish Energy

EPA, New Mexico to Look at Drilling Wastewater Re-use

http://www.kallanishenergy.com/2018/07/23/epa-new-mexico-to-look-at-drilling-wastewater-re-use/

Posted: July 23rd, 2018

he U.S. Environmental Protection Agency has entered into an agreement with the state of New Mexico to clarify existing regulatory and permitting rules related to the way wastewater from oil and natural gas drilling can be re-used, recycled and renewed for other purposes, Kallanish Energy reports.

Under the new Memorandum of Understanding, a workgroup will be convened to develop a white paper that synthesizes existing regulatory framework under federal and state law in New Mexico and identifies potential opportunities for treated produced water for beneficial use.

The goal through the federal-state partnership is to create new opportunities to provide safe water to water-scarce communities, officials said.

"While underground injection certainly has its utility and place, alternatives are available that treat wastewater from oil and natural gas extraction for re-introduction into the hydrologic cycle which is especially important in arid areas suffering from drought like New Mexico," said EPA spokesman David P. Ross, in a statement.

New Mexico is the third-largest oil-producing state in the U.S. In 2017, it produced a record 470,000 barrels of crude oil per day from the Permian Basin and other locations.

In 2017, New Mexico produced about 900 million barrels of wastewater, most of which was disposed of in underground injection wells, permanently removing it from the hydrological cycle.

"New Mexico is currently the third largest oil producer in the United States and that oil is accompanied by even larger quantities of water. Clarifying the state and federal regulatory frameworks associated with its recycling and reuse is of the utmost importance," said New Mexico's Energy, Minerals and Natural Resources cabinet secretary Ken McQueen, in a statement.

"Reuse of this water in appropriate applications has the potential to relieve the growing demand on our ground and surface water sources. For that reason alone, this effort makes absolute sense," said New Mexico State Engineer Tom Blaine.

For more information, go to www.epa.gov/eg/study-oil-and-gas-extraction-wastewater-management.

BACK TO TOP

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Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 4/5/2018 1:11:15 PM
To: R2 Division Directors [R2_Division_Directors@epa.gov]; R2 Deputy Division Directors [R2_Deputy_Division_Directors@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
CC: Brandt, Peter [Brandt.Peter@epa.gov]; Chiang, Johnny [Chiang.Johnny@epa.gov]; Hwilka, Theresa [Hwilka.Theresa@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]
Subject: Regional weekly highlights
Attachments: EPAR2 weekly highlights 04-05-18.pdf

Good morning.

Thank you everyone for submitting your highlights. Attached is the compiled regional weekly highlights.

Have a great weekend.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

WEEKLY HIGHLIGHTS
WEEK OF 04/05/18

Confirmed Dates:

Likely in April

Not Responsive

Likely in May

Not Responsive

Not Responsive

***

CLEAN AIR AND SUSTAINABILITY DIVISION

Hot Issues:

Not Responsive

Past Week:

Not Responsive

Upcoming:

Not Responsive

***

CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Hot Issues:

Not Responsive

Ongoing:

Not Responsive

Not Responsive

***

CLEAN WATER DIVISION

Hot Issues:

Not Responsive

Not Responsive

Past Week:

Not Responsive

Upcoming:

Not Responsive

Not Responsive

Other Items of Special Interest:

Not Responsive

***

DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE

Past Week:

Not Responsive

***

DIVISION OF ENVIRONMENTAL SCIENCE AND ASSESSMENT

Hot Issues:

Not Responsive

Past Week:

Not Responsive

Not Responsive

Upcoming:

Not Responsive

Not Responsive

***

EMERGENCY AND REMEDIAL RESPONSE DIVISION

Hot Issues:

Not Responsive

Past Week:

Not Responsive

Not Responsive

***

OFFICE OF POLICY AND MANAGEMENT

No highlights this week.

***

OFFICE OF REGIONAL COUNSEL

Past Week:

Not Responsive

not responsive

Distribution Made from HOVENSA "TSEP" Escrow fund. Under a 2011 consent decree with the United States and the Government of the Virgin Islands, HOVENSA funded a $4.875 million escrow account to be used for territorial supplemental environmental projects for the benefit of the Virgin Islands. Use of this escrow fund was delayed for a variety of reasons. On March 26, 2018, the first distribution was made from the escrow fund, in the amount of $318,427, which is to be used for an automation project that the Virgin Islands Department of Health procured for an integrated web-based solution to the Division of Vital Statistics' birth and death registry.

***

OFFICE OF STRATEGIC PROGRAMS

Past Week:

not responsive

Not Responsive

Upcoming:

Not Responsive

***

PUBLIC AFFAIRS DIVISION

Hot Issues:

Not Responsive

Past Week:

Not Responsive

Upcoming:

Not Responsive

Not Responsive

Other Items of Special Interest:

Not Responsive

Message

From: Mugdan, Walter [Mugdan.Walter@epa.gov]
Sent: 2/4/2019 8:20:22 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Revised R2 list of Priority Shutdown-Related Delays
Attachments: R2 Priority List of Shutdown Delays - Updated 2-4-19.docx

Region 2 High Priority Matters with Schedules Affected by the Shutdown

not responsive

Limetree Bay Terminal (LBT), USVI: Items relating to the restart of, and compliance at, the LBT facility were delayed, including: (1) review of LBT's recently submitted Plantwide Applicability Limit applications; (2) deliberations relating to the Marine Loading MACT and the Refinery Sector Rule; and (3) negotiations with LBT on modifications to the existing CAA Consent Decree. **The shutdown itself should not cause delays exceeding one month.**

not responsive

Message

From: Soltani, Beth [Soltani.Beth@epa.gov]
Sent: 10/26/2018 5:24:49 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
Subject: FW: schedule
Attachments: schedule october - december 2018.pdf

From: Soltani, Beth
Sent: Friday, October 26, 2018 1:05 PM
To: Lopez, Peter <lopez.peter@epa.gov>
Subject: schedule

Beth Soltani
Office of the Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007
Office: 212.637.5038

Personal Matters / Ex. 6

October 29, 2018 - November 4, 2018

October 2018

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November 2018

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Monday, October 29

- **St. Regis Tribe visit - details to be provided by ERRD**
- **9:30am - 10:30am Daily Staff Meeting** (RA C/R (26)) - Lopez, Peter
- **10:30am - 11:30am Senior Staff Meeting** (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter
- **11:00am - 2:30pm Grasse River intergovernmental meeting** (625 Broadway, Albany) - Prince, John
- **2:00pm - 3:00pm Senior Staff Meeting** (Alm Room) - Adm15Wheeler.Calendar

Tuesday, October 30

- **RA to be in Albany**
- **9:00am - 10:00am Daily Staff Meeting** (RA C/R (26) - dial in: Conference Line/Code / Ex. 6 - Lopez, Peter
- **10:00am - 12:00pm Senior Staff Meeting with US EPA and NYS DEC** (NYS DEC - 625 Broadway, Commissioner's Conference Room, Albany, NY 12207 - Dial in information below.) - Lopez, Peter
- **2:00pm - 2:45pm New York State Water Quality Standards for pathogens - update** (RA conference room and via conference call: Conference Line/Code / Ex. 6 - Lopez, Peter
- **3:00pm - 3:30pm Debriefing: Meeting with Newark Mayor Ras Baraka** (RA conference room/dial in: Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6

Wednesday, October 31

- **Halloween** (United States)
- **8:30am - 9:00am Performance Review with John Filippelli** (RA conference room) - Lopez, Peter
- **9:00am - 9:15am Management Time** (RA conference room) - Lopez, Peter
- **9:15am - 10:00am Daily Staff Meeting** (RA C/R (26)) - Lopez, Peter
- **10:15am - 10:45am Pre-brief re: CVS RCRA Enforcement** (RA conference room; Dial in: Conference Line/Code / Ex. 6
- **11:00am - 12:00pm Pete Lopez to meet with Robert Luria, Scotts re: Water Initiatives** (RA conference room) - Lopez, Peter
- **12:30pm - 1:00pm Bi-weekly check-ins on communities work** (RA
- **1:00pm - 3:00pm Bi-Weekly Response and Recovery Briefing**
- **3:00pm - 4:00pm Meeting with Secretary Tania Vazquez and**
- **4:00pm - 4:30pm Administrative Time**

Thursday, November 1

- **Beth on Annual Leave**
- **9:00am - 10:00am Daily Staff Meeting** (RA C/R (26)) - Lopez, Peter
- **10:00am - 10:30am Community Driven Solutions Structure Moving Forward** (RA conference room) - Lopez, Peter
- **10:30am - 11:00am Hold for call with Catherine McCabe, NJDEP and Jim Tierney, NYS DEC**
- **11:30am - 12:30pm Debrief re: RA visit to Western NY Indian Nations** (RA conference room - Dial in: Conference Line/Code / Ex. 6
- **12:30pm - 1:15pm Briefing: Electric Vehicle Incentives** (RA conference room) - Lopez, Peter
- **1:00pm - 2:00pm Limetree Bay Workgroup** (7208 WJC South/VTC
- **2:00pm - 4:30pm Quarterly Performance Review** (Alm
- **4:00pm - 5:00pm Regional Realignment**
- **4:30pm - 5:30pm Regional Realignment**

Friday, November 2

- **Flex Day**
- **12:30pm - 1:00pm RA projects meeting** (RA conference room and dial in: Conference Line/Code / Ex. 6 Lopez, Peter
- **1:00pm - 2:00pm RA Check-In** (Phone Call) - Wagner, Kenneth
- **2:00pm - 3:00pm Administrative Time** (RA Office)

Saturday, November 3

Sunday, November 4

November 5, 2018 - November 11, 2018

November 2018

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December 2018

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Monday, November 5

- **Beth on Annual Leave**
- **Neha Sareen will be shadowing**
- **9:30am - 10:30am Daily Staff Meeting** (RA C/R (26)) - Lopez, Peter
- **10:30am - 11:30am Senior Staff Meeting** (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 enter
- **11:30am - 12:00pm Performance Review with Carmen Guerrero** (Room 27B and via VTC with Karst Conference Room/CEPD) - Lopez,
- **12:00pm - 12:15pm Management time** (27B) - Lopez, Peter
- **1:00pm - 1:30pm Meeting on White Paper - Region II issues pertaining to sewer laterals** (RA conference room) - Lopez, Peter
- **2:00pm - 3:00pm Senior Staff Meeting** (Alm Room) - Adm15Wheeler.Calendar
- **3:15pm - 4:15pm Conference Call with Dr. Patrick Breysse, ATSDR and Regional Administrator Pete Lopez, EPA re: PFAS** (RA

Tuesday, November 6

- **Beth on Annual Leave**
- **Election Day** (United States)
- **Neha Sareen will be shadowing**
- **9:30am - 10:30am Daily Staff Meeting** (RA C/R (26)) - Lopez, Peter
- **10:30am - 11:30am Meeting with Regional Administrator Lopez, U.S. EPA, Troutman Sanders and CVS re: RCRA Enforcement/CVS** (U.S. EPA - 290 Broadway (between Duane and Reade Streets), New
- **11:45am - 12:45pm Meeting with Regional Administrator and William Wehrum, Assistant Administrator of the Office of Air and**
- **1:00pm - 2:00pm Hold for Remarks at EPA Air Director's meeting** (290 Broadway, New York, NY)
- **2:00pm - 3:30pm Monthly Business Review Meeting; Dial in: Conference number:** Conference Line/Code / Ex. 6 (NY -
- **3:30pm - Do not schedule after 3:30 p.m.**

Wednesday, November 7

- **Neha Sareen will be shadowing**
- **9:30am - 10:30am Daily Staff Meeting** (RA C/R (26)) - Lopez, Peter
- **11:00am - 12:00pm Meeting with Lynne Patton, HUD Region 2 Regional Administrator and Pete Lopez, EPA Region 2 Regional Administrator** (EPA Region 2, 290 Broadway, 26th Floor, Regional Administrator Conference Room) - Lopez, Peter
- **1:00pm - 3:00pm Senior Staff Meeting with President Tania Vazquez, PR DPNR and Region 2 - U.S. EPA** (Room 27B - connecting via VTC --U.S. EPA CEPD, Cityview Plaza 2, Suite 7000, Guaynabo, PR and DESA Director Conference Room) - Lopez, Peter
- **3:00pm - 3:30pm Administrative Time** (RA Office)
- **3:30pm - 4:15pm Newtown Creek** (RA conference room) - Lopez, Peter

Thursday, November 8

- **Timecards due**
- **6:00am - 10:00am Travel to Edison, NJ**
- **9:30am - 10:30am Daily Staff Meeting** (RA C/R (26)) - Lopez, Peter
- **10:00am - 12:00pm Meeting with U.S. EPA and NJ DEP** (U.S. EPA - 2890 Woodbridge Avenue, Edison, NJ, Building 205, conference room
- **12:00pm - 1:15pm Travel to Camden Event**
- **2:00pm - 3:00pm Hold for Possible Camden Environmental Justice Event**
- **3:00pm - 7:00pm Drive to residence**
- **4:00pm - 5:00pm Regional Realignment** (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna
- **4:00pm - 5:00pm Regional Realignment** (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna
- **4:00pm - 4:30pm Region 2 SF DD Weekly** Conference Line/Code / Ex. 6

Friday, November 9

- **2:00pm - 3:00pm Administrative Time** (RA Office)

Saturday, November 10

Sunday, November 11

- **Veteran's Day** (United States)

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November 12, 2018 - November 18, 2018

November 2018

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December 2018

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Monday, November 12

Veteran's Day (Observed) - Office closed (United States)

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, November 13

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

10:00am - 11:00am Hold for meeting with Anna Wildeman, Deputy Administrator, EPA

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter

1:30pm - 2:00pm Harbor issues update before the NY/NJ Harbor & Estuary Program conference on November 16 (RA conference room) - Lopez, Peter

2:00pm - 3:00pm Hold for Senior Staff Administrator meeting

3:00pm - 3:45pm Removal Program Briefing (RA conference room)

6:00pm - 8:00pm Hold for Windham Chamber Meeting

Wednesday, November 14

12:00am Indian Nation Visit in Central New York - Lopez, Peter

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

1:00pm - 3:00pm Bi-Weekly Response and Recovery Briefing (Room 27B - Via VTC with CEPD/Karst Conference Room - Dial in: Conference Line/Code / Ex. 6 - Lopez, Peter

Thursday, November 15

12:00am Indian Nation Visit in Central New York - Lopez, Peter

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

1:00pm - 2:00pm Limetree Bay Workgroup (7216 WJC South/VTC set up/Call-in #: Conference Line/Code / Ex. 6 - Tomiak, Robert

2:00pm - 3:00pm Administrative Time (RA Office)

4:00pm - 5:00pm Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

Friday, November 16

9:00am - 3:00pm New York – New Jersey Harbor & Estuary Program (HEP) -- RA participate in keynote open panel discussion @ 9:15 am (US Customs House on Bowling Green in New York City.) - Lopez, Peter

11:30am - 1:00pm Hold for meeting with Steve Cook

Saturday, November 17

Sunday, November 18

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November 19, 2018 - November 25, 2018

November 2018

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December 2018

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Monday, November 19

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 Lopez, Peter

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, November 20

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

10:30am - 12:00pm Region 2 Quarterly Strategic Discussion VTC w/ Region 2 and HQs; Call-in Number: Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 (3216 WJC-South) - Bodine, Susan

2:00pm - 3:00pm Administrative Time (RA Office)

5:30pm - 7:00pm Hold for RA dinner

Wednesday, November 21

RA will flex in lieu of November 16th

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

Thursday, November 22

Thanksgiving Day (United States)

Timecards due

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

2:00pm - 3:00pm Administrative Time (RA Office)

4:00pm - 5:00pm Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

4:00pm - 4:30pm Region 2 SF DD Weekly (202-991-0477 access code 9638311) - Fonseca, Silvina

4:00pm - 5:00pm Canceled: Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

4:00pm - 4:30pm Canceled: Region 2 Superfund Call (WJCN 3315A (Erin's Office)) - Chancellor, Erin

Friday, November 23

Day After Thanksgiving Day - office open (United States)

Saturday, November 24

Sunday, November 25

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November 26, 2018 - December 2, 2018

November 2018

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December 2018

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Monday, November 26

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, November 27

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

11:00am - 11:45am Hold for meeting with Arconic Incorporated re: Grasse River

1:00pm - 2:00pm Meeting with Argos Consulting Corp re: Puerto Rico (U.S. EPA, 290 Broadway (between Duane and Reade Streets), 27th floor, Room 27B - (with connection to Karst Conference Room in CEPD)) - Lopez, Peter

6:30pm - 9:00pm Gowanus CAG meeting

Wednesday, November 28

9:00am - 9:30am Meet with Lauretta Joseph, Office of Inspector General (RA conference room) - Lopez, Peter

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

11:00am - 12:00pm Meeting with John Fehrenbach and EC Waste (U.S. EPA - 290 Broadway, 27th Floor (room 27B), New York, NY 10007 [between Duane and Reade Streets, downtown NYC]) - Lopez, Peter

1:00pm - 3:00pm Bi-Weekly Response and Recovery Briefing (Room 27B - Via VTC with CEPD/Karst Conference Room - Dial in: Conference Line/Code / Ex. 6 - Lopez, Peter

Thursday, November 29

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

1:00pm - 2:00pm Limetree Bay Workgroup (7208 WJC South/VTC set up/Call-in #: Conference Line/Code / Ex. 6 - Tomiak, Robert

2:00pm - 3:00pm Administrative Time (RA Office)

4:00pm - 5:00pm Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

4:00pm - 5:00pm Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

Friday, November 30

Flex Day

2:00pm - 3:00pm Administrative Time (RA Office)

Saturday, December 1

Sunday, December 2

December 3, 2018 - December 9, 2018

December 2018

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January 2019

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Monday, December 3

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, December 4

9:00am - 11:00am possible 2018 LIS futures event

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

1:00pm - 3:30pm OMB Mandatory Conduct and Performance Training (27A) - Lopez, Peter

Wednesday, December 5

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

11:00am - 12:00pm RA to meet with Lou Valente re: Community Collaborative Initiative (CCI) in NJ (U.S. EPA, 290 Broadway, New York, NY 10007 [between Duane and Reade Streets, downtown NYC] -- Regional Administrator Conference Room - 26th Floor) - Lopez, Peter

1:00pm - 1:30pm Briefing: Barnegat Bay Estuary Program Comprehensive Conservation & Management Plan (CCMP) (RA conference room) - Lopez, Peter

2:00pm - 3:00pm Administrative Time (RA Office)

3:00pm - 4:30pm VTC Briefing for Regional Administrators on Indian Environmental General Assistance Program (GAP) Guidance Evaluation (DCRoomRRB31203/Ronald-Reagan-Building) - Nishida, Jane

Thursday, December 6

Timecards due

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

11:00am - 12:00pm Meeting with Thomas Alfano, Esq. of Abrams Fensterman and Eliot Bloom, Esq. re: sewer laterals (U.S. EPA, 290

2:00pm - 3:00pm Administrative Time (RA Office)

4:00pm - 5:00pm Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

4:00pm - 4:30pm Region 2 SF DD Weekly Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Fonseca, Silvina

4:00pm - 5:00pm Canceled: Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

4:00pm - 4:30pm Canceled: Region 2 Superfund Call (WJCN 3315A (Erin's Office)) - Chancellor, Erin

6:30pm - 9:00pm Hold for Quanta Public Meeting

Friday, December 7

1:00pm - 2:00pm RA Check-In (Phone Call) - Wagner, Kenneth

2:00pm - 3:00pm Administrative Time (RA Office)

Saturday, December 8

Sunday, December 9

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December 10, 2018 - December 16, 2018

December 2018

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January 2019

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Monday, December 10

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter

2:00pm - 3:00pm Administrative Time (RA Office)

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, December 11

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

2:00pm - 3:00pm Administrative Time (RA Office)

Wednesday, December 12

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

12:30pm - 2:00pm HOLD- R2 Holiday Party - Pace, Donald

1:00pm - 3:00pm Bi-Weekly Response and Recovery Briefing (Room 27B - Via VTC with CEPD/Karst Conference Room - Dial in: Conference Line/Code / Ex. 6 - Lopez, Peter

2:00pm - 3:00pm Administrative Time (RA Office)

Thursday, December 13

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

1:00pm - 4:00pm Monthly Business Review Meeting; Dial in: Conference number: Conference Line/Code / Ex. 6 NY - 27A; Puerto Rico - Karst conference room and NJ - DESA Director Conference Room -- videoconference and VTC set up) - Lopez, Peter

1:00pm - 2:00pm Limetree Bay Workgroup (7208 WJC South/VTC set up/Call-in #: Conference Line/Code / Ex. 6 - Tomiak, Robert

2:00pm - 3:00pm Administrative Time (RA Office)

4:00pm - 5:00pm Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

4:00pm - 5:00pm Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

Friday, December 14

Flex Day

2:00pm - 3:00pm Administrative Time (RA Office)

Saturday, December 15

Sunday, December 16

December 17, 2018 - December 23, 2018

December 2018

Su	Mo	Tu	We	Th	Fr	Sa
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
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January 2019

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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Monday, December 17

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

10:30am - 11:30am Senior Staff Meeting (Conference room 27-B - VTC (CEPD/Edison) -- Meet me conference line # Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Lopez, Peter

2:00pm - 3:00pm Administrative Time (RA Office)

2:00pm - 3:00pm Senior Staff Meeting (Alm Room) - Adm15Wheeler.Calendar

Tuesday, December 18

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

1:00pm - 2:00pm 2017 Awards Ceremony (NY - Room 27A and via VTC with Edison/Rm 205B - Rm5207 RRC 111 and CEPD/Rainforest Room) - Lopez, Peter

2:00pm - 3:00pm Administrative Time (RA Office)

Wednesday, December 19

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

2:00pm - 3:00pm Administrative Time (RA Office)

Thursday, December 20

Timecards due

Washington, DC

9:30am - 10:30am Daily Staff Meeting (RA C/R (26)) - Lopez, Peter

1:30pm - 3:00pm RSFLG (confirmed with Beth via e-mail)

4:00pm - 5:00pm Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

4:00pm - 5:00pm Regional Realignment (DCRoomARN3330/DC-AR-OARM) - Vizian, Donna

4:00pm - 4:30pm Region 2 SF DD Weekly Conference Line/Code / Ex. 6 Conference Line/Code / Ex. 6 - Fonseca, Silvina

4:00pm - 4:30pm Canceled: Region 2 Superfund Call (WJCN 3315A (Erin's Office)) - Chancellor, Erin

Friday, December 21

2:00pm - 3:00pm Administrative Time (RA Office)

Saturday, December 22

Sunday, December 23

Message

From: Guerrero, Carmen [guerrero.carmen@epa.gov]
Sent: 4/5/2018 11:25:59 AM
To: Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]; Kluesner, Dave [kluesner.dave@epa.gov]; Font, Jose [Font.Jose@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
CC: Khan, Mazeeda [Khan.Mazeeda@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Reference Documents - PR Trip Discussion Meeting
Attachments: Preliminary Agenda - RA Caribbean Visit (April 2018).docx; Suggested Fact Sheets - RA Visit (April 2018).docx

Saludos! Just wanted to share with you the following documents to be used as part of the discussions this afternoon regarding the RA's visit to Puerto Rico and the USVI.

Thanks,
Carmen

SUGGESTED FACT SHEETS AND TALKING POINTS
RA MEETINGS IN PUERTO RICO AND THE USVI
WEEK OF APRIL 23, 2018

PUERTO RICO MEETINGS FACT SHEETS:

Not Responsive

PUERTO RICO HOT ISSUES FACT SHEETS:

Not Responsive

PUERTO RICO EVENTS - TALKING POINTS:

Not Responsive

USVI MEETINGS FACT SHEETS:

Not Responsive D]

- Hovensa [CASD, ORC]
- Limetree Terminal Permitting Process – Air Permits and CWA Section 404 Permits [CASD, CEPD, ORC, DECA]

Not Responsive

Message

From: Soltani, Beth [Soltani.Beth@epa.gov]
Sent: 10/26/2018 5:05:26 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: schedule
Attachments: schedule october - december 2018.pdf

Beth Soltani
Office of the Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007
Office: 212.637.5038
Mobile: 646.531.2763

Message

From: Guerrero, Carmen [guerrero.carmen@epa.gov]
Sent: 12/5/2017 10:21:54 PM
To: Lopez, Peter [lopez.peter@epa.gov]; McCabe, Catherine [McCabe.Catherine@epa.gov]
CC: Hickey, Maureen [Hickey.Maureen@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Iglesias, Ariel [Iglesias.Ariel@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Laureano, Javier [laureano.javier@epa.gov]; Gratz, Jeff [Gratz.Jeff@epa.gov]
Subject: FYI: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Buenas noches! Just wanted to inform you that USACE granted EPA the 15 days time extension requested to provide a comprehensive response to the permit application from Limetree Bay Terminals. Please see email below from Sindulfo Castillo, Chief of the USACE Antilles Regulatory Section.

Thanks,
Carmen

-----Original Message-----
From: Castillo, Sindulfo CIV USARMY CESAJ (US) [mailto:Sindulfo.Castillo@usace.army.mil]
Sent: Tuesday, December 05, 2017 6:05 PM
To: Guerrero, Carmen <guerrero.carmen@epa.gov>; Soto, Jose <Soto.Jose@epa.gov>; Cedeno-Maldonado, Jose A CIV USARMY CESAJ (US) <Jose.Cedeno-Maldonado@usace.army.mil>
Cc: Rivera, Jose <Rivera.Jose@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Font, Jose <Font.Jose@epa.gov>
Subject: RE: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Dear Carmen,
Acknowledge receipt of your letter. We hereby grant you the 15 days time extension requested to provide a comprehensive response. Thank you for your reply.

Sindulfo Castillo, P.E.
US Army Corps of Engineers
Chief, Antilles Regulatory Section
Annex Bldg., Fundación Ángel Ramos
383 F. D. Roosevelt Avenue, Suite 202
San Juan, Puerto Rico 00918
T: 787-289-7040; Personal Matters / Ex. 6

Please assist us to better serve you! Complete customer survey at:
http://per2.nwp.usace.army.mil/survey.html

-----Original Message-----
From: Guerrero, Carmen [mailto:guerrero.carmen@epa.gov]
Sent: Tuesday, December 05, 2017 5:44 PM
To: Soto, Jose <Soto.Jose@epa.gov>; Castillo, Sindulfo CIV USARMY CESAJ (US) <Sindulfo.Castillo@usace.army.mil>; Cedeno-Maldonado, Jose A CIV USARMY CESAJ (US) <Jose.Cedeno-Maldonado@usace.army.mil>
Cc: Rivera, Jose <Rivera.Jose@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Font, Jose <Font.Jose@epa.gov>
Subject: [EXTERNAL] FYI: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Saludos Sindulfo and Jose!

FYI.

From: Hickey, Maureen On Behalf Of Lopez, Peter
Sent: Tuesday, December 05, 2017 4:25 PM
To: Jason.a.kirk@usace.army.mil
Cc: Guerrero, Carmen <guerrero.carmen@epa.gov>; McCabe, Catherine <McCabe.Catherine@epa.gov>; Lopez, Peter <lopez.peter@epa.gov>
Subject: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Forwarding the attached letter on behalf of Peter D. Lopez.

Appointment

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 8/15/2018 11:50:13 AM
To: Lopez, Peter [lopez.peter@epa.gov]

Subject: Meeting Forward Notification: Placeholder: Limetree Bay Briefing with Region 2 and HQ/AO/OECA/OAR/OW/OLEM/OGC
Location: RA Conference Room (26)

Start: 8/16/2018 6:00:00 PM
End: 8/16/2018 7:00:00 PM

Recurrence: (none)

Your meeting was forwarded

Wood, Anna has forwarded your meeting request to additional recipients.

Meeting

Placeholder: Limetree Bay Briefing with Region 2 and HQ/AO/OECA/OAR/OW/OLEM/OGC

Meeting Time

Thursday, August 16, 2018 2:00 PM-3:00 PM.

Recipients

Harlow, David

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Message

From: Soltani, Beth [Soltani.Beth@epa.gov]
Sent: 1/31/2019 5:39:25 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: Priority List document
Attachments: R2 Priority list for Administrator.docx

Beth Soltani
Executive Assistant to the Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007
Office: 212.637.5038
Mobile: 646.531.2763

<u>Region 2 High Priority Matters with Schedules Affected by the Shutdown</u>

Not responsive

Limetree Bay Terminal, USVI: Items relating to the restart of, and compliance at, the Limetree Bay Terminals (LBT) facility in St. Croix, USVI, have been delayed, foremost of which are: (i) EPA's review of LBT's recently submitted Plantwide Applicability Limit (PAL) applications; (ii) EPA's deliberations relating to the Marine Loading MACT and the Refinery Sector Rule to LBT and (iii) negotiations with LBT on modifications to the existing CAA Consent Decree. R2 is resuming this work in coordination with H.Q..

Not responsive

Message

From: Kluesner, Dave [kluesner.dave@epa.gov]
Sent: 12/5/2017 10:07:46 PM
Subject: Special Edition of Region 2 News: Hurricane Maria

Flag: Flag for follow up

WALL STREET JOURNAL

Weak Building Code Enforcement Exacerbates Destruction in Puerto Rico

By Emily Nonko

December 5, 2017 at 10:52

Puerto Rico has adopted building codes that include some of the strictest standards in the world when it comes to hurricane resistance.

But there's a big problem: Bad enforcement. About 55% of all structures in Puerto Rico haven't been built to code partly because the government lacks an adequate process for code certification during the building process, according to Ricardo Alvarez-Diaz, president of the Puerto Rico Builders Association.

The result: About 250,000 housing units were damaged in the latest hurricane season, Mr. Alvarez-Diaz said. The number would have been much lower if they had all been built to code.

"The codes are great," he said. "But if they're not implemented, what's the point?"

Weak building regulations and enforcement are common throughout the Caribbean. The results aren't surprising when natural disasters hit.

For example, the death toll and destruction from the 2010 earthquake in Haiti was particularly severe because that country had no building code at the time, according to Vicente Moreno, the Caribbean region head for JLL, a commercial real-estate services firm.

Some of the hardest-hit islands in this year's hurricane season, like Barbuda, lost most of their infrastructure. As many as half the structures need to be completely rebuilt, experts say.

The challenge now for the region is to rebuild using the highest standards so infrastructure and buildings are more hurricane resistant. The Federal Emergency Management Agency, which is coordinating much of the U.S. government's recovery efforts in Puerto Rico and the U.S. Virgin Islands, says the new power system on those islands will be more resilient than the old one.

"I can replace all the wood poles with concrete poles. I can move substations that were built in the flood plain out of the flood plain," said Mike Byrne, FEMA's federal coordinating officer in Puerto Rico. "We're going to be investing in designing a system that will withstand the next event."

But it's less clear whether the country is going to adopt a better system for certifying that apartment buildings, homes and other structures have conformed with the country's building code.

Puerto Rico has adopted the strict International Building Code, which includes some of the highest standards in the world. But, unlike most cities in the continental U.S., local governments in Puerto Rico don't send inspectors to approve planning documents or visit construction sites, according to Mr. Alvarez-Diaz. Contractors aren't required to be licensed, he added.

Some structures, particularly in poorer communities outside San Juan, aren't certified at all, experts say. Other times, private building inspectors approve building plans not built to international building-code standards. "You see that a lot, particularly with the way roofs are anchored or the foundation of the home was built," Mr. Moreno said.

A spokeswoman for Ricardo Rossello, the governor of Puerto Rico, didn't immediately respond to a request for comment.

Many of the top developers in the region have made a point of adopting the highest building standards to ensure the safety of their residents. "The biggest challenge, for companies like us with big reputations, is to make sure the construction is done correctly," said Mr. Moreno.

Developers also are well aware that, especially after the horrible hurricane season of 2017, demand will increase for the strongest buildings. For example, the Dorado Beach master-planned community on Puerto Rico's north coast suffered landscaping damage from Hurricane Maria but very little structural damage, according to Kenneth Blatt, chief operating officer of the hospitality division of Caribbean Property Group LLC, which controls much of the property.

He predicted that will boost prices of Dorado Beach's condos and other homes. "We were built to Miami-Dade County hurricane standards," he said. "I can withstand a 200-mile-per-hour wind."

St. Louis-based housing developer McCormack Baron Salazar, which is becoming more active in the region, is considering adding solar power, micro-turbines and other backup sources of electricity to its projects to enhance their competitiveness. "Based on the conversations we've had with our equity investors, they may require it," said Vincent Bennett, the firm's president.

Other local architects see an opportunity to push for sustainable buildings that rely more on renewable energy. Such an initiative worked in Cuba, which has prioritized a more efficient use of power and greater availability of energy-efficient products. The country restored its power after Hurricane Irma in three days.

Richard Cuebas, a principal with the San Juan-based firm Integra Architecture PLLC, said "talk is loud" around sustainability measures like microgrids, localized energy grids that can disconnect from the traditional grid to operate autonomously. Nearly three months after the storm, many homes across the island still don't have power.

Architect Fernando Abruña advocates simple strategies, like affordable rooftop solar panels and rainwater harvesting, incorporated in all housing across the island. "Before Maria, this was something sort of strange," he said. "Now, I'm getting lots of calls from people interested in at least a very minimal system to take care of the refrigerator, a couple lights and a fan."

INSIDE CLIMATE NEWS

Plan to Burn Hurricane Debris Sparks Health Fears in U.S. Virgin Islands

Lawmakers voted to block federal plans to incinerate trees and brush, citing health concerns in a population recovering from hurricanes. Now it's up to the governor.

By Phil McKenna

December 5, 2017

As the U.S. Virgin Islands struggles to recover from Hurricanes Maria and Irma, a coalition of environmental groups and health experts have come out in strong opposition to a proposal to burn hundreds of thousands of cubic yards of downed trees and other vegetation in open air incinerators. The groups say it would further exacerbate health disparities in the predominantly black population where nearly one in four people lives below the federal poverty line.

The U.S. Virgin Islands Senate passed legislation to ban the proposed burn on Friday, and the Sierra Club and other environmental groups have threatened to sue the U.S. Army Corps of Engineers and the Federal Emergency Management Agency if they go ahead with the incineration plan.

Those opposed say the islands' 100,000 residents are already choking on exhaust from diesel generators that are now pervasive across the territory, where more than half the population lacks electricity. They are instead arguing for composting of the debris, some 400,000 cubic yards on the Island of St. Croix alone, and using the compost to enrich eroded soil depleted by the storms.

The decision on whether to burn or compost is up to the territory's governor, Kenneth Mapp, who must now decide whether to sign the legislation into law.

Incineration has been estimated to cost about $5.19 million, compared to $5.3 million for mulching and $7.1 million for composting, according to Harith Wickrema, president of the Island Green Living Association, which has threatened to sue over the incineration plan.

Opponents of burning say FEMA and the Army Corps advised the governor to burn the debris and offered financing that favors incineration over composting.

"If it was a community that was not of color, I think the factors for this decision would have been handled with much more sensitivity," said Marvin Jackson, president of the U.S. Virgin Islands Senate, who sponsored the bill to ban incineration.

Past Problems with Incineration

The Army Corps and FEMA have proposed using air curtain incinerators, large metal bins with blowers that facilitate hotter, more complete burning.

The Army Corps planned to use the same open-air incinerators for three to four months at Floyd Bennett Field in Brooklyn, New York, after Hurricane Sandy but aborted the effort after one month. The decision to stop burning was in part because the devices violated air quality standards, according to Judith Enck, a former Environmental Protection Agency Administrator for Region 2, which includes New York and the U.S. Virgin Islands.

"It's completely unnecessary to be burning in the U.S. Virgin Islands when we have a viable composting alternative and also when the operation of these air curtain incinerators will pose such an air quality risk," Enck said.

During the weeks the incinerators were used in New York, emissions exceeded air quality standards on days of relative high humidity, Enck said, adding that humidity would be significantly higher in the Virgin Islands.

A 2008 report by the EPA on dealing with natural disaster debris notes that, when properly configured, air curtain incineration does provide a "curtain effect" to hold smoke in. The report, however, classifies the technique as "open burning" and says it "often is subject to significant public concern."

Mulching Faces Challenges in the Islands, Too

Army Corps spokesperson George Stringham said the proposed incineration plan "is not 'open burning.' The ACI (air curtain incineration) method involves a mechanical blower, blowing air at a high velocity over and into the burn pit, both preventing the escape of emissions and adding oxygen to the fire and thereby raising the temperature. The result is vegetative debris burning hotter and trapped particulates burning longer, further reducing them and controlling emissions."

He said St. Croix already has a large stockpile of unused mulch, or chipped vegetative debris, that has been building up since before the hurricanes and is becoming a safety issue as it rots. "Composting the vegetative debris is generally an acceptable alternative if adequate space and maintenance is provided," he said.

Jackson concedes this is the case but says it's because the islands lack funding for management of the mulch, which he says would not be an issue if FEMA funded the composting program.
A proposed composting plan on Island Green Living's website includes commitments from roughly a dozen entities, including universities, parks, golf courses and the territory's commissioner of agriculture, to accept new compost if FEMA funds the program.

Donald Caetano, a spokesperson for FEMA, said the agency has been authorized to fund 100 percent of the cost of debris cleanup from hurricanes Irma and Maria, regardless of the method chosen, and has already provided grants of more than $21 million to the territory for debris removal.

Full funding for debris removal, however, expires six months after hurricanes Irma and Maria hit, meaning in March 2018. The deadline would likely provide sufficient time to complete incineration but may not provide enough time to complete chipping and composting, Enck said.

FEMA would cover only 90 percent of the cost for a second six months of debris removal, and after that would require a request for an extension, Caetano said.

Environmental Groups Threaten to Sue

If the Army Corps proceeds with plans to incinerate the waste, the Sierra Club, the Virgin Island Conservation Society and the Island Green Living Association intend to sue, according to a letter sent on Nov. 22 to the Army Corps and FEMA.

"Using air curtain incinerators presents an imminent and substantial endangerment to health and the environment in violation of Section 7002 of the Resource Conservation and Recovery Act," the letter says, citing the federal law governing the disposal of solid waste and hazardous waste.

A letter signed by 13 public health officials in the United States and Canada was included with the notice urging officials not to incinerate the waste.

"Burning of brush and wood on St. Croix, St. Thomas and St. John will increase air pollution and therefore the risk of associated health problems, including exacerbation of asthma in children and adults; increased severity of chronic obstructive pulmonary disease; and fatal myocardial infarction," the health officials write. "It would be irresponsible to intentionally introduce additional environmental exposures to the people of the Virgin Islands at this time, especially when non-polluting alternatives exist."

Adding to the Islands' Struggle to Recover

Jackson, who suffered asthma attacks as a child, echoed those concerns. The Virgin Islands is already airlifting patients with respiratory problems to the mainland because the territory's hospitals and health care facilities cannot provide adequate care with the island still recovering from the hurricane, he said.

More than 75 days after Maria ravaged the territory, 61 percent of residents lack electricity, cell service is unreliable, few schools are open and many people employed in tourism, the island's main industry, remain out of work.

Jackson said the current crisis builds on health disparities caused by the Hovensa refinery on St. Croix, one of the largest oil refineries in the world until it closed. The refinery was fined $5 million by the EPA for air emissions and was tasked with adding more than $700 million in air pollution controls in 2011 before ultimately closing in 2012.

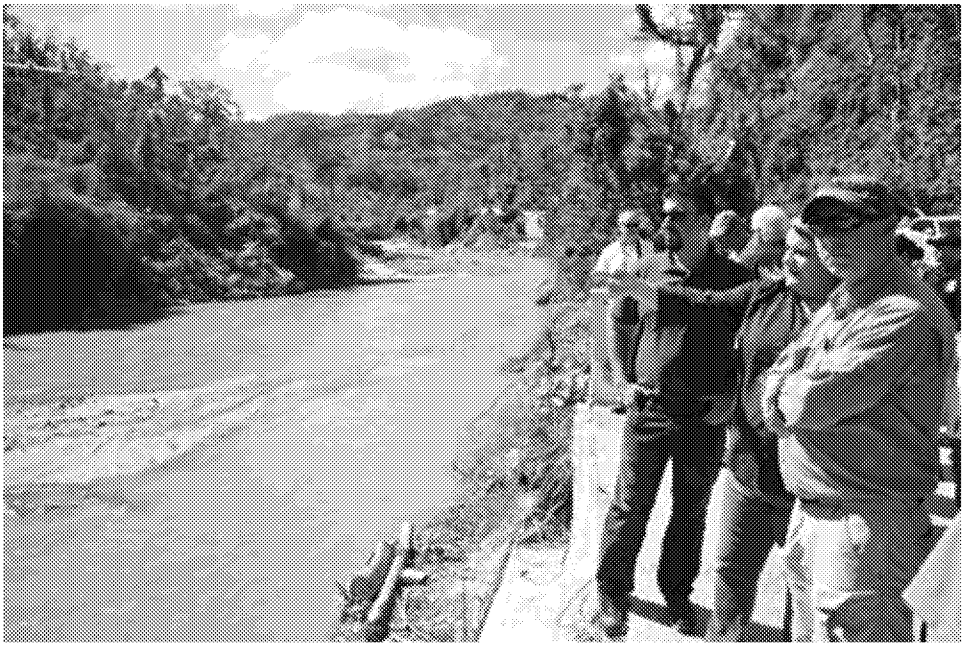
"How much more do you want us to consider in terms of health disparities?" Jackson said.

HERALD PALLADIUM

Upton tours Puerto Rico, U.S. Virgin Islands

By LOUISE WREGE

December 5, 2017



Congressman Fred Upton surveys hurricane damage that swept away a bridge, alongside Rep. Jenniffer Gonzalez-Colon of Puerto Rico. They were part of a congressional delegation looking at the damage over the weekend.

Photo submitted / U.S. House Committee on Energy and Commerce

“Devastating” was one of the words U.S. Rep. Fred Upton used to describe the hurricane damage he saw over the weekend while visiting Puerto Rico and the U.S. Virgin Islands.

“Here we are three months after the storm and there’s still much hardship,” he said. “... Remember, these are Americans.”

Category 5 Hurricane Maria hit Puerto Rico on Sept. 20.

Upton said many people are still without electricity and safe water.

“San Juan (the capital), for the most part, has power,” the St. Joseph Republican said when contacted by phone Monday. “But, much of the rest of the island does not.”

Upton joined fellow members of the House Energy and Commerce Committee and other federal officials on the tour.

Even in San Juan, he said the devastating effects are apparent.

“On the interstate, there was debris, trees, signs, metal sheeting on the side of the road that all needed to be picked up.”

Even concrete power poles reinforced with rebar were bent over and broken during the hurricane.

Upton said Puerto Rico is coming back slowly, but wounds remain.

“We ate at a restaurant (in San Juan),” he said. “They were very cheery that we were there. I talked to the waitress. She broke down in tears talking about her father losing his home. She was glad for people to be down there.”

He said they also visited Utuado, the second largest city in Puerto Rico, and that only about 30 percent of that city has power.

Traveling also is difficult, he said, because even if a gas station has fuel, power is needed to pump it into the vehicles.

Upton said many pharmaceutical companies have factories in Puerto Rico because in the 1970s and 1980s, there were tax incentives to build them there.

“We are experiencing shortages now in a number of products because those operations have been greatly reduced,” he said.

One of the shortages is of IV bags and fluids, which has hit hospitals all over the country, including Lakeland Health.

Upton said it’s important to get the manufacturing plants up and running not only for the benefit of Puerto Ricans who work in them, but for Americans who rely on the supplies the factories produce.

“There are 250,000 Puerto Ricans that work in the pharmaceutical industry making products for the U.S. and all over the world,” he said.

Also on the tour was Jenniffer Gonzalez-Colon, Puerto Rico’s delagate in Congress. She said about 2,000 people are leaving Puerto Rico every day for the U.S. mainland.

“We don’t know how many of them are going to return,” she said.

She said there are 14 medical devices and drugs that are only produced in Puerto Rico.

Gonzalez-Colon said she is happy that Upton was among the people visiting the islands. “He’s a leader. People know him,” she said. “He was there. He was very caring with the people.”

She said Puerto Rico has joined with delegations from other areas that were hit hard by hurricanes, including the Virgin Islands, Texas and Florida, to ask Congress for more money and supplies to rebuild with.

Upton said the U.S. Virgin Islands are in even worse shape.

He said they visited a hospital where they had to wear masks because the mold is so bad. Yet there are patients there because they have no other hospital.

In one spot, he said people are living on an old cruise ship because so many homes had been destroyed.

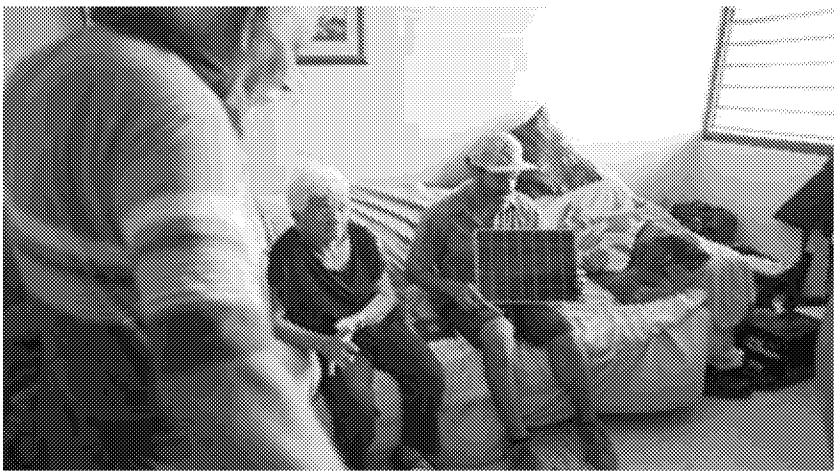
Of the homes that remain, he said many on both islands lost their roofs. He said blue tarps have been handed out by federal aid workers to serve as roofs until they can be replaced.

IEEE SPECTRUM

7 Things About Life in Puerto Rico with No Electricity

By John Humphrey

December 4, 2017



More than two months after Hurricane Maria devastated Puerto Rico, large sections of the island have yet to have electricity restored. The state of the power grid is still so unstable that even those areas that have been re-electrified can't really count on around-the-clock power.

As many observers have noted, this is an untenable situation. I've worked for much of my adult life as a solar engineer, installing solar microgrids in remote parts of the world that previously had no access to electricity. But Puerto Rico is different. All over the island, people have relied for decades on steady, abundant electricity and the modern conveniences that come with it. And so to suddenly not have electricity presents all kinds of hardships—some obvious and some less so.

For me personally, this ongoing hardship is especially wrenching. I grew up in Puerto Rico, in the rainforest of El Yunque and on the beaches of Luquillo, and much of my family is still there. Immediately after the storm, I couldn't reach any of them because of course they had neither power nor phone service. When officials announced that power wouldn't be restored for months, I booked the earliest flight to San Juan that I could find. I spent a week in Puerto Rico in early October, checking on relatives and friends and helping where I could.

My time there veered from the absurd to the devastating. Several times a day, I'd manage to walk into a room, flick on the light switch, and then laugh at myself for having forgotten—again. There were emergencies happening seemingly everywhere I turned—people needing medical help they couldn't get, others unable to work or go to school, businesses unable to stay open. Since my return to New York, I've been working hard to get the word out about conditions on the ground there. Here are seven facts about living in Puerto Rico right now.

1. Stoplights don't work

Driving around after the storm was chaotic. Every intersection became a test of wills—the bold and reckless forged ahead, heedless of cross traffic, the meek waited for a break in traffic to make their move. Although a few of the busier intersections had traffic cops, the vast majority didn't. And the

cops who had to stand out in the sun and the heat all day serving as stoplight replacements clearly were having a rough time. Did I mention there was a heatwave right after the storm?

2. ATMs and credit cards don't work

Puerto Rico has a modern banking system, but after the storm hit, many ATMs didn't work at all for lack of power. Those that were still operating quickly ran out of money. Without money, consumers couldn't buy anything, and businesses couldn't sell anything. And of course credit cards didn't work because there was no way to process transactions. The economy basically ground to a halt.

Businesses that did manage to stay open relied on generators and cash. Even then, it was a struggle. One day, I and some friends were having lunch at my favorite restaurant, Toro Salao, when the manager informed us that we were eating the last of the *tostones*, a delicious alternative to French fries made from plantains. The storm had knocked down nearly all of the island's plantain trees.

3. Cellphones don't work

Before the hurricane, the island enjoyed decent cellphone coverage pretty much everywhere. The storm knocked out 95 percent of Puerto Rico's cell service [PDF], according to the U.S. Federal Communications Commission. Throughout my stay, phone service remained down across most of the island, with only limited service within San Juan and a few other spots. Restoring phone service will mean not just repairing cell towers that were damaged but also electrifying them.

For most people I met, lack of communication was the single biggest source of stress. Going days on end without knowing whether family members were okay is something that no one should have to go through.

I did manage to place a few calls either with a satellite phone or by calling when I happened to drive through an area that had reception. It's hard to describe that intense feeling of relief when you do finally hear from a loved one. I went through it myself when I got word that my parents and brothers were OK. I experienced an entirely different set of emotions when I learned that my favorite uncle had passed away right after the storm. By the time I found out, he had already been dead a week.

4. Water doesn't work

It takes electricity to run the pumps that move water through the system, and it takes electricity to filter and treat the water so that it's safe to drink. I visited some towns that had diesel-powered emergency generators to get the water flowing again. But much of the island's infrastructure was so badly damaged that even now, many places still lack clean running water. The water crisis has in turn prompted medical experts to warn of a looming health crisis in Puerto Rico.

5. Refrigeration doesn't work

No electricity means your fridge soon becomes just a big box with rotting food inside. As temperatures climb, food quickly goes bad, and so people are forced to shop for food every day. During my visit, supermarkets that were still open had long lines of people standing in the sun, waiting to shop for a very limited selection of goods. Ice is therefore in high demand, to keep food and drinks cool a little longer and maybe postpone another punishing trip to the store.

6. It's dark

No street lights or house lights or lights of any kind means the nights are really dark. I've camped in the desert before, but this was a different kind of dark. Trying to drive at night was surprisingly difficult—street signs were hard to read, buildings were indistinguishable from one another, and the usual landmarks weren't at all obvious.

Photo: Rumi Humphrey **People Power:** Portable solar chargers allow some residents of Vieques, Puerto Rico—including the mayor, Víctor Emeric [right]—to charge their cellphones and small LED lights. The power grid is still down on Vieques.

7. Solar power works!

Fortunately, my experience designing and installing solar microgrids for rural villages in Haiti, India, and sub-Saharan Africa, and urban rooftops in New York City came in handy. Before my trip, I'd collected money via a crowd-sourcing fundraiser, and I arrived in Puerto Rico with a suitcase full of portable solar panels designed by Voltaic Systems of Brooklyn, N.Y., suitable for charging cell phones and other small devices. I also brought LED lights, water filters by LifeStraw, and CampStoves by Biolite. As I traveled around the island, I gave the equipment to people I met. The recipients were invariably overwhelmed and grateful, and I felt lucky to be able to offer them the means to connect with their loved ones, drink clean water, and prepare a meal.

There is still so much work to do. I'm back home in Brooklyn but I can't rest. Having worked in the energy industry for a long time, I know that I can make a difference, helping to build a cleaner, more resilient power system for Puerto Rico. If you have a technical background, please consider using your expertise to help others who really need it.

BLOOMBERG

Things Are So Bad in Puerto Rico the Island's Bankruptcy Case Moved to NYC

By Steven Church

December 4, 2017

Destroyed chairs sit inside an empty pool at the damaged Marina de Salinas Hotel after Hurricane Maria in Salinas, Puerto Rico, on Friday, Oct. 6, 2017.

The lawyers always win.

So many of San Juan's swankiest hotels remain closed from hurricane damage that a federal judge canceled plans to bring Puerto Rico's historic, $74 billion bankruptcy case back to the island.

Before Hurricane Maria pummeled Puerto Rico in September, causing so much damage that electricity still isn't fully restored, San Juan's hottest hotels would fill up with highly paid bankruptcy advisers attending the regular, two-day hearings held by U.S. District Court Judge Laura Taylor Swain. After the hurricane, Swain suspended her visits to Puerto Rico, saying she would return to hold court there again in December, once the island had recovered.

On Friday, Swain decided against that, issuing a minor scheduling order that cited the difficulty lawyers and financial advisers were having getting hotel and airline reservations.

"The Court has reluctantly decided to conduct the December Omnibus Hearing in New York," Swain wrote. The hearing is now set to take place in Manhattan Dec. 20.

Dozens of lawyers and financial advisers sent by bondholders have been appearing at every court hearing, reflecting the high stakes in the record municipal bankruptcy.

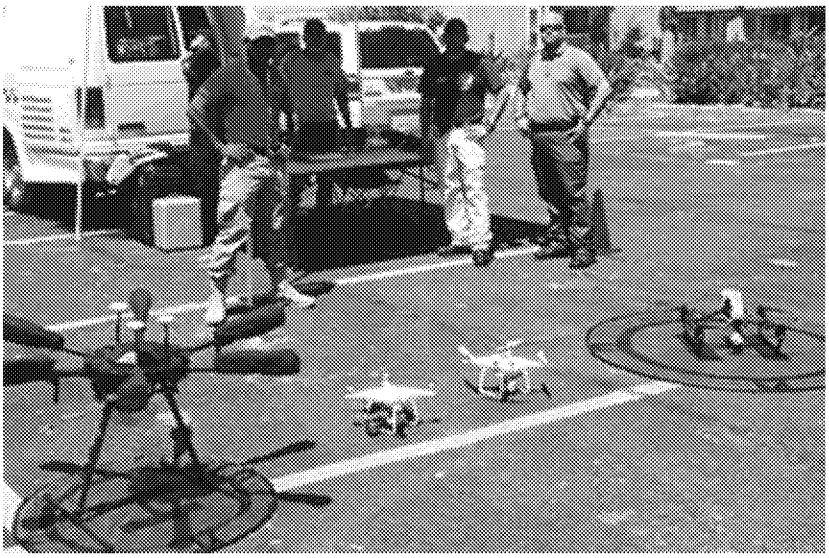
While some advisers, many of whom are based in New York, may have welcomed the Caribbean getaway, they will be much closer to home the week before Christmas than originally planned. As the old bankruptcy saw goes: sometimes the only winners in a case are the lawyers.

The case is In re Commonwealth of Puerto Rico, 17-03283, U.S. District Court, District of Puerto Rico (San Juan).

MID-HUDSON NEWS

Middletown drone pilot provides help following hurricanes

December 5, 2017



MIDDLETOWN – Tony Reid of Middletown is a corrections officer at Riker's Island and an Army reservist and when he is not engaged in either role, he is a drone pilot who has provided relief following Hurricane Harvey in Texas and Hurricane Maria in Puerto Rico.

In August, Reid and his partners aided state officials in Texas.

"We were utilizing our drones to inspect hazardous material for the Texas Commission for Environmental Quality," Reid said.

When Maria hit Puerto Rico, he hopped on a plane to aid in that relief effort with the American Red Cross and the military.

"Certain roads were so blocked so aerial drones were used to map out the areas where it needs to be cleared and then you get a team down there to cut up the trees."

Reid said using the drones during the hurricane relief missions was "a very valuable learning experience, especially for future natural disasters."

David W. Kluesner

U.S. Environmental Protection Agency, Region 2
Chief of Public Outreach
290 Broadway, 26th Floor
New York, NY 10007
212.637.3653 (Office)
347.330.9439 (Cell)

Message

From: Mears, Mary [Mears.Mary@epa.gov]
Sent: 7/19/2018 9:18:26 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Rodriguez, Elias [Rodriguez.Elias@epa.gov]; Kluesner, Dave [kluesner.dave@epa.gov]; Story, Karen [Story.Karen@epa.gov]
Subject: MEDIA INQUIRY FOR APPROVAL: Lime Tree Bay Media Inquiry

Importance: High

Hi Pete,
I mentioned this one earlier today. Sorry to keep piling it on. We'd love to get this one to HQ tomorrow morning as early as we can, as the reporter's deadline is noon tomorrow and we will also have to get OPA, Office of Air and Radiation, and OECA approval due to the complexity.

STATUS: Open

INQUIRY RECEIVED ON: July 17

Deadline: July 20 noon

PAD CONTACT: Elias Rodriguez

Reporter: Brian O'Connor, Reporter, Virgin Islands Daily News, Office: (340) 714-9130, boconnor@dailynews.vi Note: This reporter is familiar with and has closely covered the former HOVENSA site and related legal developments.

Question(s) from reporter and Proposed Responses:

I'm broadly interested in the HOVENSA site over on St. Croix.

Deliberative Process / Ex. 5

(1) First, was HOVENSA able to complete the $700 million mandate in their Clean Air Act consent decree prior to closure? Would a potential restart of the refinery under a different company create a material liability for the new operator? Or would we start over again in the enforcement and monitoring phase?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

(2) Second, could I obtain a copy of the most recent version of the RCRA permit from you guys? I notice on the EPA website detailing the ongoing hazardous substance mitigation efforts, the most recent two-year report is from 2015. What's the status of the 2017 report?

Deliberative Process / Ex. 5

(3) How was the site impacted by Irma and Maria at all? I previously reported concerns about an active asbestos dump on the Limetree terminals premises.

Deliberative Process / Ex. 5

Message

From: Hickey, Maureen [Hickey.Maureen@epa.gov]
on behalf of Lopez, Peter [lopez.peter@epa.gov]
Sent: 12/5/2017 8:25:09 PM
To: Jason.a.kirk@usace.army.mil
CC: Guerrero, Carmen [guerrero.carmen@epa.gov]; McCabe, Catherine [McCabe.Catherine@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]
Subject: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))
Attachments: ColKirkreLimetreeBayTerminals.pdf

Forwarding the attached letter on behalf of Peter D. Lopez.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC - 5 2017

Colonel Jason A. Kirk
District Commander
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Dear Colonel Kirk:

This is in reference to Permit Application No. SAJ-2017-00416 (SP-JCM) by Mr. Forgan McIntosh on behalf of Limetree Bay Terminals LLC for the construction of a single point mooring and an underwater pipeline system for the offshore transfer of bulk fuel from very large bulk carriers to the existing facilities at Limetree Bay Marine on the Island of St. Croix without the need to transfer the fuel to smaller vessels.

The U.S. Environmental Protection Agency (EPA) understands that the strategic re-utilization of the former HOVENSA site is of major importance to the economic health and well-being of the U.S. Virgin Islands community. We also understand this significance is punctuated by the devastating financial and humanitarian crisis on the Island, resulting from Hurricanes Irma and Maria.

EPA is also aware of the strong culture of natural resource stewardship on the Island and the great sensitivity to carefully managing environmental challenges. With that said, after reviewing the information available for this project, the EPA is concerned about its possibly significant environmental impacts, which must be considered under the National Environmental Policy Act (NEPA). These include the apparent lack of alternatives considered to achieve the project purpose, impacts from the dragging of the mooring chain, and safety issues. In addition, the potential impacts that the installation and operation of the mooring point and fuel transfer system, as well as the presence of very large fuel carriers (with drafts up to -76 feet) in the channel could have on water quality in the area must be closely evaluated. This is of particular importance given the presence of coral species listed under the Endangered Species Act (ESA) and other significant resources within the project area. Furthermore, while the public notice for the project mentioned potential mitigation plans to compensate for possible impacts to ESA-listed corals, the included information was largely conceptual.

In order to consider the complex data required to properly evaluate the potential impacts of this project, the US Environmental Protection Agency (EPA) has determined that we will need additional time in order to provide substantive comments. Therefore, we hereby request a 15-day extension to the comment period.

ED_002591_00001919-00001

We look forward to continuing working with you and your staff on this project. If you have any questions or require additional information on this matter, please contact me at (212) 637-5000 or have your staff contact Ms. Carmen G. Guerrero, Director of the Caribbean Environmental Protection Division, at (78) 977-5870.

Sincerely,

Peter D. Lopez

Peter D. Lopez
Regional Administrator

Appointment

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 8/15/2018 11:48:41 AM
To: Lopez, Peter [lopez.peter@epa.gov]

Subject: Meeting Forward Notification: Placeholder: Limetree Bay Briefing with Region 2 and HQ/AO/OECA/OAR/OW/OLEM/OGC
Location: RA Conference Room (26)

Start: 8/16/2018 6:00:00 PM
End: 8/16/2018 7:00:00 PM

Recurrence: (none)

Your meeting was forwarded

Wood, Anna has forwarded your meeting request to additional recipients.

Meeting

Placeholder: Limetree Bay Briefing with Region 2 and HQ/AO/OECA/OAR/OW/OLEM/OGC

Meeting Time

Thursday, August 16, 2018 2:00 PM-3:00 PM.

Recipients

Rao, Raj

Svendsgaard, Dave

Santiago, Juan

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Message

From: Mears, Mary [Mears.Mary@epa.gov]
Sent: 7/19/2018 7:14:44 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]
CC: Story, Karen [Story.Karen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
Subject: FW: EPA response letter
Attachments: Invited Testifier-USEPA-Carmen_Guerrero-Director.pdf; Response to USVI Legislature Invite 7 19 2018.pdf

Hi Pete, Chris and Walter,
FYI. I sent the response letter to the USVI Legislature invite via email and we are also mailing it out.

From: Mears, Mary
Sent: Thursday, July 19, 2018 3:13 PM
To: 'mcastor@legvi.org' <mcastor@legvi.org>; 'amorris@legvi.org' <amorris@legvi.org>
Cc: Guerrero, Carmen <guerrero.carmen@epa.gov>; Font, Jose <Font.Jose@epa.gov>; Rini, Sophia <Rini.Sophia@epa.gov>
Subject: EPA response letter

Hello Ms. Castor and Ms. Morris,

I hope this note finds you both well. Attached please find, along with the original invite, EPA's response to the Honorable Myron D. Jackson's invitation to testify sent to U.S. EPA Region 2's Caribbean Environmental Protection Division Director, Carmen Guerrero. Carmen is away, so I am responding on her behalf.

Sincerely,
Mary Mears

Mary Mears
U.S. EPA Region 2
Public Affairs Director
(212) 637-3673 (office)
(212) 646-0077 (cell)

Legislature of the Virgin Islands

CAPITOL BUILDING, P.O. BOX 1690
ST. THOMAS, U.S. VIRGIN ISLANDS 00804
(340) 774-0880

The Honorable
Myron D. Jackson
President, 32nd Legislature

July 11, 2018

Ms. Carmen Guerrero
Director
US Environmental Protection Agency
Caribbean Environmental Division
City View Plaza II, Suite 7000
Guaynabo, Puerto Rico, 00968
Via E-mail: guerrero.carmen@epa.gov

Dear Ms. Guerrero:

The Honorable Governor Kenneth E. Mapp has called the 32nd Legislature into Special Session to consider the Operating Agreement by and among the Government of the Virgin Islands of the United States and Limetree Bay Terminals, LLC and Limetree Bay Refinery, LLC., pursuant to Section 7 of the Revised Organic Act of 1954, as amended, for the Virgin Islands of the United States.

As a result, prior to Special Session scheduled for July 25, 2018, the Legislative Committee of the Whole will convene on Friday, July 20, 2018, in the Virgin Islands Cardiac Center Conference Room, Governor Juan F. Luis Hospital and Medical Center at 10:00 a.m. During this time, the committee will receive testimony on the Operating Agreement for the Limetree Bay Terminals, LLC and Limetree Bay Refinery, LLC. You or your designee are invited to testify before the Committee as to the environmental impact and any other concerns of EPA this body should be aware of as it relates to the terminal and the Refinery.

To expedite this process, the submittal of your testimony or anyone accompanying you to testify before the Committee is necessary. E-mail all testimony to mcastor@legvi.org and amorris@legvi.org prior to the scheduled hearing. Additionally, if you are unable to submit your testimonies three days before the hearing, you are asked to provide twenty (20) copies of your testimony for distribution, as no copying machine is available.

Should you have any questions or concerns please contact Ms. Marisel Castor, Committee Coordinator or Ms. Ayesha Morris, Chief of Staff in my office at (340) 693-3504.

Sincerely,

Myron D. Jackson
Chairman, Committee of the Whole

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 19 2018

The Honorable Myron D. Jackson
Chairman, Committee of the Whole
President, 32nd Legislature
Legislature of the U.S. Virgin Islands
Capitol Building, P.O. Box 1690
St. Thomas, U.S. Virgin Islands 00804

Dear Chairman Jackson,

This is in response to your kind letter of invite to the U.S. Environmental Protection Agency's Region 2 Caribbean Environmental Protection Division Director, Carmen Guerrero asking her to testify on July 20 before the Legislative Committee of the Whole of the U.S. Virgin Islands Legislature regarding Limetree Bay Terminals, LLC and Limetree Bay Refinery, LLC. Ms. Guerrero is away this week, and I am responding on her behalf.

While EPA will not be able to send a representative to your hearing, we would be happy to provide answers for the record to any questions you may have.

EPA has a strong partnership with the U.S. Virgin Islands government and works collaboratively on the environmental stewardship of the Virgin Islands. We remain committed to working with our territorial, community and business partners safeguard human health and the environment in the U.S. Virgin Islands, while being mindful of economic needs.

Please don't hesitate to contact me if you have questions for the record or need further information. I can be reached via email and phone at mears.mary@epa.gov or (212) 637-3673; or at the physical address US EPA Region 2, 26th floor, 290 Broadway, New York, NY 10007.

Sincerely,

Mary Mears

Mary Mears
Director, Public Affairs Division

Message

From: Hickey, Maureen [Hickey.Maureen@epa.gov]
Sent: 12/5/2017 6:23:47 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: PDF Limetree
Attachments: Colonel Jason A.pdf

Colonel Jason A. Kirk
District Commander
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Dear Colonel Kirk:

This is in reference to Permit Application No. SAJ-2017-00416 (SP-JCM) by Mr. Forgan McIntosh on behalf of Limetree Bay Terminals LLC for the construction of a single point mooring and an underwater pipeline system for the offshore transfer of bulk fuel from very large bulk carriers to the existing facilities at Limetree Bay Marine without the need to transfer the fuel to smaller vessels.

The U.S. Environmental Protection Agency (EPA) understands that the strategic re-utilization of the former HOVENSA site is of major importance to the economic health and well-being of the U.S. Virgin Islands community. We also understand this significance is punctuated by the devastating financial and humanitarian crisis on the Island, resulting from Hurricanes Irma and Maria.

EPA is also aware of the strong culture of natural resource stewardship on the Island and the great sensitivity to carefully managing environmental challenges. With that said, after reviewing the information available for this project, the EPA is concerned about its possibly significant environmental impacts, which must be considered under the National Environmental Policy Act (NEPA). These include the apparent lack of alternatives considered to achieve the project purpose, impacts from the dragging of the mooring chain, and safety issues. In addition, the potential impacts that the installation and operation of the mooring point and fuel transfer system, as well as the presence of very large fuel carriers (with drafts up to -76 feet) in the channel could have on water quality in the area must be closely evaluated. This is of particular importance given the presence of coral species listed under the Endangered Species Act (ESA) and other significant resources within the project area. Furthermore, while the public notice for the project mentioned potential mitigation plans to compensate for possible impacts to ESA-listed corals, the included information was largely conceptual.

In order to consider the complex data required to properly evaluate the potential impacts of this project, the US Environmental Protection Agency (EPA) has determined that we will need additional time in order to provide substantive comments. Therefore, we hereby request a 30-day extension to the comment period.

We look forward to continuing working with you and your staff on this project. If you have any questions or require additional information on this matter, please contact me at (212) 637-5000 or have your staff contact Ms. Carmen G. Guerrero, Director of the Caribbean Environmental Protection Division, at (787) 977-5870.

Sincerely,

Peter D. Lopez
Regional Administrator

CEPD-EMB: SOTO:js: 11/21/17:(787-977-5829) CONCURRENCES FILENAME: F:\user\jsoto\LimetreeBayExtension

SYMBOL:=>	CEPD-MPCB	CEPD-MPCB	CEPD-MPCB	CWD-WPS	CWD-WMB	CWD	CEPD	2DRA	2RA
SURNAME=>	Soto	Rivera	Rodriguez	Montella	Balla	Laureano	Guerrero	McCabe	Lopez
DATE: =>									

Message

From: Lyon, Christopher [lyon.christopher@epa.gov]
Sent: 7/19/2018 6:56:45 PM
To: Mears, Mary [Mears.Mary@epa.gov]
CC: Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]
Subject: Re: VERY URGENT: PROPOSED RESPONSE TO USVI LEGISLATURE

Looks great to me. Well done, Mary.

Sent from my iPhone

On Jul 19, 2018, at 1:58 PM, Mears, Mary <Mears.Mary@epa.gov> wrote:

> Hi Pete, Chris and Walter,
> Please let me know if this is OK to set up as a formal letter.
> Mary
> ---
> The Honorable
> Myron D. Jackson
> President, 32nd Legislature, U.S. Virgin Islands
>
> Dear Mr. Jackson,

Deliberative Process / Ex. 5

Mary Mears
U.S. EPA Region 2
Public Affairs Director
(212) 637-3673 (office)
(212) 646-0077 (cell)

<Invited Testifier-USEPA-Carmen_Guerrero-Director.pdf>

Message

From: Mugdan, Walter [Mugdan.Walter@epa.gov]
Sent: 1/31/2019 3:39:52 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: Delays caused by Shutdown
Attachments: Delays Due to Shutdown-R2.docx

Region 2 High Priority Matters with Schedules Affected by the Shutdown

not responsive

Limetree Bay Terminal, USVI: Because of the shutdown, items relating to the restart of and compliance at the Limetree Bay Terminals (LBT) facility in St. Croix, USVI, have been delayed, foremost of which are: (i) EPA's review of LBT's recently submitted Plantwide Applicability Limit (PAL) applications; (ii) EPA's deliberations relating to the Marine Loading MACT and the Refinery Sector Rule to LBT and (iii) our negotiations with LBT on modifications to the existing CAA Consent Decree. We are resuming this work.

not responsive

Additional Delays at Other Superfund and RCRA Corrective Action Sites:

not responsive

Message

From: Hickey, Maureen [Hickey.Maureen@epa.gov]
Sent: 12/5/2017 5:50:32 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: RE: Colonel Kirk Letter
Attachments: Limetree Bay Time Extension.docx

Importance: High

Hi Pete,

Here are the requested changes. Word doc attached and revised text below.

Revised text below:

Deliberative Process / Ex. 5

Colonel Jason A. Kirk
District Commander
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Dear Colonel Kirk:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sincerely,

Peter D. Lopez
Regional Administrator

CEPD-EMB: SOTO:js: 11/21/17:(787-977-5829) CONCURRENCES FILENAME: F:\user\jsoto\LimetreeBayExtension

SYMBOL:=>	CEPD-MPCB	CEPD-MPCB	CEPD-MPCB	CWD-WPS	CWD-WMB	CWD	CEPD	2DRA	2RA
SURNAME=>	Soto	Rivera	Rodriguez	Montella	Balla	Laureano	Guerrero	McCabe	Lopez
DATE: =>									

DRAFT AGENDA (VERSION: SEPTEMBER 14, 2018)
REGIONAL ADMINISTRATOR PETE LOPEZ VISIT TO PUERTO RICO AND USVI
SEPTEMBER 17 TO SEPTEMBER 20, 2018

MONDAY, SEPTEMBER 17 (SAN JUAN, PR):

Not Responsive

TUESDAY, SEPTEMBER 18 (SAN JUAN, PR):

Not Responsive

WEDNESDAY, SEPTEMBER 19 (ST. CROIX, USVI):

Not Responsive

3:00 PM – 4:15 PM **TOUR:** Surroundings of Limetree Bay and Hovensa Facility

Not Responsive

THURSDAY, SEPTEMBER 20 (SAN JUAN, PUERTO RICO):

Not Responsive

Message

From: Hickey, Maureen [Hickey.Maureen@epa.gov]
Sent: 12/5/2017 3:49:18 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: FW: Draft Limetree Time Extension Letter
Attachments: Limetree Bay Time Extension.docx

Importance: High

Hi Pete,

Here is the word document you wish to edit.

Thanks,
Maureen

From: Guerrero, Carmen
Sent: Tuesday, December 05, 2017 10:38 AM
To: Hickey, Maureen <Hickey.Maureen@epa.gov>; Sutter-Montalvo, Lisa <sutter-montalvo.lisa@epa.gov>
Subject: Draft Limetree Time Extension Letter

Saludos Maureen! As requested. Please call us if you have any questions.

Thanks,
Carmen

Colonel Jason A. Kirk
District Commander
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Dear Colonel Kirk:

Deliberative Process / Ex. 5

Sincerely,

Peter D. Lopez
Regional Administrator

CEPD-EMB: SOTO:js: 11/21/17:(787-977-5829) CONCURRENCES FILENAME: F:\user\jsoto\LimetreeBayExtension

SYMBOL:=>	CEPD-MPCB	CEPD-MPCB	CEPD-MPCB	CWD-WPS	CWD-WMB	CWD	CEPD	2DRA	2RA
SURNAME=>	Soto	Rivera	Rodriguez	Montella	Balla	Laureano	Guerrero	McCabe	Lopez
DATE: =>									

Message

From: Mears, Mary [Mears.Mary@epa.gov]
Sent: 7/19/2018 4:15:40 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]
CC: Filippelli, John [Filippelli.John@epa.gov]; Rini, Sophia [Rini.Sophia@epa.gov]
Subject: VERY URGENT: Carmen/EPA asked to testify in USVI Legislature
Attachments: Invited Testifier-USEPA-Carmen_Guerrero-Director.pdf

Importance: High

Hi Pete, Chris and Walter,
Jose just alerted me to this invitation for Carmen to testify in from of the USVI legislature. As Troy or Robin can confirm, EPA has typically declined to testify in front of state legislatures, with some rare exceptions.

In this case, there are of course sensitivities and the AA for Air rendered a decision related to this project, so I expect that HQ OCIR would need to be consulted if we were to decide to testify. I generally recommend that we simply explain that we do not typically testify in front of state or territory legislatures, but we would be happy to answer questions that the committee might want to submit.

Carmen is of course on vacation and not available in any case, but they could ask for a substitute and we will need to get back to them soon, as **they are asking for Carmen to testify on July 20** (the special session for the vote is July 25, but the committee is convening on the 20th).

From: Font, Jose
Sent: Thursday, July 19, 2018 12:05 PM
To: Mears, Mary <Mears.Mary@epa.gov>
Cc: Rini, Sophia <Rini.Sophia@epa.gov>
Subject: FW: Invitation to testify

As discussed……

Message

From: Covington, Tayler [covington.tayler@epa.gov]
on behalf of Region2 PAD News [Region2_PAD_News@epa.gov]
Sent: 7/19/2018 1:31:42 PM
Subject: News Clips

Region 2 News Clips

Gardener State: July in NJ — Have a say in the Delaware Estuary plan, and taste blueberries (MY CENTRAL JERSEY; July 19, 2018)

The Department of Environmental Protection is encouraging the public to provide input on revisions to the Delaware Estuary Program's Comprehensive Conservation and Management Plan for the Delaware Estuary, a road map that will guide regional conservation and water-quality enhancement decisions for the coming decade.

Invasive plant pest spotted lanternfly has arrived in NJ (PRESS OF ATLANTIC CITY; July 18, 2018)

The spotted lanternfly, an Asian pest that attacks grapevines, fruit trees and other nursery plants, has arrived in New Jersey from its stronghold in eastern Pennsylvania.

115,100 gallons of untreated waste spilled into Hudson River (POUGKEEPSIE JOURNAL; July 18, 2018)

Approximately 115,100 gallons of untreated waste spilled into the Hudson River in the area of 200 Rinaldi Blvd. in Poughkeepsie on Tuesday, according to alerts sent out by the state.

Oyster Creek meeting draws more than 100 attendees (ASBURY PARK PRESS; July 18, 2018)

With Oyster Creek nuclear power plant's shutdown merely months away, more than 100 attendees came to the Lacey Community Center on Tuesday to pose questions to nuclear regulators about the plant's — and the township's — future.

PCB-Contaminated Stream Near Dewey Loeffel Landfill To Be Remediated (WAMC NEWS: July 18, 2018)

Work will begin this summer as part of ongoing remediation efforts at a contaminated landfill in Rensselaer County. WAMC's Southern Adirondack Bureau Chief Lucas Willard reports officials with the U.S. Environmental Protection Agency provided an update in the Town of Nassau Tuesday night.

Illegal dumping scheme put debris in parks, backyards, officials say (NEWSDAY; July 18, 2018)

An undercover operation that netted dozens of arrests for illegal dumping Tuesday centered on a self-proclaimed dirt broker who offered residents clean fill and instead arranged for debris and solid waste to be placed on their properties, Suffolk County District Attorney Timothy Sini said.

Gillibrand pushes increased funding to clean up contaminated water systems (MID-HUDSON NEWS; July 18, 2018)

A bill in the US Senate that would increase funding for small and disadvantaged communities to clean up water contamination in their local systems has the support of Senator Kirsten Gillibrand (D, NY).

It Was Once a Superfund Site, Now It's a Solar Farm (NJ SPOTLIGHT; July 18, 2018)

When Gov. Phil Murphy signed an ambitious law to ramp up the state's reliance on renewable energy this spring, he chose to do so at a former Superfund site that is being converted to a solar farm.

PR & USVI

Refinery's environmental legacy could ensnare the future (VIRGIN ISLAND DAILY NEWS; July 17, 2018)

Contract documents and U.S. Environmental Protection Agency records offer a glimpse into how lingering environmental issues at a St. Croix refinery could be handled if refining resumes.

Former Puerto Rico power company chairman named executive director (CARIBBEAN BUSINESS; July 18, 2018)

Gov. Ricardo Rosselló announced Wednesday the appointment of José Ortíz to head the Puerto Rico Electric Power Authority (Prepa).

National News

E&E-Night and day as Wheeler opens doors to press

Coal Ash

The Washington Post-EPA eases rules on how coal ash waste is stored across U.S.

Bloomberg Environment-Power Sector gets flexibility on Coal Ash Clean ups

Politico- EPA finishes first round of coal ash rule changes easing requirements

Ethanol

E&E-Familiar battle lines at EPA hearing on ethanol mandates

FOIA

Politico-EPA chief of staff: Agency aims to clear FOIA backlog in 'a few months'

Lead

E&E-Audit faults EPA over schools failure to test for lead

Science Transparency

ABC News-Environmental, Health Advocates Speak Out against EPA's "Secret Science" Plan

E&ENews- Fans on Science Overhaul Hope it Proceeds after Pruitt

Politico-Critics: EPA science policy is out of tobacco playbook

Officials

E&E News-Archives calls for review of Pruitt's calendar

Ozone Pollution

Bloomberg Environment-Most of San Antonio Region off the hook for ozone Pollution

RFS

Bloomberg Environment-Trump's EPA to get biofuel comments it didn't ask for at hearing

Full Articles

Region 2 News

MY CENTRAL JERSEY

Gardener State: July in NJ — Have a say in the Delaware Estuary plan, and taste blueberries

By Nicholas Polanin

July 19, 2018

The Department of Environmental Protection is encouraging the public to provide input on revisions to the Delaware Estuary Program's Comprehensive Conservation and Management Plan for the Delaware Estuary, a road map that will guide regional conservation and water-quality enhancement decisions for the coming decade.

The comprehensive management plan serves as the guide for the work that New Jersey, Pennsylvania and Delaware — along with other federal, regional, state and local partners — will implement to enhance the estuary. It will also steer how federal National Estuary Program funds will be used.

"The Delaware estuary region is recognized across the globe for its ecological diversity — in particular its importance as a migratory stopover for shorebirds, hawks and eagles, even butterflies and dragonflies," DEP Commissioner Catherine R. McCabe said. "It is important for the public to help shape the long-term direction for protecting this critical and unique natural resource."

"We are grateful for the hundreds of people who have provided input and ideas for revising this plan so far," said Jennifer Adkins, executive director of Partnership for the Delaware Estuary, the non-profit organization responsible for leading efforts to revise the plan and oversee its implementation.

The public may submit comments through Friday, July 20, by visiting www.delawareestuary.org/our-plan/.

The Delaware Estuary Program, one of 28 National Estuary Programs administered through the U.S. Environmental Protection Agency, includes the Delaware Bay and tidal portions of the Delaware River from Trenton to the mouth of the bay, and tributaries.

This is the first time the comprehensive plan has been updated since 1996, when it was adopted and became the cornerstone of partnerships to balance the economic roles of the estuary while enhancing protection of its aesthetic, recreational and ecosystem values.

The goal of the plan is to develop estuary improvements to benefit millions of people in the tristate region. Ongoing public education, outreach and stakeholder involvement are key elements of the plan. The proposed comprehensive management plan includes strategies for protecting and enhancing water quality by focusing on reducing pollution and ensuring plentiful water for the future. Strategies for healthy habitats focus on sustaining wetlands, forests, and shellfish.

The plan also seeks to build strong communities through strategies aimed at improving public access and resilience, ensuring environmental justice, and engaging the public as environmental stewards.

The region is perhaps most famous as a key feeding stopover for huge flocks of shorebirds that each spring pass through the area on their way north to breeding grounds, a phenomenon that depends on healthy populations of horseshoe crabs whose eggs provide a vital food source for these birds. The estuary is also an important hub of economic activity as a major shipping route for ports in the Philadelphia and Camden areas.

Estuaries are vital to people, who rely on them for drinking water, industry, food production and recreation. Estuaries are lined with vital wetlands that filter stormwater runoff from the land.

Over the decades, the DEP has been actively engaged in preserving tens of thousands of acres of sensitive marshes, meadows and forests in the watershed and is involved in extensive biological and water-quality monitoring for the region.

The DEP has also taken strong steps to protect water quality, worked to assess the impacts of sea-level rise, helped restore the vitality of the region's oyster industry and water-based resource culture, conducted extensive research into the role the estuary plays in wildlife migrations, restored degraded wetlands, and identified and addressed impacts from stormwater runoff.

New Jersey is also a partner in two other National Estuary Programs — the New York/New Jersey Harbor Estuary Program and the Barnegat Bay Estuary Program. Both these programs are also in the process of updating their comprehensive management plans.

Additional information about the EPA's National Estuary Programs can be found at: www.epa.gov/nep.

Blueberry Month!

New Jersey Secretary of Agriculture Douglas H. Fisher wants to remind everyone that July is National Blueberry Month. "Blueberries are one of the mainstays in Jersey Fresh produce and growers all around the state help make New Jersey famous for growing blueberries," Fisher said. "Hammonton has long been known as the blueberry capital of the world for good reason. Our blueberry farmers are dedicated and passionate about what they do and it is evident by the high-quality fruit they grow each year."

Blueberries were the No. 1 crop in New Jersey for 2017 with a production value of almost $84 million. New Jersey annually ranks in the top six in the U.S. in the production of blueberries. Farmers in the Garden State harvested 43.4 million pounds of blueberries on 10,000 acres last year.

The blueberry season for New Jersey lasts through the end of July. During the peak of blueberry season, production can be as high as 250,000 to 300,000 crates per day. Eating blueberries is beneficial to health as they are known as the "King of Anti-Oxidants." Blueberries are low in calories and high in nutrients.

Go to www.FindJerseyFresh.com to see where Jersey Fresh blueberries are available locally and to find recipes that include great tasting Jersey Fresh blueberries.

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PRESS OF ATLANTIC CITY

Invasive plant pest spotted lanternfly has arrived in NJ

By Michelle Brunetti

July 18, 2018

The spotted lanternfly, an Asian pest that attacks grapevines, fruit trees and other nursery plants, has arrived in New Jersey from its stronghold in eastern Pennsylvania.

New Jersey Secretary of Agriculture Douglas H. Fisher announced Tuesday that the pest was found in Warren County recently on its preferred host, ailanthus -- also called the tree of heaven. Warren County is in northwest New Jersey.

"In my mind, it was always a question of when," said Joe Zoltowski, the New Jersey Department of Agriculture Division of Plant Industry director. "It was not surprising."

The bug was first found in the United States in Berks County, Pennsylvania, in 2014, and has since spread to 13 counties in Pennsylvania, in spite of the state's attempts to contain it with quarantines and other measures. Last year, the insect's population exploded there.

So far they have not been found in South Jersey, but that respite may not last.

"Would it surprise me if we did find them (in South Jersey)? No," said Zoltowski.

A survey crew hired with a federal grant to look for the insect found a small population recently in Warren County, he said. But he declined to say what town they were in.

The pest a good hitchhiker. Especially in the nymph stage as it is now — when it's black or red with white spots and a half-inch to three-quarter of an inch long — it's easy for spotted lanternflies to jump on people's hats and clothing. It can also hitch a ride on a vehicle.

"People can be accidentally moving them and not know," Zoltowski said.

They damage plants as nymphs and as adults, he said. But the larger they get, the more damage they do. As the nymphs get bigger, they also turn from black to red with white spots.

A lot of transportation takes place between New Jersey and the Pennsylvania counties with the outbreak. That includes 36 bridges between New Jersey and the Pennsylvania counties of Delaware, Philadelphia, Bucks, Northampton and Monroe — all of which have spotted lanternfly.

So New Jersey has been conducting surveillance along the border of the two states, at truck stops and other high-use areas of major highways from Warren to Salem counties. It is also conducting a public education campaign so people know what to look for and how to report it.

No one knows for sure how it got to Pennsylvania, but the theory is it came on a ship from Asia.

The leafhopper has no known predators here.

Penn State Extension materials say the lanternfly "feeds upon over 65 species of plants and as such, is projected to become a serious pest of timber, ornamental trees, tree fruit orchards, grapes, stone fruit, and other small fruits such as blueberries. It can kill hops and feeds on several types of vegetables."

Pennsylvania recently received $17.5 million from the federal government to contain the outbreak and eradicate it.

Dead spotted lanternflies were found last year in New York and Delaware, and a small infestation of live ones was found in Virginia.

Surveillance will continue in the immediate area as well as along the Delaware River border, according to the agriculture department.

Anyone who travels to and from Pennsylvania is asked to inspect vehicles for the insect before entering New Jersey.

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POUGKEEPSIE JOURNAL

115,100 gallons of untreated waste spilled into Hudson River

By Ryan Santisteven

July 18, 2018

The Hudson River from Quiet Cove Park in the town of Poughkeepsie.

Approximately 115,100 gallons of untreated waste spilled into the Hudson River in the area of 200 Rinaldi Blvd. in Poughkeepsie on Tuesday, according to alerts sent out by the state.

The permitted Poughkeepsie spills happened twice, once for approximately 25 minutes and another for approximately an hour, according to the alerts.

On Saturday, approximately 344,400 gallons of untreated waste spilled into the river at the same location.

Heavy rain and thunderstorms were cited as the cause of the spills, according to the alerts.

Randy Alstadt, Poughkeepsie's Water Treatment Facility plant administrator, said in an email that he has explained to the public "that sewage would be diluted in (the) river and that our plant incorporates three disinfection techniques which includes ozonation, ultra violet light and chlorination."

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ASBURY PARK PRESS

Oyster Creek meeting draws more than 100 attendees

By Amanda Oglesby

July 18, 2018

With Oyster Creek nuclear power plant's shutdown merely months away, more than 100 attendees came to the Lacey Community Center on Tuesday to pose questions to nuclear regulators about the plant's — and the township's — future.

Exelon, the plant's parent company, announced this year that Oyster Creek will be placed into storage for the next half-century before its radioactive components are taken apart, but Lacey residents and environmentalists expressed concerns about the company's plan.

Environmental contamination, job losses and financial impacts to Lacey were among the worries articulated by more than a dozen attendees who posed questions to the Nuclear Regulatory Commission, an independent regulatory organization that oversees Oyster Creek. *Learn more about Oyster Creek nuclear power plant in the video above.*

"There's a potential impact on our quality of life," said Ron Martyn, a resident of the Sea Breeze age-restricted community in Lacey.

By waiting decades to take apart the plant, Exelon representatives and nuclear regulators say the radioactive decay will make decommissioning Oyster Creek less expensive and less dangerous.

Waiting also allows the company's decommissioning trust fund to accrue more interest. Exelon officials estimate decommissioning and site remediation will cost about $1.4 billion over the next 60 years.

The power plant is the largest economic engine in the township, is Lacey's most valuable taxable property, and employs hundreds of high-paid workers in the region. After the plant's October shutdown, that will begin to change.

Martyn wants to see Lacey compensated for storing Oyster Creek's radioactive reactor fuel, because no national central repository yet exists to store the waste. One bill, the Stranded Nuclear Waste Accountability Act of 2016, if approved would give municipalities $15 per kilogram annually for storing spent nuclear fuel. Such a bill could help make up some of the revenue that will be lost when the plant is dismantled, but the bill stalled after being referred to the House Committee on Energy and Commerce.

Another Congressional bill, H.R.3053, introduced in the House in 2017, would launch a program to consolidate the spent nuclear fuel currently housed at plants around the nation. The bill would launch a program to temporarily store the radioactive material until a permanent repository is established. That bill also stalled.

“We feel that the feds aren’t doing what they’re supposed to do," said Paul Dressler, another resident of the Sea Breeze community. “Our local officials in 1969 (when Oyster Creek began operations) did not sign up... with the premise that they would have to keep the radioactive waste locally.”

Dressler said he worried that sea level rise and the changing New Jersey coastal conditions could put the plant at risk of flooding in the future.

Other nearby residents worried about storing the spent fuel for decades and asked whether containment vessels would stand up to the forces of aging and nature.

Douglas Broaddus, chief of plant licensing for the Nuclear Regulatory Commission said the fuel storage casks are designed to be self-cooling and will be inspected twice each year.

If there were evidence of wear, he said, "there are ways you can go back in and seal them up."

Paul Gunter, leader of the reactor oversight project at the environmental organization Beyond Nuclear, urged nuclear regulators to compel Exelon to donate irradiated and stressed plant material samples to organizations that are studying safety in the nuclear energy market. Studying the possible embrittlement and fatigue of plant components could make nuclear energy safer in the future, he said.

"There is an opportunity for jobs to do (the) scientific work," Gunter said.

The plant currently employs hundreds of people, and Exelon officials say many of those employees will remain at the facility following the impending October shutdown.

Exelon has 60 years to fully decommission the plant, but on Tuesday, the company released a statement saying that timeline could be shorted "as new technologies for used fuel storage are approved."

"Sixty years is way too long to wait," said Jeff Tittel, director of the New Jersey chapter of the Sierra Club, an environmental advocacy organization.

Tittel said rising sea levels, which bring higher tides and storm surges, could change the coastline and environment of this mainland township.

"We don't know what it's going to be like (here) 60 years from now," he said.

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WAMC NEWS

PCB-Contaminated Stream Near Dewey Loeffel Landfill To Be Remediated

By Lucas Willard

July 18, 2018

Work will begin this summer as part of ongoing remediation efforts at a contaminated landfill in Rensselaer County. WAMC's Southern Adirondack Bureau Chief Lucas Willard reports officials with the U.S. Environmental Protection Agency provided an update in the Town of Nassau Tuesday night.

Closed in the 1960s, the Dewey Loeffel Landfill in Nassau was used as a dumping ground for industrial waste. Today, it remains contaminated with PCBs and a number of volatile organic compounds.

The U.S. Environmental Protection Agency took over remediation efforts at the site in 2011, which was previously a New York State Superfund.

Nassau Town Supervisor Dave Fleming is just one of several residents frustrated with the slow progress at the site.

"We've now spent over a decade with fish being contaminated, the food chain being contaminated because that original attempt at remediation failed. So now we're going to do a second remediation of a very small stream, a real small component of what the contamination is," said Fleming.

The landfill collected waste from General Electric, the Bendix Corporation, Schenectady Chemicals, and other companies. The site is close to streams and wetlands. Fishing remains restricted in the Valatie Kill and Nassau Lake.

The State of New York ordered the closure and cleanup of the site in 1968.

In the early 80s, GE entered an agreement to investigate and remediate the site. Waste was removed from the landfill and a slurry wall was built around the landfill, where a clay cap was installed. Work continued under the state referred the project to the EPA in 2009. It was named a federal Superfund in 2011.

In 2012, GE and company SI group began working with EPA. The companies constructed a facility to treat contaminated groundwater. Sampling and monitoring work has continued. Some nearby residents are living with bottled water or have had point-of-entry water treatment systems installed on their homes.

EPA Regional Administrator Pete Lopez, speaking at an information session Tuesday, acknowledged the lengthy remediation process.

"It is slow-moving but it's very comprehensive. Many of these situations are highly complex. And every situation, of course, is different," said Lopez.

On Tuesday, EPA announced that it would oversee cleanup on a stream near the landfill. Again, Administrator Lopez.

"We're focusing on PCB's today. We've had some conversation about 1,4-Dioxane and that's been a common discussion with the county legislature. But in this case we're focusing on the PCB remediation," said Lopez.

High concentrations of PCBs, the same chemical dredged from the Hudson River, have been found in an unnamed tributary dubbed T11A leading from the landfill. The small stream flows into the Valatie Kill, which flows into Nassau Lake.

GE is in the process of selecting a contractor to remove polluted sediment from T11A. Work is expected to begin this summer and continue for 3 to 4 months.

Investigation into and monitoring groundwater for the spread of other pollutants with names like 1, 4-Dioxane, benzyne, and TCE is ongoing.

Mark Behan is a spokesperson for GE.

"We cooperated with New York State when New York State was the lead on this and we're cooperating with EPA now," said Behan.

A number of residents attended Tuesday's meeting in a hot, humid community room at a local church.

Several have come together in the past to pressure the government to clean up the site. Kelly Travers-Main organized a group called UNCAGED. She said several of her neighbors have fallen ill over the years.

"Too many of us. And the biggest concentration of different types of cancers is right here at Morey Park, which is at the mouth of the lake," said Travers-Main.

Travers-Main is referring to the Morey Park area just over the Nassau line in the Town of Schodack. Morey Park Road runs along the north end of Nassau Lake and ends close to the Valatie Kill.

A grassroots effort collected information about various illnesses in the community. The illnesses were mapped and a map of the region with several colored pins was hung in the local library. It's now in town hall.

EPA gave a brief presentation about Community Action Groups, or CAG, which the agency does not form but uses to gather input from stakeholders.

Travers-Main is interested in forming a CAG, in particular to inform newcomers.

"If we can open up the CAG and EPA put out there that we're looking for community members to join in on what's going on, I think that's a really good thing," said Travers-Main.

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NEWSDAY

Illegal dumping scheme put debris in parks, backyards, officials say

By Rachelle Blindner

July 18, 2018

An undercover operation that netted dozens of arrests for illegal dumping Tuesday centered on a self-proclaimed dirt broker who offered residents clean fill and instead arranged for debris and solid waste to be placed on their properties, Suffolk County District Attorney Timothy Sini said.

Anthony C. Grazio, also known as Rock, was one of 24 people arrested Tuesday in the monthslong Operation Pay Dirt, which brought the largest bust for illegal dumping of construction and demolition debris in the state's history, officials said.

The investigation also resulted in charges for 11 companies in connection with the dumping. Investigators seized 27 trucks and froze $4.4 million in accounts, Sini announced at a news conference Wednesday.

The investigation "uncovered an underground world of dirt brokers, solid waste facilities and trucking companies" working together to dump illegally, Sini said.

The investigation — which is part of a larger crackdown on illegal dumping launched by Gov. Andrew M. Cuomo called Operation TrashNet — also uncovered 21 new dumping sites, officials said. It was conducted by the district attorney's office and the New York State Department of Environmental Conservation.

Pay Dirt focused on 25 illegal dump sites, including backyards, public land and parks, Sini said. Investigators seized 18 vehicles and executed 29 search warrants, officials said.

Investigators found Grazio brokered deals with recycling and solid waste management facilities and trucking companies to illegally dump construction and demolition debris into Suffolk parks and backyards, Sini said. Grazio also sold or offered clean fill to residents through online advertisements and door-to-door solicitation and showed them "bogus lab reports" about the fill's contents, Sini said in an interview late Tuesday.

Grazio was charged with five felony counts of criminal mischief, according to court records.

Companies saved hundreds of thousands of dollars by dumping illegally, with legal disposal costing $400-500 per truckload of material, Seggos said at the news conference.

The investigation began in February after investigators found evidence that Grazio solicited a Central Islip homeowner with free clean fill to grade his land and instead arranged to have solid waste that contained hazardous substances placed there, Sini said.

Grazio coordinated with Vito Fragola, the owner of West Babylon-based New York Trucking & Carting, to "run loads of solid waste for profit," Sini said.

"For almost a week, NYTAC had trucks dumping solid waste at the homeowner's yard — material the homeowner believed to be clean fill," Sini said.

Fragola was charged with a felony count of criminal mischief and two misdemeanors, court records show.

The operation also investigated a field outside Brentwood North Middle School, which became an illegal dump site while a nonprofit youth soccer club was planning to refurbish it and use it for soccer fields, officials said.

The illegal fill was disposed of by Durante Brothers Construction Corp. and brought to the middle school property by Smithtown-based SCF Materials Corp., Sini said.

Officials will hold a news conference at the Brentwood property at 1 p.m.

Public and government attention has been focused on illegal dumping since 2014 when investigators discovered nearly 40,000 tons of contaminated debris in Roberto Clemente Park in Brentwood. The dumping, which involved three other parcels in Suffolk, led to the convictions of five men, including two Islip Town parks employees.

Tuesday's arrests were the most for illegal dumping in the state since 2001, when 35 people and 21 businesses were indicted for allegedly dumping thousands of gallons of waste fluid, including motor oil and antifreeze, officials said. The current investigation is focused on solid waste.

A special grand jury will be convened to investigate these cases and report back on how to reduce illegal dumping, Sini said.

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MID-HUDSON NEWS

Gillibrand pushes increased funding to clean up contaminated water systems

July 18, 2018

WASHINGTON – A bill in the US Senate that would increase funding for small and disadvantaged communities to clean up water contamination in their local systems has the support of Senator Kirsten Gillibrand (D, NY).

The senator said the "Contaminant and Lead Electronic Accounting and Reporting Requirements for Drinking Water Act" would apply to the issue of Newburgh city water contamination from the Air National Guard Base at New York-Stewart International Airport.

"One of our biggest challenges at Stewart Airport is we have PFOA, which is a carcinogen that is used in foam when our military is doing exercises on airstrips in case of fires," Gillibrand said. "And we believe the military had an obligation to clean up this poison that is now unfortunately seeping into our groundwater, this bill would make it possible for the community to apply for funds to not only test the water in all communities regardless of population, but also then have the technology to clean it up."

The bill would increase the amount of funding provided by the Assistance for Small and Disadvantaged Communities program from $60 million per year through fiscal year 2021 to $230 million for fiscal year 2019 and $300 million each year for FY2020 to FY 2023.

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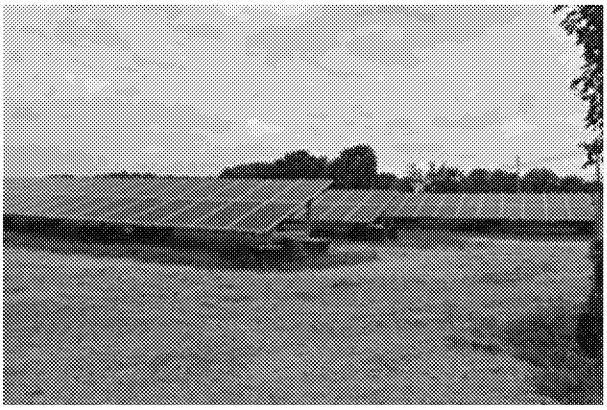
NJ SPOTLIGHT

It Was Once a Superfund Site, Now It's a Solar Farm

By Tom Johnson

July 18, 2018



Sixty-acre former Superfund site in South Brunswick is home to a new solar farm.

When Gov. Phil Murphy signed an ambitious law to ramp up the state's reliance on renewable energy this spring, he chose to do so at a former Superfund site that is being converted to a solar farm.

The 68-acre former South Brunswick Landfill project is now completed, the 34th commercial solar facility undertaken by NJR Clean Energy Ventures (CEV), an unregulated affiliate of New Jersey Resources.

For CEV, the project is getting to be old hat, with the company investing nearly $600 million in solar projects throughout New Jersey. It owns and operates 194 megawatts of capacity throughout the state, involving mostly commercial projects — although it has 61.5 MW in projects that cover 6,800 residential customers.

This administration has set lofty clean energy goals, aiming to having 100 percent of electricity produced by renewable energy by 2050, a target that will rely heavily on solar to achieve that level. And it will have to do so while figuring out a new way of incenting developers to invest in solar.

Current system to be scrapped

Because of worries about mounting costs to consumers, the legislation signed by Murphy will end up scrapping the current system of financing solar projects, which awards solar renewable energy credits to owners of the arrays for the electricity they produce.

The current financing system has been successful on one level — it has led to more than 90,000 solar installations statewide — but the expense has fallen on ratepayers to a large degree, costing more than $500 million a year.

Within three years, the New Jersey Board of Public Utilities must come up with a new, and presumably less costly, program to incent continued growth in the solar sector, which employs more than 7,000 people in the state. The agency is in the process of seeking input on how the new program should function.

"New Jersey has a thriving solar program and we fully expect that to continue," BPU president Joseph Fiordaliso said recently. CEV executives are equally optimistic.

"We don't know where it is going to shake out,'' said Mark Valori, vice president of CEV, referring to the overhaul of the solar program, "but we want to be a player in the state.''

Murphy's aggressive goals

To date, the company has invested more than $800 million in renewable energy, including four wind projects in Kansas, Iowa and Pennsylvania totaling 116.9 mw.

Solar and offshore wind are projected to be the primary technologies that will help the state achieve the Murphy administration's aggressive clean energy goals.

Larry Barth, director of corporate strategy for NJR, has few qualms about the solar sector. "It's going to be a good opportunity given the Murphy administration's commitment to clean energy. He wants to make New Jersey a national solar leader once again,'' he said.

The state already is moving to promote solar through a number of initiatives, Barth said, including establishing a new community solar program that could help bring the technology to low-income communities, a priority of the governor.

Barth is optimistic about the process. "It's got to work for the customer, the ratepayer and the business that wants to invest,'' he said, referring to the transition to the new solar financing program.

Brownfields and abandoned landfills

In South Brunswick, the 13-megawatt solar project will end up providing enough energy to power 1,360 homes. It is the third brownfield project that CEV has built. The state has put a priority on building solar farms on brownfields and abandoned landfills, instead of using existing farmland or open spaces.

The facility is built on about 60 acres of the former Superfund site, which had been capped and taken off the National Priority List in 1998. It had operated as a garbage dump for 20 years until it was closed in 1978.

"By all outward purposes, the landfill is a liability until it was turned into an asset,'' said South Brunswick Mayor Charlie Carley, referring to the conversion into a solar facility.

"This is one of the best things you can do with a closed landfill,'' said Walter Mugdan, a deputy regional administrator for the U.S. Environmental Protection Agency's Region II office in New York.

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VIRGIN ISLAND DAILY NEWS

Refinery's environmental legacy could ensnare the future

July 17, 2018

Contract documents and U.S. Environmental Protection Agency records offer a glimpse into how lingering environmental issues at a St. Croix refinery could be handled if refining resumes.

Gov. Kenneth Mapp has announced an agreement to reopen the former HOVENSA refinery on St. Croix with ArcLight Capital Partners, which currently operates the Limetree Bay Terminals oil storage facility. Mapp has called senators into a special session on July 25 to ratify the agreement.

Copies of the contract furnished to The Daily News show Limetree has been given latitude to pursue modification of the existing federal consent decree through an affiliated subsidiary.

The Clean Air Act Consent Decree came about after the EPA discovered some refinery buildings leaking benzene and other chemicals into the air.

The EPA sought a fine and improvements to the refinery, resulting in a consent decree in 2011 with HOVENSA, which agreed to pay a $5.4-million civil fine and invest $700 million in improvements to air quality control at the site of the refinery, according to the EPA. However, HOVENSA shuttered the plant later that year, leaving the consent decree momentarily in limbo.

Two separate agreements govern the interaction between the government and Limetree. The Revised and Amended Terminal Operating Agreement governs ongoing terminal operations.

The Refinery Agreement governs the potential refinery. Sections of the agreement refer to long waiting and evaluation periods to ensure whether refining is actually feasible, given the environmental legacy at the site.

The initial review period is a minimum of 36 months, and can be renewed for up to five years, according to the agreement.

The timing means the earliest refining could start — assuming ratification by the V.I. Legislature on July 25 — would be July 25, 2021. The latest refining could start with immediate ratification would be July 25, 2023.

If Limetree is found responsible for the consent decree, it can avoid restarting the refinery altogether, according to the contract.

If Limetree "would be subject to material liability under the Clean Air Act Consent Decree notwithstanding Refinery Operator and the Government's efforts pursuant to Section 4.1(A), the Refinery Evaluation Period shall, at the option of Refinery Operator, be terminated for all or a subset of the Refinery prior to the end of the then-current Refinery Evaluation Period within ten (10) days of a written notice by Refinery Operator of termination of such Refinery Evaluation Period, to minimize any such liability," the agreement reads.

If the refinery restart is not scheduled within the maximum five-year window, Limetree has the option to dismantle part or all of the refinery at its expense within three years, according to the agreement. The government could potentially receive some revenues if portions are dismantled after the restart, according to the agreement.

HOVENSA and the EPA formed the HOVENSA Environmental Response Trust in 2016, which took over environmental remediation efforts at the former refinery site under the terms of the Resource Conservation and Recovery Act. The trust was endowed with $72 million to clean up the site, according to a notice published in the Federal Register.

Environmental cleanup is still underway at the facility, according to the most recent two-year report filed with the EPA, which is dated in 2015. In 2014 and 2015, HOVENSA removed 289.6 tons of tank sludge containing benzene, cadmium, mercury, and other chemicals and shipped them to facilities in Texas, Florida and Arkansas.

The 2015 report represents a relatively quiet period for cleanup at the refinery. HOVENSA reported removal of 10,064 tons of waste in 2012 and 2013. During those two years, benzene, lime sludge, cadmium, barium, chromium, mercury and silver were sent to facilities in Texas, Louisiana, Pennsylvania, Arkansas, and Florida.

Some sections of the contract address the interplay between the Environmental Response Trust and Limetree.

The contract provides for Limetree to act on behalf of HERT to completely clean up the site, with participation by government agencies. Solid waste cleanup is conducted under the terms of the Resource Conservation and Recovery Act, or RCRA, which governs hazardous waste sites nationwide.

The agreement uses the acronym "HERT" for the trust.

"Such performance is funded by HOVENSA or HERT or, to the extent such funds prove inadequate, by amounts made available pursuant to the RCRA financial assurance demonstration for the site, but only to the extent agreed to in writing by both EPA and DPNR," the contract reads in part.

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CARIBBEAN BUSINESS

Former Puerto Rico power company chairman named executive director

July 18, 2018

Gov. Ricardo Rosselló announced Wednesday the appointment of José Ortíz to head the Puerto Rico Electric Power Authority (Prepa).

Ortíz's annual salary, the governor said, will be $250,000, "with the benefits of a regular employee," as put in a release by the governor's office, La Fortaleza.

The salary is one-third of what was offered the last director named, Rafael Díaz Granados. He and other board members left their seats after a political backlash against the amount decided, especially from the governor. Walter Higgins III announced that his resignation was related to issues with his $450,000 base pay, plus bonuses offered that it later seemed like he would not be paid.

"He isn't coming to learn," Rosselló said at a press conference, referring to Ortiz having chaired the public utility, while current Prepa Chairman Elí Díaz Atienza assured that the appointment was approved unanimously.

"We can't continue planning too long," the new power company CEO said, adding that his focus will be on accelerating the implementation of initiatives and that "substantial change" will be seen between December and March.

Puerto Rico Electric Power Authority Chairman Elí Díaz said the engineer accepted a salary that "adjusts to the fiscal reality" of the island and the public corporation.

"Our thanks to Engineer José Ortiz for agreeing to lead the Puerto Rico Electric Power Authority in times of fiscal challenges and profound changes. Engineer Ortiz is a proven public servant, who has worked with administrations of different political parties, so I have no doubt that he will be able to direct the energy transformation agenda of our Administration, with the benefit of the People of Puerto Rico as his only focus," the governor said.

Chairman Díaz praised Ortiz's career of more than 30 years "dealing with tax and operational issues of public corporations, private manufacturing, and real estate," La Fortaleza said.

"The experience of Engineer Ortiz will be fundamental in this stage of changes in the public corporation. The Governing Board of PREPA will work as a team together with the executive management to achieve a modern and cost-effective electricity system for customers," Díaz said.

Ortiz will step in for Higgins III on July 23 to head the utility which is in the process of being privatized.

La Fortaleza said that when Ortiz, an electrical engineer, chaired Prepa's governing board from 2011 to 2013, "the public corporation invested in critical infrastructure such as the conversion of generating units to natural gas. In addition, under his leadership, the first large-scale renewable energy projects were developed in Puerto Rico.

"Additionally, Ortiz worked as the executive director of Infrastructure for the Puerto Rico Aqueduct and Sewer Authority (PRASA) from 2004 to 2007 and oversaw the development of the Capital Improvement Plan for the public corporation. This required the investment of approximately $2.3 million for the design and construction of new treatment plants and improvements to the sanitary system, as well as to improve the availability of drinking water and sanitary systems.

"Later, Ortiz assumed the position of executive president of PRASA from 2007 to 2013. Ortiz led efforts to improve the credit rating of PRASA on an investment scale after 14 years of being on the verge of junk. He also negotiated three consented decrees with the Federal Environmental Protection Agency (EPA) to end over 20 years of noncompliance.

“During this period, Ortiz was also a member of the Water Utility Council of the American Water Works Association from 2011 to 2013. This Council is responsible for establishing legislative and regulatory priorities for the Association to ensure effective representation in Washington, DC for the benefit of the consumers.

“Additionally, Ortiz was president of the Interagency Committee of the American Recovery and Reinvestment Act (ARRA) from 2009 to 2013. This Committee was constituted to supervise and invest the funds received under this federal law. This program successfully invested $7.2 billion in critical infrastructure and was awarded by its responsible administration of public funds.

“Engineer Ortiz was also president of the Puerto Rico Infrastructure Financing Authority (AFI, for its Spanish acronym) from 2009 to 2012. During his presidency, he led the development of infrastructure work valued at $1.5 billion, including the construction and rehabilitation of 130 schools, sports facilities for the Central American Games of 2010, as well as the expansion and improvement of Centro Médico Hospital in Puerto Rico.

“After nearly a decade of public service, Ortiz returned to the private sector to work as vice president of Strategic Development for Wyndham Worldwide from 2013 to 2018.

“Ortiz studied engineering at the University of Puerto Rico and holds a Master’s degree in Business Administration and Finance from the University of Turabo.”

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National News

E&E News

Night and day as Wheeler opens doors to press
https://www.eenews.net/greenwire/2018/07/18/stories/1060089523
Posted: July 18,2018 By: Robin Bravender and Kevin Bogardus

Scott Pruitt got a reputation for stonewalling the press, but his successor is taking a new approach.

In his first two weeks on the job, acting EPA Administrator Andrew Wheeler has promised transparency to the press and to the public. He has published his daily calendars, has agreed to interviews with a range of news outlets and gave advance notice that his meeting Monday with business officials in Pennsylvania would be open press.

Such practices were commonplace for past EPA chiefs appointed by Republican and Democratic presidents alike, but Pruitt prioritized secrecy, preferring not to release his schedule until weeks later and releasing a private version of his calendar only under litigation. His staff screened for reporters they deemed favorable, and Pruitt rarely held open-press events.

"We've seen some better access to mainstream and objective media since Wheeler came in," said Joseph Davis, director of the watchdog project at the Society of Environmental Journalists, an association that represents professional reporters. "SEJ was profoundly unhappy with the press operation under the Pruitt regime, and we can only hope that any changes will be improvements."

A former Obama EPA press official said, "It's clear that Wheeler has brought a big mop and a lot of disinfectant to how the agency is working with the press. ... Night and day would be an understatement."

Wheeler's press office says it is taking a new tack. Asked if more changes were coming, EPA spokesman John Konkus said that with Wheeler, "you can expect a change in approach, and in this case a change in tone, as well," noting that the acting chief has already said he puts "a premium on transparency.

"I think you can take that mindset and apply it across the board when it comes to how EPA will be communicating with the media and the public going forward," Konkus said.

Under Pruitt, EPA's press shop often adopted campaign-style tactics.

Reporters weren't given advance notice of his events. Others were kept off an agency email press list. Some were even criticized by name for their coverage of EPA (Greenwire, Sept. 5).

Aides also sought not to publicize Pruitt's whereabouts and to limit press access to the administrator. Jahan Wilcox, one of Pruitt's more vocal defenders, said in one text message that the EPA chief didn't want "open press" at an event.

It also led to combative interactions with reporters, resulting in some choice quotes as Pruitt came under heavy scrutiny for allegations of excessive spending and mismanagement.

One EPA spokeswoman, Liz Bowman, said in a story by The New York Times that the newspaper was writing "elitist clickbait." Wilcox directed an E&E News reporter to use Google when asked for comment for another story (Greenwire, May 15).

Wilcox also garnered attention when he called a reporter at The Atlantic "a piece of trash," a comment he later apologized for.

As frustration grew among reporters and press advocates, SEJ wrote a series of letters to EPA asking Pruitt to change his agency's tactics toward the media. But Davis of SEJ said the problems were broader than Pruitt and his staff.

"We felt that this was in fact not just an EPA policy or a Pruitt policy; we felt that it was a Trump administration policy," he said. "Basically, the Pruitt press shop was imitating all the bad actions of the White House press operation. Gosh, we hope that changes, but it's still the Trump administration. Direct attacks on individual reporters, denial of access as retribution, selection of friendly reporters and preference given to them, preferential treatment of friendly reporters. Those things we would like to see stop."

A former career EPA press official who worked under Republican and Democratic administrations said press management under Pruitt was "far from the norm that you would hope for."

The "guiding principle during various periods when I was helping with press at the EPA was that we wanted more than anything to preserve our credibility, to get materials to reporters quickly, to try to be as helpful as possible, to try to serve the public's right to know," that person added. "The stuff that came out under Pruitt seemed to be exactly the opposite, that the press was somehow the enemy. ... There were even stories about reporters claiming to be physically restrained, things that were just really shocking and unimaginable."

Some EPA press officials have left the agency, and Wheeler may bring in some new communications aides.

When contacted by E&E News for this story, Wilcox confirmed that he has left EPA but declined to comment further. Others have left the press office, as well, including several in the aftermath of Pruitt's resignation. Along with Wilcox, Kelsi Daniell and Lincoln Ferguson are no longer working in EPA's public affairs shop. Bowman, who ran the office, left the agency this May.

The political staff in the EPA press office has been depleted, but several staff members remain, including Konkus as deputy associate administrator for public affairs, as well as Michael Abboud, Molly Block and James Hewitt. Christopher Beach is also an EPA speechwriter based in the public affairs office. Still, EPA has not named an acting public affairs chief

since Bowman's departure more than two months ago. Asked if the agency plans to name a press chief soon or staff up the office again, Konkus said, "We have no announcements at this time."

Liz Purchia, a former head of EPA public affairs during the Obama administration, said having no set leader in the office can lead to chaos.

"You don't have anyone to set the tone for the communications office in a leadership position with a communications plan in place," Purchia said. "Everyone can be doing their own thing and have to play whack-a-mole with reporters."

'You act like you're trying to hide something, people will go looking'

Media experts and former EPA officials say secrecy at the agency has a tendency to backfire.

"Clearly, Pruitt's strategy failed in terms of his engagement with the press," said the former Obama EPA press official. "The more Pruitt and his henchmen fought the press, the worse they did. They invited more scrutiny, which ultimately led to his downfall."

"You have to feed the beast. If you don't make yourself available, reporters are going to pick and choose how to pursue their stories," Purchia said, noting how EPA under Pruitt went after journalists. "You didn't see a proactive plan of them trying to set the agenda."

Bill Ruckelshaus, EPA's first administrator under President Nixon, was brought back in during the Reagan administration in an effort to rebuild the agency after it was tarnished by a Superfund scandal under Administrator Anne Gorsuch Burford in the 1980s. Like Pruitt, Burford was viewed at the time as being secretive and shutting out reporters.

Ruckelshaus made an effort to be as transparent as possible when he came back. "You act like you're trying to hide something, people will go looking and they'll find something."

He started holding regular on-the-record meetings with reporters. "To be honest with you, some of them didn't like it so much, because they lost their ability to break a new story. Everybody got it at the same time. But I think it's absolutely necessary to do that," he said.

Reporters who had swarmed EPA to cover the Burford scandals lost interest pretty quickly, Ruckelshaus said. "It doesn't take long if they see that you're trying to be as open as you can be with them," he said. From the perspective of journalists looking for news, EPA became a less exciting place to work.

Wheeler, a former Capitol Hill staffer, has a track record of regularly talking to the press.

"I think a lot of people give Andrew credit for his outreach to media," said Matt Dempsey, who was a press aide to the Senate Environment and Public Works Committee under Sen. Jim Inhofe (R-Okla.) when Wheeler was staff director.

Wheeler started doing pre-hearing briefings with reporters ahead of hearings and committee votes, Dempsey said. And under Wheeler's direction, Inhofe's press office was credited in 2007 with having the first-ever live Senate blog during the State of the Union address.

In 2008, Inhofe's website won an award from the Congressional Management Foundation. In a statement about the award, Inhofe touted the website as a way to bypass the media.

"Creating a top-notch Committee website provides the public more direct information — in many cases by bypassing and critiquing the mainstream media — and greater access to their elected representatives," Inhofe said then in a statement. "The goal of my website has always been to bring our government closer to the people and allows for more feedback from our constituents."

But Dempsey said Wheeler sees value in working with reporters from a range of news organizations. "One of his strengths is working with the various media outlets and working across the spectrum," Dempsey said.

Wheeler's early moves to open up press access at EPA have been greeted with optimism by some of those who criticized Pruitt's approach.

Yesterday, Sen. Tom Udall (D-N.M.), ranking member on the Senate Appropriations subcommittee with jurisdiction over EPA's spending, sent a letter to Wheeler in which he recounted that the acting EPA chief had pledged in a phone call to publish his daily schedule after the end of each day and announce events for press in advance.

Udall welcomed those actions but pushed for more change at EPA.

"While I welcome these steps, the job of re-establishing trust with the American people will require more than simply publishing a public schedule and abiding by the appropriations process," Udall said.

Critics of the Trump administration are waiting to see what Wheeler does next.

"The important test will come when there's a crisis, when there's strong political opposition and when there's something they don't want the world to know about, and that's when the rubber meets the road," said Davis of SEJ.

Purchia said of Wheeler, "The bar is so low that anything they will do will be a major improvement." Still, she added, "no one should be celebrating that they are doing the bare minimum."

Coal Ash
The Washington Post
EPA eases rules on how coal ash waste is stored across U.S.
https://www.washingtonpost.com/national/health-science/epa-eases-rules-on-how-coal-ash-waste-is-stored-across-the-us/2018/07/17/740e4b9a-89d3-11e8-85ae-511bc1146b0b_story.html?utm_term=.f5fb9179feaa
Posted: July 17th, 2018 @ 7:15pm By: Juliet Eilperin and Brady Dennis

The Environmental Protection Agency finalized a rule Tuesday to overhaul requirements for handling the toxic waste produced by burning coal, providing more flexibility to state and industry officials who had sought a rollback of restrictions put in place in 2015.

The far-reaching rule will dictate how coal ash, which has contaminated waterways in two high-profile spills in Tennessee and North Carolina in the past decade, is stored at more than 400 coal-fired power plants around the country.

The new standards — the first major rule signed by EPA acting administrator Andrew Wheeler — will extend the life of some existing ash ponds from April 2019 until October 2020, empower states to suspend groundwater monitoring in certain cases and allow state officials to certify whether utilities' facilities meet adequate standards. EPA officials estimate that the rule change will save the industry between $28 million and $31 million a year in compliance costs.

"These amendments provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected," Wheeler said in a statement. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."

Industry officials petitioned the Trump administration last year to reconsider existing standards for the fine powder and sludge — which contains mercury, cadmium, arsenic and other heavy metals — and the new regulation expands on the proposal then-EPA Administrator Scott Pruitt issued in March.

Wheeler worked for several years as a lobbyist for Murray Energy, which supported reconsideration of the coal ash rule, before joining the administration this spring. He said in an interview with The Washington Post this month that he has not lobbied EPA directly for several years, though he lobbied other government departments since President Trump took office.

The Obama administration negotiated for years with environmental groups, electric utilities and other affected industries about how to address coal waste, which can poison wildlife and lead to respiratory illnesses among those living near storage sites. The 2015 rule increased inspections and monitoring of coal ash disposal sites and required measures such as liners in new waste pits to prevent leaks that might threaten nearby drinking water supplies.

Tuesday's rule — which will be followed by a second one, most likely next year, to address how to recycle coal ash to make concrete, gypsum wallboard and pavement — incorporated several requests from industry. For example, it would allow a state to suspend groundwater monitoring if it determines that there are no leaks, contamination or migration of contaminants that can be detected.

And while the initial proposal required a professional engineer to issue a certification of compliance for coal ash storage sites, the new rule will allow state authorities to sign off on it instead.

The rule will allow coal ash impoundments that are at risk for leaks — including ones within five feet of groundwater or in wetlands or seismic zones — to continue operating beyond April 2019, when they were slated to close. Instead, they may remain open under the new rule until October 2020.

In addition, the new rule would allow states to establish their own "risk-based" standards for substances for which there are no federally mandated "maximum contaminant level," or MCL. That could affect the regulation of contaminants such as colbalt, lithium and lead, all of which have been linked to potentially serious health problems in humans.

Jim Matheson, who heads the National Rural Electric Cooperative Association, praised the deadline extension, saying in a statement that "EPA is working to avoid unintended consequences while the agency updates the original rule" to reflect new authority Congress gave the agency a year and a half ago.

Earthjustice senior counsel Lisa Evans criticized the agency for making concessions to the power sector. "Wheeler is on course to give industry exactly what it asks for, regardless of the damage it wreaks on our drinking water and health," she wrote in an email.

Avner Vengosh, a Duke University expert on the environmental impacts of coal ash, said that scaling back monitoring requirements, in particular, could leave communities vulnerable to potential pollution.

"We have very clear evidence that coal ash ponds are leaking into groundwater sources," Vengosh said. "The question is, has it reached areas where people use it for drinking water? We just don't know. That's the problem."

And officials are unlikely to know, he said, unless basic monitoring requirements — which were part of a compromise in 2015 after the EPA decided not to define coal ash as hazardous waste — remain in place.

The EPA aims next year to finalize a separate rule addressing toxic wastewater discharge from power plants, and a senior agency official said that it made sense to align the two deadlines so that utilities could determine how best to comply with both revised standards.

The administration did opt to preserve the 2015 rule's requirement that utilities publicly post the groundwater monitoring data they collect from coal ash disposal sites. This year, more than a dozen power plants across eight states publicly released data showing widespread groundwater contamination from such sites.

Environmental groups seized on the data, pointing to increases in potentially toxic substances such as arsenic detected in the groundwater near coal ash storage pits.

Industry representatives, however, noted that despite evidence of leakage from some existing coal ash storage facilities, whether such leaks have harmed drinking water supplies remains unclear.

EPA officials said they received roughly 160,000 comments on the proposed rule but declined to say how many people favored or opposed it.

During public hearings, agency officials received an earful from environmentalists and residents of communities affected by coal ash. In April, inside the ballroom of a Doubletree Hotel in Arlington, Va., those who testified at a public hearing on the coal ash proposal overwhelmingly opposed a rollback of the Obama-era standards.

"We will oppose this rollback every step of the way, including in the courts," Mary Anne Hitt, the head of the Sierra Club's Beyond Coal campaign, said that day. "Weakening these standards is a betrayal of these families across the country who are counting on you."

Using its authority under the 2016 Water Infrastructure Improvements Act, the EPA has begun delegating significant authority for overseeing coal ash disposal to the states. Oklahoma received federal approval for its own program, Georgia has completed its application and nine other states are in the process of applying.

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Bloomberg Environment
Power Sector gets flexibility on Coal Ash Clean ups
https://bnanews.bna.com/environment-and-energy/power-sector-gets-flexibility-on-coal-ash-cleanups?context=landing-heroes
Posted: July 18, 2018 at 9:24am By: Sylvia Carignan

Coal-powered electric utilities and states will have more flexibility on deciding whether substances leaking from coal ash ponds and landfills need to be cleaned up.

That flexibility is the result of the EPA's first round of changes to its coal ash disposal rules, announced July 18. The changes, initiated under former administrator Scott Pruitt, represent the first completed major regulatory action on coal under acting Administrator Andrew Wheeler.

Coal ash, a product of burning the fuel to generate electricity, contains metals such as arsenic, chromium, and mercury that pose risks to public health and the environment, especially if spilled into drinking water supplies.

The agency is making changes to its 2015 coal ash disposal rule (RIN:2050-AG88) in two phases. Other changes made in this first phase include revised groundwater protection standards for contaminants that don't have an established drinking water standard and an extended deadline for utilities to close their coal ash disposal units.

Ameren Corp. and electric utility associations—including the Utility Solid Waste Activities Group and the National Rural Electric Cooperative Association—asked the EPA for the additional time.

Wheeler was a lobbyist with Faegre Baker Daniels LLP in Washington before joining the agency in April. One of his clients was Murray Energy Corp., which proposed changes to federal coal ash regulations that the EPA is now adopting.

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Politico
EPA finishes first round of coal ash rule changes easing requirements
https://subscriber.politicopro.com/energy
Posted: July 18, 2018 at 9:50am By: Alex Guillen

EPA today released the first of what will be multiple rounds of changes to the 2015 coal ash rule easing some of its requirements for states and utilities.

The final rule adopts two alternative performance standards that will allow state permitting authorities to not require utilities to monitor groundwater "if there is evidence that there is no potential for migration of hazardous constituents to the uppermost aquifer." States will also be able to issue technical certifications themselves, instead of relying on a professional engineer.

The rule gives utilities more time when closing coals ash ponds for two reasons: when an unlined surface pond has a "statistically significant" increase above pollution limits, or when the pond doesn't comply with certain location restrictions, such as above an “uppermost” aquifer, wetlands or seismic impact zones. And the rule revises groundwater protection standards for four pollutants that do not have maximum contaminant levels set under the Safe Drinking Water Act: cobalt, lead, lithium and molybdenum.

The agency must still finalize other amendments proposed this spring, including vegetation requirements, the addition of boron monitoring rules and a provision defining how large a release must be to trigger corrective actions. And yet another round of changes is expected to be proposed by the end of September.

Some changes were initiated under the Obama administration, while others were needed after Congress in late 2016 passed a law changing the coal ash rule’s enforcement scheme. Still more are Trump administration responses to industry complaints.

WHAT’S NEXT: EPA has at least two more rounds of amendments to finalize. Overall, EPA has projected finishing all the changes by December 2019.

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Ethanol

E&E
Familiar battle lines at EPA hearing on ethanol mandates
https://www.eenews.net/greenwire/2018/07/18/stories/1060089511
Posted: July 18,2018 By: Marc Heller

EPA opened what's expected to be an hours long public hearing today on its proposed biofuel volumes for 2019, as pressure grows on the agency to scale back the waivers it has been granting to exempt some refineries from the renewable fuel standard's ethanol mandates.

Ethanol industry groups urged the agency to increase the amount of biofuels in the nation's fuel supply, while petroleum groups, wildlife advocates and a food bank official pressed for reductions.

The battle lines in the debate over biofuel policy were familiar: Critics testified that increased use of corn and soybeans for fuel is speeding conversion of uncultivated land to industrial agriculture, forcing food prices higher and harming public water supplies. Supporters said biofuels reduce dependence on foreign oil, have saved consumers billions of dollars through lower gas prices and have made the air cleaner by reducing carbon monoxide and soot.

EPA proposed total renewable fuel volume of 19.88 billion gallons in 2019, a slight increase from 19.29 billion gallons this year. Conventional biofuel would hold steady at 15 billion gallons.

Advanced biofuel would grow from 4.29 billion gallons to 4.88 billion gallons, and cellulosic ethanol would be at 381 million gallons, up from 288 million gallons this year.

EPA proposed biomass-based diesel at 2.43 billion gallons in 2020, one category that's set two years in advance.

EPA officials at the hearing, held in Ypsilanti, Mich., said they continue to review agency policies on economic "hardship" waivers and recognize that the issue is at the forefront for many stakeholders. The proposal on biofuel volumes doesn't deal with that issue, although ethanol industry groups have asked EPA to make up for the volumes lost through waivers by boosting requirements for the next year.

"On its face, EPA's 2019 proposal represents a solid effort to leave the 15 billion gallons commitment to starch ethanol intact and build on that foundation with a significant increase in cellulosic biofuels," said Chris Bliley, vice president of Growth Energy, an ethanol industry group, in prepared testimony. "However, one needs only look further at the proposal itself to see that these are hollow goals."

Bliley said hardship waivers granted to small refineries have set actual biofuel volumes back to levels from 2013, based on EPA's estimate that the waivers amount to 2.2 billion gallons of demand and a "bank" of 3 billion unused renewable fuel credits that may "expire as worthless."

EPA grants the waivers to small refineries that demonstrate economic pain from meeting the requirements, typically through the purchase of renewable fuel credits. The Small Refiners Coalition, a group critical of biofuel mandates, defended the waivers in a statement today, responding to the hearing.

"In the last six months, we have seen ethanol blending remain robust, and in fact slightly up, compared to the same period from last year," said LeAnn Johnson Koch, director of the coalition. "This proves there is no 'demand destruction,' which is logical since many of the small refiners receiving exemptions do not blend their own fuel."

The American Petroleum Institute called on EPA to reduce the target for advanced biofuels, saying it's based on assumptions about biodiesel imports from Argentina and Indonesia that are uncertain. Broadly, the group said, the renewable fuel standard is a burden on all refiners and ultimately on consumers.

"The proposed volumes are an annual example of a broken government program," said API senior fuels policy adviser Patrick Kelly. "We continue to believe the best solution to fix the RFS is comprehensive legislation that includes a sunset of the program in 2022."

Some environmental groups continue to criticize the RFS for effects on land use and wildlife. The National Wildlife Federation's Great Lakes Regional Center senior policy manager, Marc Smith, cited "massive conversion" of wildlife habitat for biofuel crops. The agency should revise the volumes "well below" the proposed level, he said.

The Renewable Fuels Association asked EPA to reallocate to other refiners the volumes that were waived — a move the agency said it wouldn't make in the 2019 volume proposal. Without that and other actions to raise biofuel volumes, the

proposal is a blow to farmers and ethanol producers, said RFA Vice President of Government Affairs Samantha Slater in testimony.

"Such actions would finally begin to repair the damage done to ethanol and corn by EPA's recent actions on the RFS," Slater said.

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FOIA
Politico
EPA chief of staff: Agency aims to clear FOIA backlog in 'a few months'
https://subscriber.politicopro.com/energy/whiteboard/2018/07/epa-chief-of-staff-agency-aims-to-clear-foia-backlog-in-a-few-months-691906
Posted: July 17, 2018 at 7:55pm By: Eric Wolff

EPA hopes to clear a backlog of requests for records from the administrator's office "within the next few months," agency chief of staff Ryan Jackson told POLITICO today.

The action follows an outcry over unanswered Freedom of Information Act requests that grew under former EPA Administrator Scott Pruitt, leading watchdog groups and news organizations to file lawsuits accusing the agency of flouting the law.

Now the agency has worked to streamline how it processes requests and is in the process of hiring six to nine new staffers for its FOIA office, Jackson said in a phone interview. Jackson said the work was already underway and was not a response to pressure, and he said the agency also faced a backlog dating back to the George W. Bush administration.

"I believe that we have an organization in place now that will be able to response to these and get the FOIA requests answered, get FOIA lawsuits settled and completed we hope," he said.

"What I mean is, 1) either entirely responded, or 2) be in the process of providing documents on a rolling basis that the requester can expect on rely on," Jackson added.

EPA has seen jumps in both the number of requests and the number of lawsuits for failing to act quickly. Rep. Elijah Cummings (D-Md.), the top Democrat on the House Oversight Committee, last week demanded he be allowed to issue subpoenas due to abuses of FOIA.

In a response to Cummings sent Sunday, EPA principal deputy general counsel Kevin Minoli told Cummings and Oversight Chairman Trey Gowdy the agency had been working to clear up a long backlog of requests, including deploying a special team to help an overwhelmed staff in the Office of Administrator to deal with the increase.

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Lead
E&E
Audit faults EPA over schools failure to test for lead
https://www.eenews.net/greenwire/2018/07/18/stories/1060089503
Posted: July 18,2018 By: Ariel Wittenberg

Most public schools don't test their drinking water for lead, the Government Accountability Office said in a report released yesterday.

Only 43 percent of school districts tested for lead in drinking water in 2016 and 2017, and when they did, more than a third found elevated levels of the powerful neurotoxin, the federal watchdog found.

But 41 percent of school districts didn't do lead testing in the past two years, and 16 percent didn't know. Altogether, those districts serve 18 million children, the GAO report said.

Lead is particularly dangerous for children. Their bodies absorb lead more readily than adults', and exposure to the toxin can damage their brains.

School drinking water can similarly be particularly at risk for lead contamination, GAO's director of education policy, Jackie Nowicki, explained on the office's "Watchdog Report" podcast.

"The potential for water to leach into the water gets greater the longer it has contact with the pipes, and if you think about school schedules, with time off for weekend or holidays, you have a greater potential for water standing in the pipes, which can increase the risk," she said.

Environmental health advocates have long been critical of EPA standards for lead in drinking water, frequently slamming weak testing requirements.

While EPA's Lead and Copper Rule governs public water systems and requires utilities to test some taps for lead, there is no federal requirement for testing drinking water in schools.

Eight states have set their own lead standards for schools, with 13 more having programs to fund testing by school districts.

In 2006, EPA wrote guidance to help school districts test drinking water, but GAO says, "Many school districts reported a lack of familiarity with EPA guidance, and their familiarity varied by region of the country."

That guidance also uses a different testing protocol than the federal Lead and Copper Rule for public water systems. The guidance sets an "action level" for lead in school drinking water at 20 parts per billion — higher than the Lead and Copper Rule's 15-ppb standard.

Said Nowicki, "The main thing is that that guidance from EPA, portions of it are neither clear nor accurate, and it can make it really difficult for school districts to have good information for them to make informed decisions about the levels, about whether to test and when to test, how much to test, and also about what to do if they find elevated lead in their drinking water supply."

GAO is recommending that EPA update its guidance for schools and coordinate with the federal Department of Education to collaborate on publicizing the guidance and encouraging more schools to test for lead.

It also urges EPA to consider developing a health-based lead standard for school drinking water as part of the agency's revisions to the Lead and Copper Rule.

Legislation

EPA has been working on new lead-in-water standards since 2010. The Obama administration had been on track to propose a new regulation last spring. The Trump administration has repeatedly pushed back that timeline, now saying it expects to propose a new rule in February 2019.

In a letter included in the GAO report, EPA water chief David Ross agreed with many of the watchdog's recommendations.

"While EPA has not yet determined the specific role of a health-based benchmark for lead in drinking water in the revised Lead and Copper Rule, the Agency sees value in providing states, drinking water system and the public with a greater understanding of the potential health implications for vulnerable populations of specific levels of lead in drinking water," he wrote.

GAO conducted its review at the request of lawmakers, including Senate Health, Education, Labor and Pensions Committee ranking member Patty Murray (D-Wash.).

"It is unacceptable that even one child is attending a school with elevated levels of lead — and even more unacceptable that a majority of schools don't even know if their students are at risk," Murray said in a statement yesterday.

She also urged Congress to take up a bill introduced by Sens. Tammy Duckworth (D-Ill.) and Cory Booker (D-N.J.) last summer to require periodic testing for lead in schools and provide resources to monitor lead levels and replace outdated pipes. Duckworth first introduced the "Get the Lead Out of Schools Act" as a House lawmaker in 2016 (E&E Daily, June 22).

She said in a statement that the GAO report "underscores the need for mandatory lead testing in all schools across the nation."

"When families send their children to school, they should not have to worry about the school's drinking water being contaminated with a dangerous neurotoxin like lead," she said.

Public health and environmental activists slammed the Trump administration in the report's wake.

"This report should shock every member of Congress and jolt acting EPA Administrator Andrew Wheeler into action," Environmental Working Group President Ken Cook said in a statement. "In the richest country on earth, none of our children should be attending schools where the drinking water is contaminated with a heavy metal that causes brain damage."

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Science Transparency

ABC News
Environmental, Health Advocates Speak Out against EPA's "Secret Science" Plan
www.google.com/amp/s/abcnews.go.com/amp/Politics/environmental-health-advocates-speak-epa-secret-science-rule/story%3fid=56631373
Posted: July 17th, 2018 @ 4:51 pm By: Stephanie Ebbs

Environment and health advocates are calling on the Environmental Protection Agency to abandon a proposed rule that they say would hurt environmental protections by blocking the agency from using some scientific research in its regulations.

The EPA held a public hearing on its "Strengthening Transparency in Regulatory Science" rule Tuesday, which former EPA Administrator Scott Pruitt said would bar the agency from basing regulations on science where the raw data is not made public -- what Pruit called "secret science." More than 200,000 public comments have been submitted on the proposal since it was announced in April. Dozens of representatives from groups including the American Lung Association, Moms Clean Air Force, and Union of Concerned Scientists testified against the proposal in the hearing.

When he announced the rule, Pruitt said it would make regulations at the agency more transparent because any study used to write a rule could be replicated. But critics say because many EPA rules are related to protecting health, some of the data that is used in that research can't be released without breaching the privacy of the people involved.

Advocates from health and environmental groups say the rule is vague and would block regulators from citing research into the health effects of pollution, which usually does not release raw data due to privacy concerns.

Michael Halpern, director of the Center for Science and Democracy and the Union for Concerned Scientists, testified that the rule would prevent EPA from carrying out its mission to protect human health and the environment.

"Without the ability to use this scientific information, EPA would be unable to meet its mission and statutory obligations. This proposal would make it significantly harder for EPA to use the best available science to protect the public, including from harmful emissions of hazardous air pollutants, particulate matter and ozone, exposure to dangerous chemicals in commerce, (and) drinking water contaminated with toxic chemicals such as PFAS or lead," Halpern said.

In one example, the director of the nuclear program for the Natural Resources Defense Council said the proposed rule could undercut standards for radiation exposure because the EPA would no longer be able to rely on research on atomic bomb survivors -- because the data is available to other researchers but not the general public.

Matthew McKinzie, director of the nuclear program for the Natural Resources Defense Council, said the rule would exclude important studies about atomic bomb survivors, for example, even though the studies are well-regarded and have been reviewed by other researchers multiple times.

"Implementation of the rule would effectively block the use of such key scientific studies and allow for radiation standards to be either wholly weakened or made functionally meaningless," McKinzie said in his testimony.

The studies McKinzie cites and other health-related studies about issues like smog pollution or chemical exposure often study thousands of individuals monitored for decades, and researchers say they can't publicly release the data because it would not be possible to remove all the personal information or that the research subjects did not consent to make the data public.

Some advocates say the rule isn't actually about transparency but would benefit industry groups who want fewer regulations.

Groups like the Competitive Enterprise Institute, American Petroleum Institute, and the American Chemistry Council say they support the rule and would work with other stakeholders to maximize transparency while working within limitations like information that legally can't be made public because it includes private health information.

A report released by the conservative Competitive Enterprise Institute on Tuesdaysays the rule is actually more limited than critics say and that the EPA would still be allowed to use research that can't be made publicly available when it is "not feasible" to do so. Angela Logomasini, a senior fellow at the institute who attended Tuesday's hearing, said some of the testimony ignored that other laws like the Safe Drinking Water Act require the EPA to use the "best available science" so it could not ignore studies who use data protected by privacy laws.

"Numerous presenters raised concerns that the transparency rule would somehow prevent EPA from using the best available science, and thereby prevent EPA from making rules to protect public health. Nothing could be further from the truth," said Angela Logomasini, a senior fellow at the institute who attended Tuesday's hearing. "The rule explicitly provides exemptions for science that cannot be released because of privacy concerns," Logomasini said, adding "Perhaps some opponents are actually more concerned that data release will undermine their ideological views about regulation."

But critics, including Democratic lawmakers, said the rule was unnecessary and implied that EPA was previously using science that wasn't already vetted by other researchers.

"The proposed rule perpetuates the incorrect notion that the science the EPA relies on is somehow hidden. It is not," Rep. Suzanne Bonamici, D-Or., said in her testimony. "The EPA would be forced to ignore valuable information discovered during their research because it contains confidential information. This would have chilling consequences for the EPA and every person who benefits from clean air and clean water."

The proposed rule is open for public comment until August 16. An EPA official said in a statement that the agency will consider all submitted comments when updating the rule.

E&ENews

Fans on Science Overhaul Hope it Proceeds after Pruitt

https://www.eenews.net/climatewire/stories/1060089463/search?keyword=EPA

Posted: July 18th, 2018 By: Scott Waldman

Scott Pruitt has left the building, but industry and conservative groups hope his plans for overhauling EPA science outlive his tenure as administrator.

At a public hearing at EPA's Washington, D.C., headquarters yesterday, about a dozen speakers showed up to express their support of the proposal. That's compared with more than 70 speakers who opposed Pruitt's plan to restrict which science the agency can use in crafting regulations.

Those in favor comprised representatives of the American Petroleum Institute, the American Chemistry Council, the Heartland Institute, the U.S. Chamber of Commerce and other groups. Most of them accused EPA of bungling regulations and misusing science in the past. Lawyers representing polluting industries spoke in favor of the rule, as did a few researchers who receive industry backing.

"Federal rules that impact millions of people and billions of dollars should be held to a higher standard," said Dan Byers of the U.S. Chamber's Global Energy Institute.

EPA's draft rule would effectively bar the agency from using some studies for developing new rules unless the underlying data were made publicly available. Pruitt; House Science, Space and Technology Chairman Lamar Smith (R-Texas); and other supporters of the policy call it a necessary step to increase transparency.

When Pruitt proposed the plan, he said it was the "agency taking responsibility for how we do our work." EPA officials said it was consistent with the policies of major scientific journals, including *Science* and *Nature*. But the editors of all the journals stated that the EPA policy was not consistent with their policies.

Acting EPA Administrator Andrew Wheeler recently said he supported the proposed rule, although he left open the possibility that it could be tweaked before it is finalized.

"I don't know if the final is going to look exactly like the proposal," he told E&E News last week. "We're receiving comments; the comment period is still open, and we can't prejudge any of that. But fundamentally, I do believe that the more information you put out to the public, the better the regulatory decisions will be and the better understood the regulatory decisions will be by the public."

Another who spoke in favor of the rule at yesterday's hearing was Kimberly White, a senior director at the American Chemistry Council. She is also a member of EPA's Science Advisory Board, although she did not note that when she spoke at the hearing.

"The utilization of objective, transparent and modern scientific approaches to draw conclusions regarding human health risks is critical to developing sound regulatory decisions," she said. "Throughout the EPA, the application of scientific information that underpins regulatory activities has often been inconsistent and unclear, leading to concerns about how the agency incorporates the best available science to evaluate the quality of that science and applies 21st-century knowledge concerning cause and effect."

White then attacked a major study on formaldehyde, citing research funded by a foundation connected to the American Chemistry Council. Public health experts have cited that study as a "poster child" for how industry will exploit public data in an attempt to discount research (*Climatewire*, May 1).

The Science Advisory Board, which Pruitt filled with more industry officials, including White, voted in May to review the proposal. Members of the board, which is led by a Pruitt appointee, say the agency did not consult with them in crafting the plan to learn about its potential effects, and many found out through media reports. At that May meeting, White suggested that the rule be implemented while the board weighed its merits.

The vast majority of those speaking at the hearing yesterday said they were opposed to the policy.

They referred to it as "rushed," "secretive" and a "coordinated effort to ignore science." A nurse swapped shifts so she could speak, a nuclear physicist noted that it would exclude data obtained from atomic bomb survivors in World War II, and multiple speakers said it would insert politics into science. Some speakers called the plan a solution in search of a problem and said it would gut the agency's ability to regulate pollution (*Greenwire*, July 17).

Within the field of science, there has been a yearslong discussion about how to better disclose data and improve transparency. However, some groups attempted to portray that effort as an endorsement of Pruitt's proposed science transparency rule, which has been soundly rejected by the nation's major scientific organizations. The proposed rule favors industry research, critics have said, and even provides exemptions for keeping some industry research data private if it is classified as "confidential business information."

One of the architects of the rule, Steve Milloy, an attorney who has worked for the tobacco and coal industries, said that it was designed to go after epidemiological studies, such as the "Harvard Six Cities" study, conducted by Doug Dockery, and an American Cancer Society study showing air pollution risks, conducted by Arden Pope of Brigham Young University.

"Independent review of the Harvard Six City and American Cancer Society line of studies would prove them to be highly problematic, embarrassing or even fraudulent," Milloy said. "Desperate to defend the indefensible, supporters of Dockery and Pope have wrongly maintained that making the data in question public would violate medical and personal privacy rights."

In fact, the studies have been reanalyzed and held up to scrutiny. What's more, many studies in the decades since their publication have found human health risks from air pollution.

An official with the American Petroleum Institute, which has funded research that suggests air pollution is not fatal to human health, said the proposed rule should go beyond its original intention. Ted Steichen, a senior policy adviser at API, said it should apply to federally funded research, agency research and independent research used to craft regulations. It should also apply to economic calculations used to quantify public benefits and costs of regulations, he said.

"Transparency and reproducibility should also apply to underlying data and information, such as environmental and economic impact data and models that are utilized to predict costs, benefits, market impacts and/or environmental effects of specific regulatory interventions," he said.

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Politico

Critics: EPA science policy is out of tobacco playbook

https://subscriber.politicopro.com/energy/article/2018/07/critics-epa-science-policy-is-out-of-tobacco-playbook-692587

Posted: July 17, 2018 at 5:57pm By: Emily Holden

Public health advocates opposing EPA's new science policy are seeking to frame it as a repeat of the tobacco industry's discredited attacks on the research surrounding secondhand smoke.

Dozens of speakers from medical and environmental groups at a public hearing Tuesday said the agency's proposal to bar science that doesn't have publicly available data would make it impossible or incredibly expensive to conduct

research that EPA would consider in writing regulations. They argued it could also undermine study participants' trust and have a chilling effect on what kind of science health experts could pursue.

The result: EPA would begin to ignore critical information about how pollutants harm people, said the rule's critics, who vastly outnumbered supporters.

"In short, we believe this policy is not in the best interest of our profession, the patients that we serve or the public health," said Meredith McCormack, a physician-scientist with the American Thoracic Society. "The focus on transparency is highly reminiscent of the rhetoric used by the tobacco players decades ago."

McCormack said tobacco industry documents showed companies trying to set up procedural hurdles for what science the government could consider, and also used language similar to EPA's proposal around transparency, sound science and reproducible science.

The change could weaken air quality standards in the near-term, as EPA reviews rules for ozone and particulate matter, and could slow regulations long-term, said Paul Billings, senior vice president of advocacy for the American Lung Association.

"If you didn't know that particulate matter led to premature death and EPA had not evaluated that science, what would happen because of that?" Billings said outside the meeting room at agency headquarters. "We could see a path where less information would then mean that you have weaker standards and weaker cleanup."

Three Democrat lawmakers — Reps. Paul Tonko of New York, Suzanne Bonamici of Oregon and Dan Lipinski of Illinois — also appeared in opposition to the proposal.

Officials from Minnesota — John Stine from the Pollution Control Agency and Paul Allwood from the Department of Health — asked EPA to immediately suspend the proposal.

Without studies on chemicals used at 3M manufacturing sites, the state wouldn't have been able to successfully sue on behalf of affected residents, they said. Without research used in computer models for pollution, they wouldn't know how many people in the Twin Cities die prematurely or are hospitalized because of dirty air, they said.

Stine said after his statement that the state will seek a meeting with acting EPA Administrator Andrew Wheeler.

The science rule was a priority for former Administrator Scott Pruitt, who promoted the proposal in interviews with conservative media outlets, although its progress has already begun to slow, with EPA reclassifying the regulation to require a greater level of internal review. Wheeler has said he will take a "hard look" at the proposal, and some groups hope his biology background might prompt him to scrutinize it more closely.

The draft rule's critics also maintained that peer review ensures that study data is valid, even if the data itself is not publicly available.

Community-based health researchers argued that the rule might deter valuable science.

Pamela Miller, executive director of Alaska Community Action on Toxics, said the proposal would prevent EPA from using her group's research on how toxic chemicals affect Arctic indigenous peoples.

"This information is considered protected information, medical information, because we're collecting information about health, about demographics, about behaviors in the home and community," Miller said. The group's research has been instrumental in informing how military operations are cleaned up, she said.

The handful of the proposal's supporters who appeared at the meeting argued that for epidemiological studies, researchers could make their data available while shielding the identities of participants.

Dan Byers, senior policy director for the U.S. Chamber of Commerce's Global Energy Institute, said many of EPA's claimed monetary benefits from regulations are based on particulate matter studies that didn't have public data.

Still, EPA's policy change could pose problems for businesses depending on how it is crafted.

The Chamber said it is "paramount" that EPA adhere to requirements to protect proprietary data and confidential business information, as well as participant privacy. The group noted that Wheeler would have special authority to exempt certain studies from the new requirement, and said EPA should develop systematic guidance for how that would work.

The American Petroleum Institute said any data used in EPA policymaking should be transparent, reproducible and publicly available "to the extent possible, and consistent with the protection of other compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections."

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Officials
E&E News
Archives calls for review of Pruitt's calendar
https://www.eenews.net/greenwire/2018/07/18/stories/1060089515
Posted: July 18, 2018 By: Kevin Bogardus

The National Archives and Records Administration has requested that EPA address allegations that former Administrator Scott Pruitt's calendar was scrubbed of select meetings.

Chief Records Officer Laurence Brewer sent a letter last week to EPA detailing media stories that said Pruitt's aides removed meetings from his schedule that could play poorly with reporters.

"NARA is requesting that EPA provide us with a response within 30 calendar days indicating the specific actions EPA will take to address these allegations," Brewer said.

If the agency determines that "an unauthorized disposition" of records has happened, EPA is required to submit a report to the National Archives, which should address whether those records can be recovered and what steps EPA will take to stop future alterations of records.

Asked for a response to the letter, an EPA spokesman said, "EPA recently received the letter and understands its response is due by the second week of August.

"We are preparing a full response addressing any misinformation and describing EPA's archival process," said the spokesman.

CNN reported earlier this month about alleged changes made to Pruitt's calendar. Kevin Chmielewski, the former deputy chief of staff for operations at EPA who left the agency after clashing with Pruitt, said there were several versions of Pruitt's schedules, including one that only a few aides ever saw.

EPA has disputed those allegations, saying there were "no secret calendars or schedules," according to a spokesman.

Pruitt's schedule has also attracted scrutiny from lawmakers. Democratic Reps. Don Beyer of Virginia and Ted Lieu of California have sent a letter to the EPA inspector general requesting a review of the allegations that the former administrator's calendar was altered (Greenwire, July 5).

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Ozone Pollution
Bloomberg Environment
Most of San Antonio Region off the hook for ozone Pollution
https://bnanews.bna.com/environment-and-energy/most-of-san-antonio-region-off-the-hook-for-ozone-pollution
Posted: July 18,2018 at 12:54pm By: Amena Saiyid

Bexar County, Texas, will need to take extra steps to clean up air pollution, but the EPA found most of the San Antonio region has met federal requirements for ozone.

The Alamo Area Council of Governments, which includes San Antonio, successfully persuaded the Environmental Protection Agency that the city and its surrounding eight counties that ozone forming pollution was blowing into the region from Mexico and other parts of the state. Controlling cross-border pollution was beyond their control, they said.

The EPA said Bexar County is well on the way to meeting the 2015 federal ozone pollution standards by 2021 despite its designation as exceeding the requirements.

"Analysis from Texas about the role of international emissions, including from Mexico, and the pending closure of a coal-fired power plant in Bexar County will help ensure that implementation of this standard has minimal burdens on economic development," Acting EPA Administrator Andrew Wheeler said in a statement.

Ground-level ozone forms when nitrogen oxides and volatile organic compounds—both air pollutants formed when fossil fuels are burned—react in the presence of sunlight. Even at low levels, ozone can cause respiratory problems, especially in children, people with asthma, and older adults.

San Antonio has been in a bind since late April when the EPA said it would decide by July 17 about the city's compliance status under the ozone standards set in 2015 after reviewing additional air quality monitoring data submitted by state and local air quality agencies. City and county officials have argued the region doesn't deserve a noncompliance label because the designation would force them to impose additional controls on motor vehicles and factories.

The city's modeling data, which the Alamo Area Council of Governments shared with the EPA, revealed that 79.5 percent of ozone pollution on moderate or bad air quality days was caused by smog-forming emissions from both domestic and international sources transported to the San Antonio region from elsewhere. More than 38 percent of the pollution from days where ozone level exceeded 60 parts per billion—the EPA standards are 70 parts per billion—is attributable to pollution from other countries.

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RFS
Bloomberg Environment
Trump's EPA to get biofuel comments it didn't ask for at hearing
https://bnanews.bna.com/environment-and-energy/trumps-epa-to-get-biofuel-comments-it-didnt-ask-for-at-hearing
Posted: July 18, 2018 at 8:55am by: Mario Parker

President Donald Trump's administration can expect to be pulled deeper into the fight between Big Corn and Big Oil at a public hearing scheduled to be held on the biofuels mandate July 18 in Michigan.

The Environmental Protection Agency will hold a hearing on its most recent proposal that set targets for how much ethanol and biodiesel oil refiners will be required to use next year. The meeting comes about two weeks after former

administrator Scott Pruitt's resignation, an exit that was lauded by the biofuel industry which had contended that Pruitt undermined the program. Oil refiners, on the other hand, have said the mandate is too expensive.

A long-standing fight between two of Trump's constituents—blue collar oil workers and rural farmers that produce the crops used in biofuel—deepened this year after reports that the EPA granted waivers to small oil refineries, allowing them to side-step biofuel regulations. Thirty-three small refineries asked for exemptions in 2017, and 29 of those were granted, EPA Assistant Administrator Bill Wehrum said in a July 12 letter to Sen. Charles Grassley, an Iowa Republican.

When the EPA announced its latest proposal last month, it backed off a plan to force large refineries to blend more biofuel to make up for the waivers. It also said that allowing public comments about how to reallocate the targets would be beyond the scope of current rule making. But, the agency could end up getting feedback anyway.

While the July 18 hearing to be held in Ypsilanti, Mich., is nominally on the EPA's proposed quotas, it's likely to turn into a forum for a much bigger debate over the Renewable Fuel Standard. A broad regulatory redesign of the program could begin later this year.

The Fueling American Jobs Coalition, which represents oil refiners, has defended the EPA's issuance of waivers, saying that its following the law. It has also argued that the mandate threatens refinery jobs.

Jed Smith, operations manager at Rio Valley Biofuels, an El Paso, Texas-based biodiesel producer, said he plans to tell regulators at the hearing how he's had to cut hours and that it's led to him losing employees.

"I feel it in my pocket," Smith said by telephone July 17. "I can't expand. "You can make America great again and Big Oil strong, but pull the rug from under biodiesel. The uncertainty in this industry is appalling."

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Message

From: Darwin, Henry [darwin.henry@epa.gov]
Sent: 9/14/2018 5:53:42 PM
To: Tomiak, Robert [tomiak.robert@epa.gov]
CC: Traylor, Patrick [traylor.patrick@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Harlow, David [harlow.david@epa.gov]
Subject: RE: Limetree Bay Terminal (LBT) Status Update 9/14/2018

This is perfect Rob, both format and content. Thank you so much.

Henry

From: Tomiak, Robert
Sent: Friday, September 14, 2018 12:23 PM
To: Darwin, Henry <darwin.henry@epa.gov>
Cc: Traylor, Patrick <traylor.patrick@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Lopez, Peter <lopez.peter@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Limetree Bay Terminal (LBT) Status Update 9/14/2018

Henry,

My first recurring weekly status update is provided below. I will aim for Fridays, unless you or Andrew have a preference/need for a different frequency and/or different point in the week. I will also end each update with a proposed summary that you can forward to AW at your discretion so that he is prepared to respond quickly to a no-notice inquiry. I'll keep future updates shorter (3-4 bulleted highlights or so), but please advise if you'd prefer a format other than what I have provided today. There is also a lot of detail behind each piece, so we are prepared to brief you in person with little notice if you'd like a deeper dive or have questions at any point. R2, OECA and OAR staff have invested a significant amount of time digging into the details; which certainly made getting up to speed much easier. I've copied Bill, Patrick, David, and Pete out of courtesy and appreciation....which I'd ask make it back down to their staff (and if any of you would like to be dropped from future updates, please let me know offline).

I've also attached R2's more recent issue paper/fact sheet for reference.

Thanks, Rob

<u>Limetree Bay Terminals St. Croix project update 9/14/2018:</u>

- We met on 9/13 with LBT, their lead counsel, and reps from their project management (PM) team and primary financiers (ARCLIGHT); communicated that I'll serve as their front door and switchboard operator for anything they need from EPA. We listened to a description of intent, context, challenges, and timing.
- LBT (counsel/PM) shared their project schedule (in the form of a Gannt chart), discussed the scope of the project components, and committed to providing a list of all known requirements (permits and requests for information) for us to determine if we have a collective meeting of the minds on scope, actions, and due dates. LBT acknowledged that they have not yet fully defined the scope of their plans for a "plant expansion", so requirements, and our actions, may continue to evolve. LBT is likely to resubmit an application to be a FAST-41 covered project with USACE as the lead agency.
- We also held our first internal team meeting on 9/13 (reps from R2, OLEM, OW, OAR, OECA, OGC, Sectors, and OEJ); articulated expectations, discussed scope and context of project, and started building a database/tracker of all known and anticipated actions (to include those of other federal and local agencies).

- EPA's major action at the moment is the Consent Decree (CD); OECA/DOJ reviewed the 27 requests for modification and require additional information from LBT which was requested in writing by DOJ on 9/10. This action is not yet approaching a point of delay/impact; nor is it yet a concern for LBT.
- Most significant impact/risk to LBT is the timing of USACE's 404 permit for a Single Platform Mooring (SPM) fed by an underwater pipeline that will accommodate off-shore bulk fuel transfer to large oil tankers (too large to be brought pier side) which LBT indicates they require by 11/1 to meet contractual obligations. The 404 permit triggered formal consultation with NMFS under Endangered Species Act (ESA) for impacts to coral/coral habitat which commenced on 8/31. Formal consultation statutory clock is 135 days, after which USACE will need about 3-4 weeks to sign a NEPA decision and issue their permit. I have had several coordination meetings already with USACE and NMFS counterparts. Senior leadership in both agencies are aware of and tracking progress; however, there is a significant risk that this will run well beyond LBT's desired 11/1 date and trigger complaints of impact and delay.

- Proposed Summary for AW: EPA is actively engaged with and assisting LBT; all EPA actions are tracking and currently pose no delay to refinery restart. Current LBT concern is with the timing of a required USACE 404 permit, which triggered Endangered Species Act consultation with NMFS, for the installation of a mooring platform and underwater pipeline required to accommodate a larger class of oil tankers.

From: Darwin, Henry
Sent: Wednesday, August 29, 2018 4:33 PM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Traylor, Patrick <traylor.patrick@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>
Subject: Limetree

Pete:

Acting Administrator Wheeler and I have asked the Office of Policy to engage their Office of Federal Activities to lead in the coordination of the Limetree matter. The Director, Rob Tomiak, has agreed to serve as EPA's project manager who will be the primary point of contact for Limetree in helping to connect them with the federal programs and offices they must involve to resume operations. Please inform your team to fully cooperate with Rob in these efforts.

If you have any questions, please let me know.

Thank you.

Henry

Message

From: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Sent: 11/30/2017 9:01:31 PM
To: Weekly Report Group [Weekly_Report_Group@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]
CC: Hickey, Maureen [Hickey.Maureen@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Region 2 Weekly Report
Attachments: Region 2 Weekly Report to Administrator 11.30.17.docx

Good afternoon.

Attached please find the Region 2 Weekly Report to the Administrator.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

Message

From: Reed, Chris [Reed.Chris@epa.gov]
Sent: 9/13/2018 5:05:04 PM
To: Tomiak, Robert [tomiak.robert@epa.gov]; Everett, Adolph [Everett.Adolph@epa.gov]; Soto, Jose [Soto.Jose@epa.gov]; Stein, Carol [Stein.Carol@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Musumeci, Grace [Musumeci.Grace@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Huff, Rebecca [huff.rebecca@epa.gov]; Sasseville, Sonya [Sasseville.Sonya@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]; Krallman, John [krallman.john@epa.gov]; Kashmanian, Richard [Kashmanian.Richard@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Mills, Flaire [Mills.Flaire@epa.gov]; Cox, Andrew [Cox.Andrew@epa.gov]; Bowles, Scott [Bowles.Scott@epa.gov]; Dawson, Shelly [Dawson.Shelly@epa.gov]; Azzam, Nidal [Azzam.Nidal@epa.gov]; Chan, Suilin [Chan.Suilin@epa.gov]; Ruvo, Richard [Ruvo.Richard@epa.gov]; Dholakia, Umesh [Dholakia.Umesh@epa.gov]; Abrams, Nancy [Abrams.Nancy@epa.gov]; Buzzelle, Stanley [Buzzelle.Stanley@epa.gov]; Sharpe, Kristinn [Sharpe.Kristinn@epa.gov]
CC: Siegel, Joseph [Siegel.Joseph@epa.gov]; Shaw, Nena [Shaw.Nena@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Clark, Jackie [Clark.Jackie@epa.gov]
Subject: RE: Limetree Bay Workgroup NEW DIAL IN NUMBER Conference Line/Code / Ex. 6

Conference Line/Code / Ex. 6

Christopher Reed
Office of Policy
US Environmental Protection Agency
1200 Pennsylvania Ave, NW 1807T
Washington, DC 20460
202-566-0606

-----Original Appointment-----
From: Tomiak, Robert
Sent: Friday, September 07, 2018 1:51 PM
To: Tomiak, Robert; Everett, Adolph; Soto, Jose; Stein, Carol; Patel, Harish; Musumeci, Grace; Lopez, Peter; Huff, Rebecca; Sasseville, Sonya; Frazer, Brian; Reed, Chris; Tyler, Tom; Santiago, Juan; Fogarty, Johnpc; Wood, Anna; Krallman, John; Kashmanian, Richard; Simon, Paul; Mills, Flaire; Cox, Andrew; Bowles, Scott; Dawson, Shelly; Azzam, Nidal; Chan, Suilin; Ruvo, Richard; Dholakia, Umesh; Abrams, Nancy; Buzzelle, Stanley; Sharpe, Kristinn
Cc: Siegel, Joseph; Shaw, Nena; Lyon, Christopher; Clark, Jackie
Subject: Limetree Bay Workgroup
When: Thursday, September 13, 2018 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 4140 WJC South/VTC set up/Call-in #: Conference Line/Code / Ex. 6

Message

From: Guerrero, Carmen [guerrero.carmen@epa.gov]
Sent: 5/8/2019 5:03:11 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
CC: Font, Jose [Font.Jose@epa.gov]
Subject: Briefing Document - USVI Environmental and Public Health Priorities
Attachments: Briefing Document - USVI Meeting with Governor Albert Bryan (Version May 8 2019).docx

Hola Pete! As requested, attached is the briefing document that provides a summary of USVI Environmental and Public Health Priorities. This document includes your revisions, as well as the new information provided by Pat Evangelista and John Fillipelli. In addition, I have drafted an email to Britt Carter that you can send from your attention (see below).

Thanks for the opportunity to work with the R2 Team in developing this draft briefing document. Please call me if you have any questions.

Cheers,
Carmen

DRAFT EMAIL TO BRITT CARTER

Dear Britt:

As requested, attached is the briefing document developed by EPA Region 2 providing a summary of USVI Environmental and Public Health Priorities for the review of Administrator Wheeler prior to his meeting with USVI Governor Albert Bryan. The document includes general background information on the USVI and a description of the priority environmental and public health issues in the Territory, including:

- Backgound on Governor Albert Bryan
- Background on Fiscal Challenges and Insolvency
- VIDPNR High Risk Designation
- Solid Waste Management
- Limetree Bay Terminals and Limetree Bay Refining (Formerly HOVENSA, St. Croix)
- USVI Waste Water Infrastructure and EPA Clean Water Act Construction Grants
- Tutu Wellfield Superfund Site
- Krum Bay, St. Thomas Subbase Oil Spill and WAPA Utility Vault Flashover Emergency Response
- USVI Ambient Air Monitoring Network
- USVI Disaster Response and Recovery Efforts
- "Great Mangrove Cleanup" at St. Thomas East End Reserves

The document provides summaries on each of these discussion items. If needed, my team and I are available to provide a briefing on USVI issues to the Administrator at his convenience.

Please do not hesitate to contact me at this email or 202-637-5050 if you need any additional information or revisions.

Cordially,
Pete

Message

From: Guerrero, Carmen [guerrero.carmen@epa.gov]
Sent: 5/3/2019 6:17:14 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: Draft - Briefing on USVI Environmental and Public Health Issues
Attachments: USVI Meeting with Governor Albert Bryan - Briefing Document.docx

Hola Pete! As discussed this morning, please see attached draft briefing document on USVI Environmental and Public Health Issues. This document includes general background information on the USVI and a description of the priority environmental and public health issues in the Territory, including:

Not Responsive

- Limetree Bay Terminals and Refining (Formerly HOVENSA)

Not Responsive

I look forward to your input in the briefing document. I will be contacting you shortly to assure you receive a copy of the document.

Gracias and have an excellent weekend,
Carmen

Message

From: Mugdan, Walter [Mugdan.Walter@epa.gov]
Sent: 5/3/2019 4:22:13 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
Subject: Fwd: Limetree Bay team coordination

Hi Pete,

I thought you'd like to see this nice note from Rob Tomiak:

Begin forwarded message:

> **From:** "Tomiak, Robert" <tomiak.robert@epa.gov>
> **Date:** May 3, 2019 at 10:52:51 AM EDT
> **To:** "Reed, Chris" <Reed.Chris@epa.gov>, "Tyler, Tom" <Tyler.Tom@epa.gov>, "Santiago, Juan" <Santiago.Juan@epa.gov>, "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>, "Krallman, John" <krallman.john@epa.gov>, "Simon, Paul" <Simon.Paul@epa.gov>, "Frazer, Brian" <Frazer.Brian@epa.gov>, "Mills, Flaire" <Mills.Flaire@epa.gov>, "Cox, Andrew" <Cox.Andrew@epa.gov>, "Bowles, Scott" <Bowles.Scott@epa.gov>, "Abrams, Nancy" <Abrams.Nancy@epa.gov>, "Chan, Suilin" <Chan.Suilin@epa.gov>, "Dholakia, Umesh" <Dholakia.Umesh@epa.gov>, "Ruvo, Richard" <Ruvo.Richard@epa.gov>, "Sharpe, Kristinn" <Sharpe.Kristinn@epa.gov>, "Soto, Jose" <Soto.Jose@epa.gov>, "Patel, Harish" <Patel.Harish@epa.gov>, "Musumeci, Grace" <Musumeci.Grace@epa.gov>, "Buzzelle, Stanley" <Buzzelle.Stanley@epa.gov>, "Huff, Rebecca" <huff.rebecca@epa.gov>, "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>, "Siegel, Joseph" <Siegel.Joseph@epa.gov>, "Shaw, Nena" <Shaw.Nena@epa.gov>, "Lyon, Christopher" <lyon.christopher@epa.gov>, "Corona, Elizabeth" <Corona.Elizabeth@epa.gov>, "Billah, Mohammed" <Billah.Mohammed@epa.gov>, "Buettner, Robert" <Buettner.Robert@epa.gov>, "Froikin, Sara" <Froikin.Sara@epa.gov>, "Khoury, Lynn" <Khoury.Lynn@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>, "Guthrie, Christina" <Guthrie.Christina@epa.gov>, "Mugdan, Walter" <Mugdan.Walter@epa.gov>, "Schaaf, Eric" <Schaaf.Eric@epa.gov>
> **Subject: Limetree Bay team coordination**
>
> I know that we've been doing these team meetings for quite some time now, and the natural evolution would be that we would improve in effectiveness and efficiency.....so maybe this shouldn't seem surprising, but my assessment was that yesterday's coordination meeting was perhaps the best to date. Our meetings with Limetree Bay are increasingly informative/productive and our bi-weekly status updates to senior leadership are increasingly meaningful. Most significantly, we've flagged early on almost every instance of a difference in expectations and scenarios where one party didn't recognize that the other party was waiting on them to provide information.
>
> Given that this project intersects multiple offices, is receiving high visibility inside the beltway, and has several unique complexities, it has been imperative for us to be perhaps overly inclusive and coordinate among so many. For R2, Flaire has been the equivalent of Grand Central Station on almost all these topics and done an extremely nice job of assimilating and packaging concise and accurate updates. At headquarters, Chris Reed has been keeping us organized and ensuring that all other headquarters offices are looped in appropriately.....and I very much appreciate the representation from so many offices....and must offer a particular thank you to the Sectors Team which has had a flawless attendance record. This project is potentially serving as a pilot for a broader customer liaison concept, so as we continue to evolve, please consider capturing what you believe worked well and what didn't as we'll set up a hot wash to incorporate your thoughts at some point further down the road.

For those of you that were unable to join us yesterday, I shared positive feedback I received recently from the Limetree Bay team that they are very appreciative of the venue for information sharing which helps their project management efforts significantly.

So, while certainly several significant actions remaining, I sincerely appreciate the team effort and progress made!

(note: I used the dist list on the calendar invite....so if I missed anyone....please disseminate further)

Thanks, Rob

Rob Tomiak
Director, Office of Federal Activities
Office of Policy
U.S. Environmental Protection Agency

Message

From: Schaaf, Eric [Schaaf.Eric@epa.gov]
Sent: 4/25/2019 8:38:57 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Mills, Flaire [Mills.Flaire@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Limetree CD modification negotiations -- talking points for call with Commissioner Oriol
Attachments: Talking Points for call between RA and DPNR Com Oriol (Limetree) (4-25-19).docx

Flag: Flag for follow up

Pete: Attached are the talking points for your call with Commissioner Oriol concerning the Limetree CD modification negotiations. Please let us know if you have any questions or would like to discuss. Thanks.

Eric

Eric Schaaf
Regional Counsel
USEPA, Region 2
212-637-3107

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Kluesner, Dave [kluesner.dave@epa.gov]
Sent: 7/18/2018 4:55:21 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Iglesias, Ariel [Iglesias.Ariel@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Font, Jose [Font.Jose@epa.gov]; Covington, Tayler [covington.tayler@epa.gov]; Rodriguez, Elias [Rodriguez.Elias@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
Subject: FOR AWARENESS: Limetree article in US V.I. Daily News

Flag: Flag for follow up

US VIRGIN ISLANDS DAILY NEWS

Refinery's environmental legacy could ensnare the future

By Brian O'Connor, Daily News

July 17, 2018

Contract documents and U.S. Environmental Protection Agency records offer a glimpse into how lingering environmental issues at a St. Croix refinery could be handled if refining resumes.

Gov. Kenneth Mapp has announced an agreement to reopen the former HOVENSA refinery on St. Croix with ArcLight Capital Partners, which currently operates the Limetree Bay Terminals oil storage facility. Mapp has called senators into a special session on July 25 to ratify the agreement.

Copies of the contract furnished to The Daily News show Limetree has been given latitude to pursue modification of the existing federal consent decree through an affiliated subsidiary.

The Clean Air Act Consent Decree came about after the EPA discovered some refinery buildings leaking benzene and other chemicals into the air.

The EPA sought a fine and improvements to the refinery, resulting in a consent decree in 2011 with HOVENSA, which agreed to pay a $5.4-million civil fine and invest $700 million in

improvements to air quality control at the site of the refinery, according to the EPA. However, HOVENSA shuttered the plant later that year, leaving the consent decree momentarily in limbo.

Two separate agreements govern the interaction between the government and Limetree. The Revised and Amended Terminal Operating Agreement governs ongoing terminal operations.

The Refinery Agreement governs the potential refinery. Sections of the agreement refer to long waiting and evaluation periods to ensure whether refining is actually feasible, given the environmental legacy at the site.

The initial review period is a minimum of 36 months, and can be renewed for up to five years, according to the agreement.

The timing means the earliest refining could start — assuming ratification by the V.I. Legislature on July 25 — would be July 25, 2021. The latest refining could start with immediate ratification would be July 25, 2023.

If Limetree is found responsible for the consent decree, it can avoid restarting the refinery altogether, according to the contract.

If Limetree "would be subject to material liability under the Clean Air Act Consent Decree notwithstanding Refinery Operator and the Government's efforts pursuant to Section 4.1(A), the Refinery Evaluation Period shall, at the option of Refinery Operator, be terminated for all or a subset of the Refinery prior to the end of the then-current Refinery Evaluation Period within ten (10) days of a written notice by Refinery Operator of termination of such Refinery Evaluation Period, to minimize any such liability," the agreement reads.

If the refinery restart is not scheduled within the maximum five-year window, Limetree has the option to dismantle part or all of the refinery at its expense within three years, according to the agreement. The government could potentially receive some revenues if portions are dismantled after the restart, according to the agreement.

HOVENSA and the EPA formed the HOVENSA Environmental Response Trust in 2016, which took over environmental remediation efforts at the former refinery site under the terms of the Resource Conservation and Recovery Act. The trust was endowed with $72 million to clean up the site, according to a notice published in the Federal Register.

Environmental cleanup is still underway at the facility, according to the most recent two-year report filed with the EPA, which is dated in 2015. In 2014 and 2015, HOVENSA removed 289.6 tons of tank sludge containing benzene, cadmium, mercury, and other chemicals and shipped them to facilities in Texas, Florida and Arkansas.

The 2015 report represents a relatively quiet period for cleanup at the refinery. HOVENSA reported removal of 10,064 tons of waste in 2012 and 2013. During those two years, benzene, lime sludge, cadmium, barium, chromium, mercury and silver were sent to facilities in Texas, Louisiana, Pennsylvania, Arkansas, and Florida.

Some sections of the contract address the interplay between the Environmental Response Trust and Limetree.

The contract provides for Limetree to act on behalf of HERT to completely clean up the site, with participation by government agencies. Solid waste cleanup is conducted under the terms of

the Resource Conservation and Recovery Act, or RCRA, which governs hazardous waste sites nationwide.

The agreement uses the acronym "HERT" for the trust.

"Such performance is funded by HOVENSA or HERT or, to the extent such funds prove inadequate, by amounts made available pursuant to the RCRA financial assurance demonstration for the site, but only to the extent agreed to in writing by both EPA and DPNR," the contract reads in part.

David Kluesner,
Deputy Director of Public Affairs
U.S. EPA, Region 2 (New York, New Jersey, Puerto Rico, the U.S. Virgin Islands and Eight Indian Nations)

Sent from my iPhone

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 8/14/2018 7:52:55 PM
To: Traylor, Patrick [traylor.patrick@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]
CC: Spina, Providence [Spina.Providence@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]
Subject: RE: Limetree Bay - Update

Flag: Flag for follow up

Patrick,

Thank you for this, and for the update. We're pleased to see the process moving along, and we'll be alerting our folks in OAQPS of the permitting-related matters that are on the table.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Traylor, Patrick
Sent: Tuesday, August 14, 2018 3:36 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Lopez, Peter <lopez.peter@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Cc: Spina, Providence <Spina.Providence@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>
Subject: FW: Limetree Bay - Update

All:

Exemption 5 (attorney work product) and Exemption 7(A)

Warm regards,
Patrick

Patrick Traylor
Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-5238 (office)
Personal Phone / Ex. 6

From: Spina, Providence
Sent: Tuesday, August 14, 2018 12:38 PM
To: Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Brooks, Phillip <Brooks.Phillip@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>
Subject: Limetree Bay - Update

ENFORCEMENT SENSITIVE – DO NOT RELEASE

Patrick -

I am writing to provide you a quick update on the Limetree Bay CD modification negotiations.

Exemption 5 (attorney work product) and Exemption 7(A)

Please let me know if you have any questions.

Regards,

Providence Spina, Attorney-Advisor

U.S. Environmental Protection Agency
Office of Civil Enforcement, Air Enforcement Division
1200 Pennsylvania Ave. NW, Mail Code 2242A
Washington, D.C. 20460 mail or 20004 courier
Ph: 202-564-2722

Message

From: Schaaf, Eric [Schaaf.Eric@epa.gov]
Sent: 8/2/2018 9:04:26 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
Subject: FW: Region 2 notes from today's call

Pete: Fyi, the following are the items raised during this week's staff meeting conference call with OGC.

Eric

From: Schaaf, Eric
Sent: Thursday, August 2, 2018 5:02 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Simon, Paul <Simon.Paul@epa.gov>
Subject: Region 2 notes from today's call

Gautam: The following are the Region 2 items Paul and I raised during today's call. If you have any questions or would like to discuss, please feel free to call me at 212-637-3107 or Paul Simon at 212-637-3152. Thanks, and have a good weekend.

Eric

not responsive

Limetree Refinery, St. Croix: On August 1, 2018, we learned from OECA that the White House is interested in making a statement supporting the restart of the Limetree (LTB) refinery on St. Croix. Exemption 5 (attorney work product) and Exemption 7(A)

Exemption 5 (attorney work product) and Exemption 7(A)

Exemption 5 (attorney work product) and Exemption 7(A) ORC and DECA have been working with OECA staff and DOJ to review the LTB proposal, and a written analysis is being prepared. We are also developing a summary/fact sheet.

not responsive

not responsive

Eric Schaaf
Regional Counsel
USEPA, Region 2
212-637-3107

not responsive

Message

From: Mears, Mary [Mears.Mary@epa.gov]
Sent: 4/22/2019 6:19:25 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: Subpart Y

Limetree Marine Tank Vessel Loading Operations (MACT Subpart Y) Briefing for Pete Lopez

Dec. 10, 2018

Exemption 5 (deliberative process) and Exemption 7(A)

Mary Mears
U.S. EPA Region 2
Public Affairs Director
(212) 637-3673 (office)
(646) 369-0077 (cell)

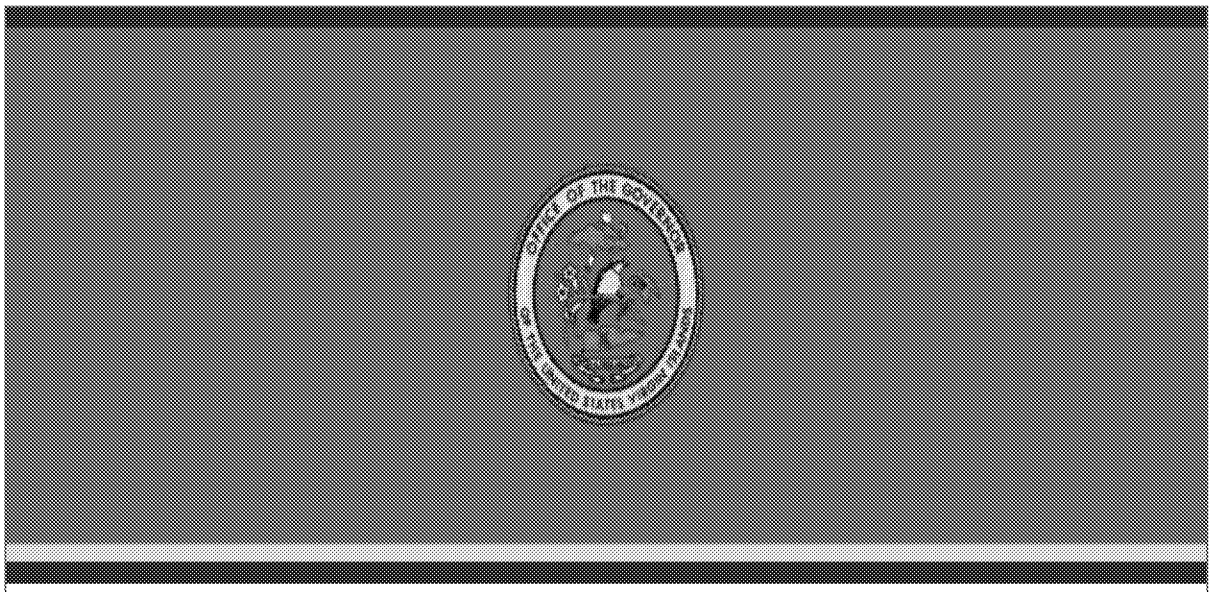
Message

From: Guerrero, Carmen [guerrero.carmen@epa.gov]
Sent: 7/27/2018 5:23:33 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Iglesias, Ariel [Iglesias.Ariel@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Laureano, Javier [laureano.javier@epa.gov]; Gratz, Jeff [Gratz.Jeff@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]; Kluesner, Dave [kluesner.dave@epa.gov]
Subject: UPDATE: USVI Legislature Ratifies Govt's Agreement with Limetree

UPDATE:
USVI Legislature Ratifies Govt's Agreement with Limetree Bay Terminals (ArcLight Partners LLC)

- https://viconsortium.com/news-2/oil-refining-on-st-croix-to-restart-as-senators-ratify-landmark-agreement/
- https://viconsortium.com/business/mapp-thanks-lawmakers-for-approval-of-limetree-bay-oil-refining-deal-urges-quick-action-on-gers-hotel-development-measures/

From: Government House [mailto:gvinews@vi.gov]
Sent: Thursday, July 26, 2018 5:37 PM
To: Guerrero, Carmen <guerrero.carmen@epa.gov>
Subject: Governor thanks senators for approving refinery agreement



FOR IMMEDIATE RELEASE: July 26, 2018

Governor thanks senators for approving refinery agreement

Urges action on measures to direct revenue to GERS

ST. CROIX, U.S. VIRGIN ISLANDS - Governor Kenneth E. Mapp thanked the members of the 32nd Legislature for the ratification of an agreement which will allow oil refining to resume on St. Croix, bringing hundreds of new jobs and millions in new revenues to the U.S. Virgin Islands.

"This is a good day for the people of the Virgin Islands as we have signified to the outside world that following two Category 5 hurricanes, we are truly open for business and private sector investment in our community," the Governor said. "I deeply appreciate the Legislature's efforts to thoroughly vet this agreement and would like to thank the senators that supported it. I am also, of course, extraordinarily grateful for the hard work that our team put into negotiating this landmark deal."

Governor Mapp said that much work lies ahead as senators did not act on the proposal in its entirety and that he remains particularly concerned about provisions being removed that would directly enhance the solvency of the Government Employees Retirement System

(GERS). The Governor's original proposal called for GERS to receive half of the $615 million to be generated by the refinery over the next ten years.

"I look forward to working with the Legislature to bring some peace of mind to our retirees," he said.

Senators also failed to consider the portion of the proposal that calls for the acquisition of Havensight Mall from GERS and the lease of the Port of Sale property facility by the Virgin Islands Public Finance Authority.

"If given the approval by the Legislature, we can then redevelop these areas and give GERS 50 percent of the net revenues in perpetuity," Governor Mapp said. "Additionally, senators did not act on a $10 million equity loan to Island Global Yachting for the construction of a new 110-room hotel at Yacht Haven Grande."

The former HOVENSA refinery had been shuttered for nearly five years when Governor Mapp assumed office in 2015 and its closure had virtually destroyed St. Croix's economy. The Mapp Administration made reopening the facility among its highest priorities and through the Governor's assertive efforts, the U.S. Virgin Islands Government eventually assumed ownership of the refinery, selling a large portion of it to ArcLight Capital for oil storage.

Under the new agreement with ArcLight Capital, ratified early Thursday morning, the owners of what is now called Limetree Bay Terminals, will invest approximately $1.4 billion to refurbish the existing refinery. More than 1,300 local construction jobs are anticipated for the building phase. Once refining operations commence at the end of 2019, as many as 700 permanent jobs will be created. The new jobs will be in addition to the more than 750 jobs now at the terminal storage facility.

The Governor said housing and meals will be provided to St. Thomas and St. John residents who are hired to work at the refinery.

Upon the closing of the transaction, ArcLight Capital will make a $70 million payment to the Government of the Virgin Islands. The payment includes $30 million for the purchase from the government of approximately 225 acres of land and 122 homes. This property was acquired as part of the government's settlement of claims against the refinery's former owners. The Virgin Islands Government will retain the vocational school and the more than 350 acres of land it had received in the 2016 settlement. The closing payment also includes a $40 million prepayment of taxes by a new refinery entity created by ArcLight Capital to operate the facility.

After crediting the $40 million of prepaid taxes, ArcLight Capital will make annual payments to the government in lieu of taxes at a base rate of $22.5 million a year. With market adjustments based on the refinery's performance, this could increase to as much as $70 million per year, but will not be less than $14 million a year. The initial refining operations will provide for the processing of approximately 200,000 barrels of crude oil per day.

According to industry experts and consultants Gaffney, Cline & Associates, the U.S. Virgin Islands anticipates more than $600 million over the first 10 years of the restart of the refining operations. This income is in addition to the $11.5 million currently flowing to the government from the oil storage terminal each year.

For more information:
Sandra Goomansingh | Angela Gordon
(340) 473-3128 | (340) 774-0001

Government House | Government House 21-22 Kongens Gade, St. Thomas, U.S. Virgin Islands 00802 U.S. Virgin Islands

Unsubscribe guerrero.carmen@epa.gov

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Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 11/30/2017 7:01:01 PM
To: Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Subject: Re: Weekly highlights - please review ASAP

Hi My Friend,

Looking at it now.

Will be back in touch after landing.

Thanks so much.

Sincerely,
Pete

Sent from my iPhone
if t
On Nov 30, 2017, at 1:48 PM, Khan, Mazeeda <Khan.Mazeeda@epa.gov> wrote:

> Hello.
>
> Attached are the draft highlights for the administrator. I have also included it in the body of this email. Walter and Catherine have reviewed and commented on this draft. Please review and comment. Once you have concurred, you or I can sent it out.
>
> **Region 2 Weekly Report to the Administrator**
> **November 30, 2017**
>
> **Hot issues:**

not responsive

not responsive

Limetree Bay Terminal, St. Croix, U.S. Virgin Islands: On 11/9 Limetree Bay Terminals, LLC (LBT) met OAR to discuss LBT's proposal to restart parts of the old HOVENSA refinery operations and to construct 2 new projects. Incoming Air AA Bill Wehrum will be briefed on 12/7. LBT requests that by mid-December, EPA amend the Consent Decree to allow LBT to proceed with: (1) a single-point mooring (SPM) project; (2) a refinery restart project; and (3) a renewable biodiesel production project. EPA must determine whether the Reactivation policy applies to the refinery restart project (LBT believes it does not); whether the project can use "project netting" for a project that only involves existing emissions units (LBT believes it can); and whether the refinery restart and renewable diesel projects are separate (LBT believes they are). LBT also seeks confirmation that SPM is part of the existing docks emissions unit and not separately a new emissions unit.

In a related matter, the Corps of Engineers published a public notice for the construction/installation of a SPM and underwater fuel transfer system at LBT. The purpose is to allow very large fuel carriers (requiring depths of -76 feet) to enter the existing channel and discharge fuel without the need to transfer the fuel to smaller vessels (fuel lightering). The 4.33-acre project area includes 1.65 acres that support corals listed as endangered under the Endangered Species Act (ESA). Concerns include the potential dragging impacts from the large mooring chain, the removal of hard limestone and possibly bedrock as part of the required dredging, safety requirements, and lack of a NEPA document to assess alternatives. Region 2 will be requesting a 15-day time extension from the 12/8 comment deadline.

Past Week:

not responsive

not responsive

Upcoming:

not responsive

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

<Draft Region 2 Weekly Report to Administrator 11.30.17-wm.docx>

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/7/2018 4:28:32 PM
To: Levine, Carolyn [Levine.Carolyn@epa.gov]
Subject: Re: Limetree Bay/HOVENSA Fact Sheet

Thank you my friend. On my way!

Sent from my iPhone

On Aug 7, 2018, at 12:10 PM, Levine, Carolyn <Levine.Carolyn@epa.gov> wrote:

> Hi Pete,
>
> The printed docs are on my table in my office-3442H in case I'm not at my desk.
>
> Carolyn
>
> ---
> *Carolyn Levine*
> *Office of Congressional and*
> *Intergovernmental Relations*
> *U.S. EPA*
> *(202) 564-1859*
> *levine.carolyn@epa.gov*
>
> On Aug 7, 2018, at 11:38 AM, Lopez, Peter <lopez.peter@epa.gov> wrote:
>
>> I'm actually right in the neighborhood!
>>
>> Sent from my iPhone
>>
>> On Aug 7, 2018, at 11:37 AM, Levine, Carolyn <Levine.Carolyn@epa.gov> wrote:
>>
>>> No problem! My meeting is wrapping up, I can bring to you, just let me know what room…
>>>
>>> ---
>>> *Carolyn Levine*
>>> *Office of Congressional and*
>>> *Intergovernmental Relations*
>>> *U.S. EPA*
>>> *(202) 564-1859*
>>> *levine.carolyn@epa.gov*
>>>
>>> **From:** Lopez, Peter
>>> **Sent:** Tuesday, August 07, 2018 11:37 AM

To: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: Re: Limetree Bay/HOVENSA Fact Sheet

You are the best. :)

When can I swing over?

Sincerely,
Pete

Sent from my iPhone

On Aug 7, 2018, at 11:13 AM, Levine, Carolyn <Levine.Carolyn@epa.gov> wrote:

> Happy to help. Printing now.
>
> ---
> *Carolyn Levine*
> *Office of Congressional and Intergovernmental Relations*
> *U.S. EPA*
> *(202) 564-1859*
> *levine.carolyn@epa.gov*
>
> ---
>
> **From:** Lopez, Peter
> **Sent:** Tuesday, August 07, 2018 11:09 AM
> **To:** Levine, Carolyn <Levine.Carolyn@epa.gov>
> **Subject:** Fwd: Limetree Bay/HOVENSA Fact Sheet
>
> Hi My Friend.
>
> This will finish lime tree.
>
> I'm now keeping my eyes open for Chemours / Gen X.
>
> Thank you again for your hospitality and friendship.
>
> Sincerely,
> Pete
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Schaaf, Eric" <Schaaf.Eric@epa.gov>
> > **To:** "Lopez, Peter" <lopez.peter@epa.gov>
> > **Cc:** "Guerrero, Carmen" <guerrero.carmen@epa.gov>,

"Filippelli, John" <Filippelli.John@epa.gov>, "Iglesias, Ariel" <Iglesias.Ariel@epa.gov>, "LaPosta, Dore" <LaPosta.Dore@epa.gov>, "Anderson, Kate" <Anderson.Kate@epa.gov>, "Font, Jose" <Font.Jose@epa.gov>, "Spina, Providence" <Spina.Providence@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>, "Lyon, Christopher" <lyon.christopher@epa.gov>, "Mugdan, Walter" <Mugdan.Walter@epa.gov>
Subject: RE: Limetree Bay/HOVENSA Fact Sheet

Pete: Attached are the deep dive materials we discussed, with the exception of the timeline, which we are still finalizing and will send shortly.

Eric

From: Lopez, Peter
Sent: Tuesday, August 7, 2018 10:40 AM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>
Cc: Guerrero, Carmen <guerrero.carmen@epa.gov>; Filippelli, John <Filippelli.John@epa.gov>; Iglesias, Ariel <Iglesias.Ariel@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Font, Jose <Font.Jose@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Re: Limetree Bay/HOVENSA Fact Sheet

Hi Eric.

Thank you and the team for all your efforts.

I am printing out for review now. Will get back to you as quickly as possible.

Will also keep an eye open for the deep dive materials.

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Sincerely,
Pete

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On Aug 7, 2018, at 10:19 AM, Schaaf, Eric <Schaaf.Eric@epa.gov> wrote:

> Pete: Attached is a draft of the consolidated Limetree Bay/HOVENSA fact sheet you requested yesterday. We are assembling a series of background documents which we will send shortly; these will include the CD modification chart showing the 27 requests made by LTB; a timeline for the CAA CD and permitting; the letter from Bill Wehrum responding to various CAA permit issues raised by LTB; the fact sheet prepared for OECA focused on the CD/enforcement issues and other fact sheets focused on the CWA and RCRA issues. Please let us know if you would like any changes to the consolidated fact sheet. Thanks.
>
> Eric
>
> Eric Schaaf

Regional Counsel
USEPA, Region 2
212-637-3107

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

<Limetree Briefing Document (draft 8-7-18).docx>

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/7/2018 4:20:40 PM
To: Traylor, Patrick [traylor.patrick@epa.gov]
Subject: Limetree Briefing Document (draft 8-7-18).docx
Attachments: Limetree Briefing Document (draft 8-7-18).docx; ATT00001.txt

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 9/12/2018 5:32:09 PM
To: Tomiak, Robert [tomiak.robert@epa.gov]
Subject: Re: Limetree Bay Workgroup

Thank you my friend.

Best wishes.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

> On Sep 12, 2018, at 1:28 PM, Tomiak, Robert <tomiak.robert@epa.gov> wrote:
>
> Point of Contact: Shelly Dawson, (202)564-2633
> <meeting.ics>

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/7/2018 4:19:13 PM
To: Traylor, Patrick [traylor.patrick@epa.gov]
Subject: Fwd: Limetree Bay/HOVENSA Fact Sheet
Attachments: Limetree_Briefing Memo (OECA) 8 3 18.docx; ATT00001.htm; Limetree Bay Fact Sheet (CWA) 7-20-2018.docx; ATT00002.htm; Air and RCRA Limetree Bay Terminal Update_RA_08-07-2018.docx; ATT00003.htm; PRIVILEGED - Table of LBT CD Modification Requests (002).docx; ATT00004.htm; Bill Wehrum Response to LeAnn Johnson Koch Perkins Coie re Limetree Bay Terminals --OAR-18-000-6176 (003).pdf; ATT00005.htm

Sent from my iPhone

Begin forwarded message:

From: "Schaaf, Eric" <Schaaf.Eric@epa.gov>
To: "Lopez, Peter" <lopez.peter@epa.gov>
Subject: FW: Limetree Bay/HOVENSA Fact Sheet

From: Schaaf, Eric
Sent: Tuesday, August 7, 2018 11:01 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Guerrero, Carmen <guerrero.carmen@epa.gov>; Filippelli, John <Filippelli.John@epa.gov>; Iglesias, Ariel <Iglesias.Ariel@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Font, Jose <Font.Jose@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Lyon, Christopher <lyon.christopher@epa.gov>; Mugdan, Walter <Mugdan.Walter@epa.gov>
Subject: RE: Limetree Bay/HOVENSA Fact Sheet

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Eric

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Cc: Guerrero, Carmen <guerrero.carmen@epa.gov>; Filippelli, John <Filippelli.John@epa.gov>; Iglesias, Ariel <Iglesias.Ariel@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Font, Jose <Font.Jose@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Re: Limetree Bay/HOVENSA Fact Sheet

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Sincerely,
Pete

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> Pete: Attached is a draft of the consolidated Limetree Bay/HOVENSA fact sheet you requested yesterday. We are assembling a series of background documents which we will send shortly; these will include the CD modification chart showing the 27 requests made by LTB; a timeline for the CAA CD and permitting; the letter from Bill Wehrum responding to various CAA permit issues raised by LTB; the fact sheet prepared for OECA focused on the CD/enforcement issues and other fact sheets focused on the CWA and RCRA issues. Please let us know if you would like any changes to the consolidated fact sheet. Thanks.
>
> Eric
>
> Eric Schaaf
> Regional Counsel
> USEPA, Region 2
> 212-637-3107
>
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>
> <Limetree Briefing Document (draft 8-7-18).docx>

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 9/12/2018 3:23:44 PM
To: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Fwd: Limetree Bay

Hi Beth.

Please print this out for me.

Thank you.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6 (cell)

Begin forwarded message:

> **From:** lopez.peter@epa.gov
> **Date:** September 12, 2018 at 11:21:43 AM EDT
> **To:** tomiak.robert@epa.gov
> **Cc:** Mugdan.Walter@epa.gov, Christopher Lyon <lyon.christopher@epa.gov>, kopec.slawomir@epa.gov
> **Subject: Limetree Bay**
>
> Hi Rob.
>
> Pleased to catch up with you to compare notes on Limetree Bay.
>
> Look forward to staying in close contact.
>
> On that note, please include me, my Chief of Staff and DRA in your email communications on this topic. Both Chris Lyon and Walter Mugdan are copied on this email.
>
> Also, appreciate your help in plugging my office into the weekly phone conferences. I will have representation from my office on tomorrow's (Thursday 's) conference call.
>
> Again, look forward to working closely with you.
>
> Best wishes.
>
> Sincerely,
> Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6 (cell)

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 12/28/2017 1:17:48 PM
To: Guerrero, Carmen [guerrero.carmen@epa.gov]
CC: Lobue, Charles [Lobue.Charles@epa.gov]; Gratz, Jeff [Gratz.Jeff@epa.gov]; Mitchell, Judy-Ann [Mitchell.Judy-Ann@epa.gov]; Lieber, Thomas [Lieber.Thomas@epa.gov]; Mills, Flaire [Mills.Flaire@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Poetzsch, Michael [Poetzsch.Michael@epa.gov]; Soto, Jose [Soto.Jose@epa.gov]; Laureano, Javier [laureano.javier@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: Re: Limetree Terminal - Updated Draft USACE Comment Letter

Thank you my friend.

I will be right back in touch.

Sincerely,
Pete

Sent by Pete Lopez
RA-R2
USEPA
290 Broadway
New York, NY 10007
212-637-5000 (Office)
Personal Matters / Ex. 6

On Dec 27, 2017, at 6:41 PM, Guerrero, Carmen <guerrero.carmen@epa.gov> wrote:

> Buenas noches Pete! Thanks again for your support in gathering your input to our draft comment letter to USACE regarding the Limetree Terminal CWA Permit Public Notice.
>
> As requested, here is amended draft letter integrating your comments and ideas. We also integrated additional comments and input from CWD, CASD, and ORC.
>
> I appreciate if you may review this version and let us know if you have any other additional comments and suggestions.
>
> The letter is due this Friday, December 29 so once we receive your comments, we will go through the concurrence process with these three Divisions. Please do not hesitate to contact me should you have any questions or need any additional information.
>
> Thanks,
> Carmen
>
> <Limetree Bay comment letter (Revised Letter - Dec 27 2017).docx>

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 11/22/2018 2:24:09 AM
To: Filippelli, John [Filippelli.John@epa.gov]
CC: Lyon, Christopher [lyon.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Iglesias, Ariel [Iglesias.Ariel@epa.gov]
Subject: Re: Limetree reaches definitive agreement for refinery operations

Thank you John.

Appreciate your continued close monitoring of this.

You are the best!

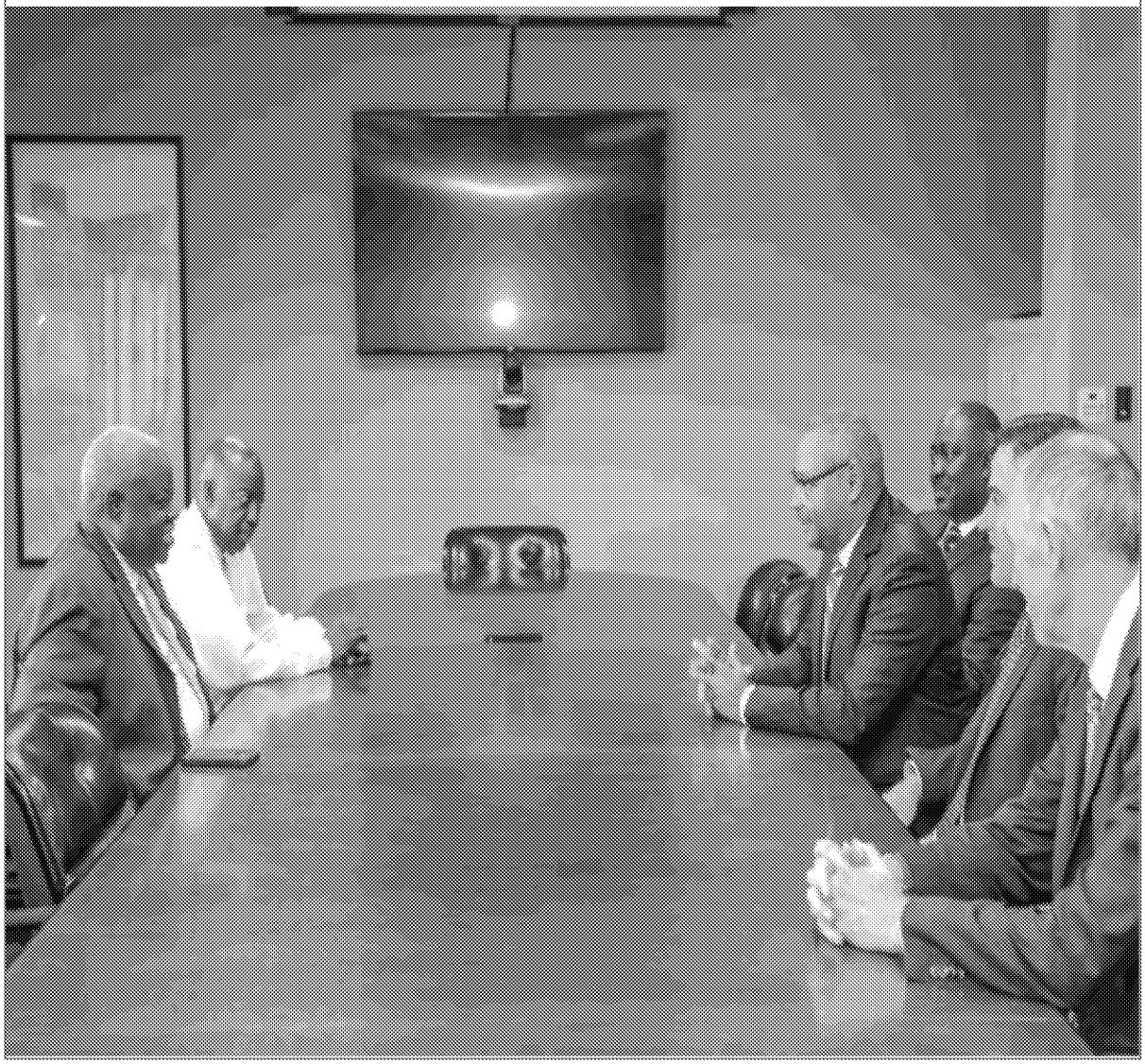
Sincerely
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6 (cell)

On Nov 19, 2018, at 8:38 AM, Filippelli, John <Filippelli.John@epa.gov> wrote:

> Hi Pete, FYI. John
>
> **From:** Government House <gvinews@vi.gov>
> **Sent:** Friday, November 16, 2018 6:45 PM
> **To:** Mitchell, Judy-Ann <Mitchell.Judy-Ann@epa.gov>
> **Subject:** Limetree reaches definitive agreement for refinery operations

FOR IMMEDIATE RELEASE: November 16, 2018



Governor Mapp and Lt. Governor Potter met with executives from British Petroleum and Arclight on Friday

Governor Mapp meets with BP executives

Limetree reaches definitive agreement for refinery operations

ST. CROIX, U.S. VIRGIN ISLANDS - Limetree Bay Refining announced Friday that it has reached a "definitive agreement" with British Petroleum to operate the refinery on St. Croix's south shore assuring a huge boost to the Territory's economy and many new opportunities for Virgin Islanders. Following the announcement, Governor Kenneth Mapp and Lt. Governor Osbert Potter met with officials from Limetree Bay and British Petroleum (BP) to further discuss how the finalized deal will benefit the Virgin Islands.

"This agreement marks a significant milestone for the refinery restart effort," Governor Mapp said. "To date, the project has brought 1,100 construction jobs to the Territory. With more than $1.5 billion of total capital investment in the project, we can look forward to a period of significant growth in employment and the economy. This is a great day for the US Virgin Islands. I thank the representatives of Limetree Bay Refining for their commitment to our Territory and look forward to a long and mutually beneficial relationship."

The former HOVENSA refinery had been shuttered for nearly five years when Governor Mapp assumed office in 2015 and its closure had a devastating effect on the Virgin Islands' economy. The Mapp-Potter Administration made reopening the facility among its highest priorities and through the Governor's assertive efforts, the U.S. Virgin Islands Government eventually assumed ownership of the refinery, selling a large portion of it to ArcLight Capital for oil storage.

Under the agreement between BP and Limetree, BP would be the supplier of crude while Limetree would refine the finished product. BP will possess no ownership interest in the refinery.
In July, the 32nd Legislature approved a landmark revenue sharing agreement between the Government and Limetree Bay negotiated by the Mapp-Potter Administration.

"We are rebuilding the economy of the Territory with the resumption of petroleum refining at Limetree Bay," Governor Mapp told Senators. "Together, it is projected that these Agreements will bring an estimated $775 million in revenues to the Government over the next ten years, of which more than $600 million will be new revenues generated entirely by the refinery. Those revenues are in addition to the substantial economic benefits to be conferred upon the Territory by the direct capital investment of more than $1.4 billion by our partner, Limetree Bay."

Governor Mapp has proposed that half of all revenues generated from oil refining be directed to the Government Employees Retirement System as a significant cash infusion is necessary for the system to remain solvent. Senators have not yet acted on this measure.

Government House | No. 21-22 Kongens Gade | 340 774-0001 | www.vi.gov

For more information:
Sandra Goomansingh | Angela Gordon
(340) 473-3128 | (340) 774-0001

Government House | Government House 21-22 Kongens Gade, St. Thomas, U.S. Virgin Islands 00802 U.S. Virgin Islands

Unsubscribe mitchell.judy-ann@epa.gov

Update Profile | About our service provider

Sent by gvinews@vi.gov in collaboration with

Try it free today

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 2/8/2018 8:44:18 PM
To: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Fwd: admin highlights
Attachments: ORC Region 2 weekly 2-7-18.docx; ATT00001.htm; Region 2 Weekly Report to the Administrator 020818.docx; ATT00002.htm; EPAR2 weekly highlights 02-08-18.docx; ATT00003.htm

Hi Beth.

Please put this out for me.

Thank you!

Sincerely,
Pete

Sent by Pete Lopez
Regional Administrator - R2
US E.P.A.
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

Begin forwarded message:

From: "Khan, Mazeeda" <Khan.Mazeeda@epa.gov>
Date: February 8, 2018 at 12:00:26 PM EST
To: "Lopez, Peter" <lopez.peter@epa.gov>
Subject: FW: admin highlights

This is what I sent Walter. He said he will try to look at it. Please let me know if you need anything else.

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

From: Khan, Mazeeda
Sent: Thursday, February 08, 2018 11:24 AM
To: Mugdan, Walter <Mugdan.Walter@epa.gov>
Subject: admin highlights
Importance: High

Attached are the draft highlights to the Admin, combined Regional highlights as well as the ORC Region 2 highlights to OECA. I was able to get it down to 1 ½ pages. I have included the Admin highlights in the body of this email. Pete wanted it by noon. He stated that if you do not have time, he will proceed to review and edit this week's highlights. Thank you.

Hot Topics:

not responsive

Hurricane Irma/Maria:

- not responsive

not responsive

Upcoming:

not responsive

Mazeeda Khan, PE, PMP
Special Assistant
Office of the Regional Administrator
US EPA Region 2
290 Broadway, NY 10007
212-637-3715

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 9/12/2018 3:21:45 PM
To: Tomiak, Robert [tomiak.robert@epa.gov]
CC: Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]
Subject: Limetree Bay

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Look forward to staying in close contact.

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Again, look forward to working closely with you.

Best wishes.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000

Personal Matters / Ex. 6

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/7/2018 3:38:53 PM
To: Levine, Carolyn [Levine.Carolyn@epa.gov]
Subject: Re: Limetree Bay/HOVENSA Fact Sheet

I'm actually right in the neighborhood!

Sent from my iPhone

On Aug 7, 2018, at 11:37 AM, Levine, Carolyn <Levine.Carolyn@epa.gov> wrote:

> No problem! My meeting is wrapping up, I can bring to you, just let me know what room…
>
> ---
> *Carolyn Levine*
> *Office of Congressional and*
> *Intergovernmental Relations*
> *U.S. EPA*
> *(202) 564-1859*
> *levine.carolyn@epa.gov*
>
> ---
>
> **From:** Lopez, Peter
> **Sent:** Tuesday, August 07, 2018 11:37 AM
> **To:** Levine, Carolyn <Levine.Carolyn@epa.gov>
> **Subject:** Re: Limetree Bay/HOVENSA Fact Sheet
>
> You are the best. :)
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> Pete
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>> Happy to help. Printing now.
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>> *Carolyn Levine*
>> *Office of Congressional and*
>> *Intergovernmental Relations*
>> *U.S. EPA*
>> *(202) 564-1859*

levine.carolyn@epa.gov

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Subject: Fwd: Limetree Bay/HOVENSA Fact Sheet

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This will finish lime tree.

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> **From:** "Schaaf, Eric" <Schaaf.Eric@epa.gov>
> **To:** "Lopez, Peter" <lopez.peter@epa.gov>
> **Cc:** "Guerrero, Carmen" <guerrero.carmen@epa.gov>, "Filippelli, John" <Filippelli.John@epa.gov>, "Iglesias, Ariel" <Iglesias.Ariel@epa.gov>, "LaPosta, Dore" <LaPosta.Dore@epa.gov>, "Anderson, Kate" <Anderson.Kate@epa.gov>, "Font, Jose" <Font.Jose@epa.gov>, "Spina, Providence" <Spina.Providence@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>, "Lyon, Christopher" <lyon.christopher@epa.gov>, "Mugdan, Walter" <Mugdan.Walter@epa.gov>
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> Eric

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> **Sent:** Tuesday, August 7, 2018 10:40 AM
> **To:** Schaaf, Eric <Schaaf.Eric@epa.gov>
> **Cc:** Guerrero, Carmen <guerrero.carmen@epa.gov>; Filippelli, John <Filippelli.John@epa.gov>; Iglesias, Ariel <Iglesias.Ariel@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Font, Jose <Font.Jose@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> **Subject:** Re: Limetree Bay/HOVENSA Fact Sheet

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>
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> Regional Counsel
> USEPA, Region 2
> 212-637-3107
>
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>
> <Limetree Briefing Document (draft 8-7-18).docx>

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/14/2018 11:30:54 PM
To: Hickey, Maureen [Hickey.Maureen@epa.gov]
CC: Lyon, Christopher [lyon.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Re: Proposed placeholder on Pete's calendar

Hi Maureen.

Sorry for the delay.

Do you have the text for me to review?

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000

Personal Matters / Ex. 6

On Aug 14, 2018, at 6:19 PM, Hickey, Maureen <Hickey.Maureen@epa.gov> wrote:

> Hi Pete,
>
> I wish to have your blessing prior to sending out tonight to everyone. Eric just provided an updated fact sheet which I can attach o the scheduler.
>
> Thanks,
> Maureen
>
> <image003.jpg>
>
> <Limetree Briefing Document (8-14-18).docx>

This is a request from Pete Lopez, Region 2 RA, to bring together all parties to discuss the Limetree Bay issue in the US Virgin Islands and to make sure that we're all in agreement.

Pete is hoping to nail down a meeting (ASAP) by VTC/conference call this Thursday, August 16 at 2:00 pm. Please let us know your availability by accepting/declining this invitation.

Thank you.

Maureen
212-637-5035

Conference Line/Code / Ex. 6

Conference Line/Code / Ex. 6

Conference Line/Code / Ex. 6

Conference Line/Code / Ex. 6

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 11/21/2018 3:41:41 PM
To: Mugdan, Walter [Mugdan.Walter@epa.gov]
CC: Lyon, Christopher [lyon.christopher@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]
Subject: Re: Draft Weekly Report (DUE AT NOON TODAY)

Hi Walter.

This is fine.

Thank you so much!

Happy Thanksgiving!

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

On Nov 21, 2018, at 10:27 AM, Mugdan, Walter <Mugdan.Walter@epa.gov> wrote:

> Here's the draft weekly report to the Administrator (attached, and in the body of the text of this message).
>
> >>>>>>>>>>>>>>>>>>
>
> **REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR**
> **WEEK OF 11/26/18**
>
> **Hot Issues:**

not responsive

not responsive

Limetree Bay Terminal: On 11/16 Limetree announced it has reached a "definitive agreement" with British Petroleum under which BP would be the supplier of crude oil that Limetree would refine at the St. Croix facility in the US Virgin Islands. BP will possess no ownership interest in the refinery. The deal will bring an estimated $775 million in revenues to the USVI government over the next 10 years, of which more than $600 million will be new revenues generated entirely by the refinery. Those revenues are in addition to the economic benefits from the capital investments to be made by Limetree.

Upcoming:

not responsive

<Weekly Report to the Administrator 11-26-18.docx>

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 5/8/2019 7:16:47 PM
To: Carter, Brittany S. [carter.brittanys@epa.gov]
Subject: Briefing Document - USVI Meeting with Governor Albert Bryan (Version May 8 2019).docx
Attachments: Briefing Document - USVI Meeting with Governor Albert Bryan (Version May 8 2019).docx; ATT00001.htm

Dear Britt:

As requested, attached is the briefing document developed by EPA Region 2 providing a summary of USVI Environmental and Public Health Priorities for Administrator Wheeler's review prior to his meeting with USVI Governor, Albert Bryan.

The document includes general background information on the USVI and a description of the priority environmental and public health issues in the Territory, including:

Not Responsive

- Limetree Bay Terminals and Limetree Bay Refining (Formerly HOVENSA, St. Croix)

Not Responsive

Summaries are provided for each of these discussion items. My team and I are instantly available to the Administrator, should he have any questions or wish to discuss this summary in more detail.

Also, please do not hesitate to contact me at this email or on my cell at Personal Matters / Ex. 6 if you need any additional information or revisions in advance of presenting it to the Administrator.

Best wishes.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Conference Line/Code / Ex. 6 (cell)

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 12/27/2017 10:22:51 AM
To: Guerrero, Carmen [guerrero.carmen@epa.gov]
CC: McCabe, Catherine [McCabe.Catherine@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Laureano, Javier [laureano.javier@epa.gov]; Gratz, Jeff [Gratz.Jeff@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Iglesias, Ariel [Iglesias.Ariel@epa.gov]; Mitchell, Judy-Ann [Mitchell.Judy-Ann@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Khan, Mazeeda [Khan.Mazeeda@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: Re: Limetree Terminal - USACE Comment Letter CWA Section 404 Permit

Buenas Dias Carmen.

Thank you so much.

Let's discuss this today...Would 11 am work?

Maureen - Could we assemble the team as noted on the cc list? If folks are understably on leave, we should work to have the various divisions represented.

Sincerely,
Pete

Sent by Pete Lopez
RA-R2
USEPA
290 Broadway
New York, NY 10007
212-637-5000 (Office)
Personal Matters / Ex. 6 (Cell)

On Dec 26, 2017, at 10:52 AM, Guerrero, Carmen <guerrero.carmen@epa.gov> wrote:

> Dear Pete:
>
> I wanted to keep you updated on the comment letter to USACE regarding a permit application (CWA Section 404 permit) to install a single point mooring (SPM) system at Limetree Bay in the USVI (former HOVENSA facilities). Although there are other projects and issues surrounding the facility currently under consideration by other Offices and Divisions at EPA, this comment letter only addresses the SPM installation in waters of the United States.
>
> For your review, here is a copy of the final draft letter that has received concurrences from CWD, CASD, and ORC and a fact sheet with background information on the permit application, requirements, and our general comments.
>
> Since the letter is not a formal objection under CWA Section 404(q), per the established procedures of the CWD's Wetlands Program, I will be signing the comment letter as Director of CEPD. Strategically, this also preserves an administrative layer (the RA) in case Limetree raises any issues with the comment letter.

Since the letter is due on Friday, December 29, 2017 and you expressed interested in our comments, I wanted to make sure you had the opportunity to review the final draft letter and if interested, be briefed on the subject.

I am available at your convenience.

Cordially,
Carmen

<Limetree Bay comment letter (Concurrence Dec 21 2017) (Final ORC).docx>

<Limetree Bay wetlands Briefing-Final .docx>

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/7/2018 2:40:28 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]
CC: Guerrero, Carmen [guerrero.carmen@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Iglesias, Ariel [Iglesias.Ariel@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Font, Jose [Font.Jose@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Re: Limetree Bay/HOVENSA Fact Sheet

Hi Eric.

Thank you and the team for all your efforts.

I am printing out for review now. Will get back to you as quickly as possible.

Will also keep an eye open for the deep dive materials.

Thank you again.

Sincerely,
Pete

Sent from my iPhone

On Aug 7, 2018, at 10:19 AM, Schaaf, Eric <Schaaf.Eric@epa.gov> wrote:

> Pete: Attached is a draft of the consolidated Limetree Bay/HOVENSA fact sheet you requested yesterday. We are assembling a series of background documents which we will send shortly; these will include the CD modification chart showing the 27 requests made by LTB; a timeline for the CAA CD and permitting; the letter from Bill Wehrum responding to various CAA permit issues raised by LTB; the fact sheet prepared for OECA focused on the CD/enforcement issues and other fact sheets focused on the CWA and RCRA issues. Please let us know if you would like any changes to the consolidated fact sheet. Thanks.
>
> Eric
>
> Eric Schaaf
> Regional Counsel
> USEPA, Region 2
> 212-637-3107
>
> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>
> <Limetree Briefing Document (draft 8-7-18).docx>

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 11/19/2018 12:29:39 PM
To: LaPosta, Dore [LaPosta.Dore@epa.gov]
CC: Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]
Subject: Re: LBT coordination

Hi Dore.

Thank you for the update and your contributions on this issue.

Our collective efforts to comprehensively engage EPA HQ and the Region on this issue have been highly successful.

Through this effort, we are ensuring the applicants have a thorough understanding of the process and information needed in order for the federal and territory regulatory community to assess the project.

Please keep me posted on further communications.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

On Nov 16, 2018, at 5:06 PM, LaPosta, Dore <LaPosta.Dore@epa.gov> wrote:

> FYI. I spoke with Robert Tomiak today about the applicability determination process that DECA and ORC is handling with OECA regarding Limetree. When we chatted he offered his assistance in communicating our information needs to the facility. I will be sending him specifics on the outstanding items on Monday. Thank you.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Tomiak, Robert" <tomiak.robert@epa.gov>
> > **Date:** November 16, 2018 at 9:58:51 AM EST
> > **To:** "LaPosta, Dore" <LaPosta.Dore@epa.gov>
> > **Cc:** "Buettner, Robert" <Buettner.Robert@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>
> > **Subject: RE: LBT coordination**

That is perfect, thanks. I'll send a clarifying note out shortly since we may have created some confusion based on my faulty assumptions during yesterday's team meeting.

I realize that Flaire is "lead" for the project and she's been fantastic to work with.....but please feel free to reach out directly if you need my help or support on anything.

Rob

From: LaPosta, Dore
Sent: Friday, November 16, 2018 9:55 AM
To: Tomiak, Robert <tomiak.robert@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Re: LBT coordination

Robert- I confirmed that it is members of Phil Brooks staff that we have been working with in OECA. There was a briefing scheduled for him yesterday that was postponed. Gregg Freid has been our poc. There have been some discussions with OAR and OAQPS in coordination with OECA. I need to let you know on Monday if we are waiting for information from the company that you can help facilitate. Ok?

Sent from my iPhone

On Nov 16, 2018, at 9:39 AM, Tomiak, Robert <tomiak.robert@epa.gov> wrote:

> Dore,
>
> My contact info is below. Our next meeting with LBT is next Wednesday at 1pm; happy to reinforce your messaging as appropriate.....particularly if your team has requested and needs additional information.
>
> Thanks, Rob
>
> Rob Tomiak
> Director, Office of Federal Activities
> Office of Policy
> U.S. Environmental Protection Agency
> (202) 564-5400 (front office)
> (202) 564-7526 (direct)
> Personal Matters / Ex. 6
> tomiak.robert@epa.gov

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 4/22/2019 8:15:57 PM
To: Mears, Mary [Mears.Mary@epa.gov]
Subject: Re: Subpart Y

Hi Mary.

Thank you. This is it!

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6 (cell)

On Apr 22, 2019, at 2:19 PM, Mears, Mary <Mears.Mary@epa.gov> wrote:

Limetree Marine Tank Vessel Loading Operations (MACT Subpart Y) Briefing for Pete Lopez
Dec. 10, 2018

Purpose: Take an enforcement position with Limetree regarding HAP control requirements at its historic docks and planned SPM.

The Case Team's Legal Position

- <!--[if !supportLists]--><!--[endif]-->Limetree's St. Croix facility has 10 historic loading berths at its docks. 2 load gasoline, 8 load crude products. Limetree also plans to construct a single-point mooring (SPM) about 2 miles offshore that will load crude products.
- <!--[if !supportLists]--><!--[endif]-->E Deliberative Process and Attorney Work Product/ Ex. 5

Deliberative Process and Attorney Work Product/ Ex. 5

  - <!--[if !supportLists]--><!--[endif]-->In 2012, EPA issued a Finding of Violation (FOV) to Limetree's predecessor, Hovensa, for its failure to control HAP emissions at the docks.
- <!--[if !supportLists]--><!--[endif]-->Limetree does not believe it is legally required to meet these HAP controls requirements at either the docks or the SPM.

Mary Mears
U.S. EPA Region 2
Public Affairs Director

(212) 637-3673 (office)
Personal Matters / Ex. 6

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/16/2018 8:20:23 AM
To: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Confirmation: Lime Tree Bay Briefing

Hi Beth,

Here is the confirmation language I would like to send out to the AAs and our division directors re: Limetree Bay.

Also, please make sure you reach out to our division directors to make sure they are on the call. Would be great if we could set this up as a video conference. Please let me know if this is possible.

Thanks.

Here is the language for the memo:

> Dear Colleagues,
>
> This is a follow up to the invitation for today- August 16th at 2 p.m. regarding Limetree Bay.
>
> The intent of the session is to bring both affected Headquarters and Regional Staff together to discuss the status of Limetree Bay applications and discuss any known points of sensitivity.
>
> This would ensure affected staff have an understanding of all aspects of the case and strengthen guidance for the Administrator in responding to White House inquiries on this project.

Please feel free to reach out to me if you'd like to discuss this in advance of the gathering.

Best wishes.

Sincerely,
Pete

> please feel free to reach out to me for any further information.
>
> Sincerely,
> Pete
>
> Pete Lopez
> Regional Administrator
> US EPA-Region 2
> 290 Broadway

New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 4/16/2018 9:48:49 AM
To: Lyon, Christopher [lyon.christopher@epa.gov]
CC: Soltani, Beth [Soltani.Beth@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Khan, Mazeeda [Khan.Mazeeda@epa.gov]
Subject: Weekly staff meetings

Good morning Chris.

I will be airborne during the R2 staff and senior staff meetings... Will rely on you and Walter to carry these and report back to me.

I am not sure what the plan is for RA's to report at the afternoon meeting with the Administrator, given we will all be assembled at the forum in Rosemont. I have attached the weekly highlights, in case you are required to make the report for me.

Will check in with you periodically.

Sincerely,

Pete

Sent by Pete Lopez

Regional Administrator - R2

US E.P.A.

290 Broadway

New York, NY 10007

(212) 637-5000

Personal Matters / Ex. 6

Begin forwarded message:

> **From:** "Soltani, Beth" <Soltani.Beth@epa.gov>
> **Date:** April 13, 2018 at 9:04:10 AM EDT
> **To:** "Lopez, Peter" <lopez.peter@epa.gov>
> **Subject: Weekly Highlights for your review**

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 04/12/18

Hot Issues:

not responsive

Limetree Bay Terminal (LBT), St. Croix, USVI, Air Permit Questions: On 4/5 the Assistant Administrator for Air signed EPA's response to questions raised by LBT regarding its plans to restart refinery operations at the facility. EPA concurred that: (1) restarting of the refinery's idled units for the MARPOL Project should not be treated as a new stationary source under the current Reactivation Policy; (2) the MARPOL Project and the Renewable Diesel Fuel Project are independent of each other and therefore separate projects for PSD applicability; and (3) constructing the Single Point Mooring project would be considered a modification to an existing emissions unit rather than a new emissions unit.

not responsive

Upcoming:

not responsive

not responsive

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/15/2018 9:13:25 PM
To: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Fwd: Proposed Limetree Bay Meeting tomorrow, August 16th

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6 (cell)

Begin forwarded message:

> **From:** "Lopez, Peter" <lopez.peter@epa.gov>
> **Date:** August 15, 2018 at 5:00:45 PM EDT
> **To:** "Schaaf, Eric" <Schaaf.Eric@epa.gov>
> **Subject: Re: Proposed Limetree Bay Meeting tomorrow, August 16th**
>
> Dear Colleagues,
>
> This is a follow up to the invitation for tomorrow, August 16th at 2 p.m. regarding Limetree Bay. The intent of the session is to bring both affected Headquarters and Regional Staff together to discuss the status of Limetree Bay applications and discuss any known points of sensitivity.
>
> This would ensure affected staff have an understanding of all aspects of the application and strengthen guidance for the Administrator in responding to White House inquiries on this project.
>
> Please confirm your attendance with Beth Soltani, my Executive Assistant and please feel free to reach out to me for any further information.
>
> Sincerely,
> Pete
>
> Pete Lopez
> Regional Administrator
> US EPA-Region 2
> 290 Broadway
> New York, NY 10007
> (212) 637-5000
> **Personal Matters / Ex. 6**

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway

New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

On Aug 15, 2018, at 3:36 PM, Lopez, Peter <lopez.peter@epa.gov> wrote:

Dear Colleagues,

This is a follow up to an invitation for tomorrow, August 16th at 2 p.m. regarding Limetree Bay. The intent of the session is to bring both affected Headquarters and Regional Staff together to discuss the status of Limetree Bay and Limetree applications and discuss any known points of sensitivity.

The intent is to ensure that all affected staff have an understanding of all aspects of the application and associated issues. It is also to ensure that unified guidance is provided to the Administrator, and particular, in the view of known interest from the White House of this project.

Please confirm your attendance with Beth Soltani, my Executive Assistant and please feel free to reach out to me for any further information.

Sincerely,

Pete

Pete Lopez

Regional Administrator

US EPA-Region 2

290 Broadway

New York, NY 10007

(212) 637-5000

Personal Matters / Ex. 6 (cell)

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/6/2018 5:15:58 PM
To: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Fwd: Limetree
Attachments: Limetree_Briefing Memo_8 3 18.docx; ATT00001.htm; PRIVILEGED - Table of LBT CD Modification Requests.docx; ATT00002.htm

Hi Beth. Please print this out for the next meeting. Thanks so much.

Sent by Pete Lopez
Regional Administrator - R2
US E.P.A.
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

Begin forwarded message:

> **From:** "Simon, Paul" <Simon.Paul@epa.gov>
> **Date:** August 3, 2018 at 2:59:44 PM EDT
> **To:** "Lopez, Peter" <lopez.peter@epa.gov>
> **Cc:** "Lyon, Christopher" <lyon.christopher@epa.gov>, "Mugdan, Walter" <Mugdan.Walter@epa.gov>, "LaPosta, Dore" <LaPosta.Dore@epa.gov>, "Iglesias, Ariel" <Iglesias.Ariel@epa.gov>, "Schaaf, Eric" <Schaaf.Eric@epa.gov>, "Anderson, Kate" <Anderson.Kate@epa.gov>, "Buettner, Robert" <Buettner.Robert@epa.gov>, "Chan, Suilin" <Chan.Suilin@epa.gov>, "Mills, Flaire" <Mills.Flaire@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>
> **Subject: Limetree**
>
> Pete – attached is a briefing memo that I'll be going over with you when we speak at 3:15. Also attached is a detailed table prepared by the EPA/DOJ enforcement team on the case.

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 12/5/2018 4:19:27 PM
To: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Fwd: Draft weekly report to the Administrator
Attachments: Weekly Report to the Administrator 12-10-18.docx; ATT00001.htm

Hi Beth.

Please print this out for me.

Thank you!

Sincerely,

Pete

Pete Lopez
Regional Administrator

US EPA-Region 2

290 Broadway

New York, NY 10007

(212) 637-5000

Personal Matters / Ex. 6

Begin forwarded message:

> **From:** "Mugdan, Walter" <Mugdan.Walter@epa.gov>
> **Date:** December 5, 2018 at 10:56:32 AM EST
> **To:** "Lopez, Peter" <lopez.peter@epa.gov>
> **Cc:** "Lyon, Christopher" <lyon.christopher@epa.gov>, "Soltani, Beth" <Soltani.Beth@epa.gov>, "Hickey, Maureen" <Hickey.Maureen@epa.gov>
> **Subject: Draft weekly report to the Administrator**
>
> Attached is the draft weekly report, and it is also copied in the text below. (Report is relatively short this week.)

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 12/10/18

Hot Issues:

Limetree Bay Terminals, USVI: On 11/27 LBT submitted a Plantwide Applicability Limit (PAL) permit application. A PAL is a pollutant-specific, source-wide emission limitation, expressed in tons per year, which provides a voluntary alternative for complying with PSD permitting program requirements. The PAL will allow LBT the flexibility to make changes within the facility to adapt to market demands, without any deterioration to the air quality, by operating under the PAL. The 300-page application covers SO2, NOX, VOC, CO, PM, PM10, and PM2.5. R2 staff will meet with LBT on 12/11 to discuss the application.

not responsive

Upcoming:

not responsive

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/15/2018 7:32:00 PM
To: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Fwd: Accepted: FW: Placeholder: Limetree Bay Briefing with Region 2 and HQ/AO/OECA/OAR/OW/OLEM/OGC

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

Begin forwarded message:

> **From:** "Rivera, Jose" <Rivera.Jose@epa.gov>
> **To:** "Lopez, Peter" <lopez.peter@epa.gov>
> **Subject: Accepted: FW: Placeholder: Limetree Bay Briefing with Region 2 and HQ/AO/OECA/OAR/OW/OLEM/OGC**

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 12/5/2018 4:18:23 PM
To: Mugdan, Walter [Mugdan.Walter@epa.gov]
CC: Lyon, Christopher [lyon.christopher@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: Re: Draft weekly report to the Administrator

Hi Walter.

Perfect. Thank you!

Hope you feel better!

Sincerely,

Pete

Pete Lopez
Regional Administrator

US EPA-Region 2

290 Broadway

New York, NY 10007

(212) 637-5000

Personal Matters / Ex. 6

On Dec 5, 2018, at 10:56 AM, Mugdan, Walter <Mugdan.Walter@epa.gov> wrote:

> Attached is the draft weekly report, and it is also copied in the text below. (Report is relatively short this week.)

REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR
WEEK OF 12/10/18

Hot Issues:

Limetree Bay Terminals, USVI: On 11/27 LBT submitted a Plantwide Applicability Limit (PAL) permit application. A PAL is a pollutant-specific, source-wide emission limitation, expressed in tons per year, which provides a voluntary alternative for complying with PSD permitting program requirements. The PAL will allow LBT the flexibility to make changes within the facility to adapt to market demands,

without any deterioration to the air quality, by operating under the PAL. The 300-page application covers SO2, NOX, VOC, CO, PM, PM10, and PM2.5. R2 staff will meet with LBT on 12/11 to discuss the application.

not responsive

Upcoming:

not responsive

<Weekly Report to the Administrator 12-10-18.docx>

Appointment

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 12/12/2017 5:09:13 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]

Subject: Accepted: Conf. Call 2 RA Pete Lopez and Bill Wehrum re: LimeTree
Location: Bill will call Pete at 212-637-5035

Start: 12/12/2017 10:30:00 PM
End: 12/12/2017 10:45:00 PM

Recurrence: (none)

Pete to mention Chet Waylon/ John Filippelli re: Air monitoring in PR/VI

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 8/30/2018 9:53:09 PM
To: Darwin, Henry [darwin.henry@epa.gov]
Subject: Re: Limetree

Hi Henry.

Got your note. Will do?

Did you see my email to you re: institutional realignment?

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
(Personal Matters / Ex. 6

On Aug 29, 2018, at 1:32 PM, Darwin, Henry <darwin.henry@epa.gov> wrote:

> Pete:
>
> Acting Administrator Wheeler and I have asked the Office of Policy to engage their Office of Federal Activities to lead in the coordination of the Limetree matter. The Director, Rob Tomiak, has agreed to serve as EPA's project manager who will be the primary point of contact for Limetree in helping to connect them with the federal programs and offices they must involve to resume operations. Please inform your team to fully cooperate with Rob in these efforts.
>
> If you have any questions, please let me know.
>
> Thank you.
>
> Henry

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 12/5/2017 11:29:17 PM
To: Guerrero, Carmen [guerrero.carmen@epa.gov]
CC: McCabe, Catherine [McCabe.Catherine@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Iglesias, Ariel [Iglesias.Ariel@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Laureano, Javier [laureano.javier@epa.gov]; Gratz, Jeff [Gratz.Jeff@epa.gov]
Subject: Re: FYI: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Hi My Friend,

Perfect.

Please keep me posted on this project.

Thank you and your team for all your hard work.

God bless.

Sincerely,

Sent from my iPhone

On Dec 5, 2017, at 5:21 PM, Guerrero, Carmen <guerrero.carmen@epa.gov> wrote:

> Buenas noches! Just wanted to inform you that USACE granted EPA the 15 days time extension requested to provide a comprehensive response to the permit application from Limetree Bay Terminals. Please see email below from Sindulfo Castillo, Chief of the USACE Antilles Regulatory Section.
>
> Thanks,
> Carmen
>
> -----Original Message-----
> From: Castillo, Sindulfo CIV USARMY CESAJ (US)
> [mailto:Sindulfo.Castillo@usace.army.mil]
> Sent: Tuesday, December 05, 2017 6:05 PM
> To: Guerrero, Carmen <guerrero.carmen@epa.gov>; Soto, Jose <Soto.Jose@epa.gov>; Cedeno-Maldonado, Jose A CIV USARMY CESAJ (US) <Jose.Cedeno-Maldonado@usace.army.mil>
> Cc: Rivera, Jose <Rivera.Jose@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Font, Jose <Font.Jose@epa.gov>
> Subject: RE: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))
>
> Dear Carmen,
> Acknowledge receipt of your letter. We hereby grant you the 15 days time extension requested to provide a comprehensive response. Thank you for your reply.
>
> Sindulfo Castillo, P.E.

US Army Corps of Engineers
Chief, Antilles Regulatory Section
Annex Bldg., Fundación Ángel Ramos
383 F. D. Roosevelt Avenue, Suite 202
San Juan, Puerto Rico 00918
T: 787-289-7040; F: 787-729-6906

Please assist us to better serve you! Complete customer survey at:
http://per2.nwp.usace.army.mil/survey.html

-----Original Message-----
From: Guerrero, Carmen [mailto:guerrero.carmen@epa.gov]
Sent: Tuesday, December 05, 2017 5:44 PM
To: Soto, Jose <Soto.Jose@epa.gov>; Castillo, Sindulfo CIV USARMY CESAJ (US) <Sindulfo.Castillo@usace.army.mil>; Cedeno-Maldonado, Jose A CIV USARMY CESAJ (US) <Jose.Cedeno-Maldonado@usace.army.mil>
Cc: Rivera, Jose <Rivera.Jose@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Font, Jose <Font.Jose@epa.gov>
Subject: [EXTERNAL] FYI: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Saludos Sindulfo and Jose!

FYI.

From: Hickey, Maureen On Behalf Of Lopez, Peter
Sent: Tuesday, December 05, 2017 4:25 PM
To: Jason.a.kirk@usace.army.mil
Cc: Guerrero, Carmen <guerrero.carmen@epa.gov>; McCabe, Catherine <McCabe.Catherine@epa.gov>; Lopez, Peter <lopez.peter@epa.gov>
Subject: Limetree Bay Terminals LLC (SAJ-2017-00416 (SP-JCM))

Forwarding the attached letter on behalf of Peter D. Lopez.

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 2/4/2019 8:45:18 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]
Subject: R2 Shutdown Priorities (REVISED)
Attachments: R2 Priority List of Shutdown Delays - Updated 2-4-19.docx

Hi My Friend.

Here is a revised summary of significant R2 projects affected by the shutdown.

Tightened up report of anticipated deadlines, as requested.

As always, instantly available to address any concerns/questions.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000

Personal Matters / Ex. 6

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 10/26/2018 5:26:33 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: Fwd: schedule
Attachments: schedule october - december 2018.pdf; ATT00001.htm

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
Personal Matters / Ex. 6

Begin forwarded message:

From: "Soltani, Beth" <Soltani.Beth@epa.gov>
Date: October 26, 2018 at 1:24:49 PM EDT
To: "Lopez, Peter" <lopez.peter@epa.gov>, "Lyon, Christopher" <lyon.christopher@epa.gov>
Subject: FW: schedule

From: Soltani, Beth
Sent: Friday, October 26, 2018 1:05 PM
To: Lopez, Peter <lopez.peter@epa.gov>
Subject: schedule

Beth Soltani
Office of the Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007
Office: 212.637.5038
Mobile: Personal Matters / Ex. 6

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 1/31/2019 9:16:30 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: R2 Shutdown Priority list for Administrator.docx
Attachments: R2 Priority list for Administrator.docx; ATT00001.htm

Hi Ryan,

Hope all's well.

As requested, here is a quick summary of priority projects affected by the shutdown for your and the Administrator's review.

Please let me know if you have any questions or need more information.

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 12/29/2017 4:25:40 PM
To: Guerrero, Carmen [guerrero.carmen@epa.gov]
CC: Soltani, Beth [Soltani.Beth@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
Subject: Re: LTR - Limetree

Hi Carmen.

You bet!

Thank you for all your hard work.

On a separate note, I hope all goes well for you with your travels.

Best to you and family.

God bless.

Sincerely,
Pete

Sent by Pete Lopez
RA-R2
USEPA
290 Broadway
New York, NY 10007
212-637-5000 (Office)
Personal Matters / Ex. 6 (Cell)

On Dec 28, 2017, at 8:34 PM, Guerrero, Carmen <guerrero.carmen@epa.gov> wrote:

> Thanks to all!
>
> Pete, I truly appreciate your input and comments. The changes capture the message that we want to portray. I will formalize the letter tomorrow and will send the final signed pdf version for your records.
>
> Gracias!
> Carmen
>
> Sent from my iPhone
>
> On Dec 28, 2017, at 5:41 PM, Soltani, Beth <Soltani.Beth@epa.gov> wrote:
>
>> Please use this version of letter and disregard other, thank you, Beth
>>
>> Beth Soltani
>> Secretary

Office of Regional Administrator
290 Broadway
New York, NY 10007
212-637-5038

<LTR to Sindulfo Castillo USACE.docx>

Message

From: Lopez, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B64B3B2F984708840A5F342309D460-LOPEZ, PETE]
Sent: 1/31/2019 4:18:07 PM
To: Soltani, Beth [Soltani.Beth@epa.gov]
Subject: Fwd: Delays caused by Shutdown
Attachments: Delays Due to Shutdown-R2.docx; ATT00001.htm

Hi Beth.

I will need you help with a quick turnaround of edits to this document.

Thank you.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000

Personal Matters / Ex. 6

Begin forwarded message:

> **From:** "Mugdan, Walter" <Mugdan.Walter@epa.gov>
> **Date:** January 31, 2019 at 10:39:52 AM EST
> **To:** "Lopez, Peter" <lopez.peter@epa.gov>
> **Subject: Delays caused by Shutdown**

Message

From: Guerrero, Carmen [guerrero.carmen@epa.gov]
Sent: 9/16/2018 10:19:30 PM
To: Lopez, Peter [lopez.peter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]; Kluesner, Dave [kluesner.dave@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Hickey, Maureen [Hickey.Maureen@epa.gov]
CC: Font, Jose [Font.Jose@epa.gov]; Sutter-Montalvo, Lisa [sutter-montalvo.lisa@epa.gov]; Velez, Hector [Velez.Hector@epa.gov]; Reyes, Brenda [Reyes.Brenda@epa.gov]; Rodriguez, Elias [Rodriguez.Elias@epa.gov]; May, Jennifer [May.Jennifer@epa.gov]; Pualani, Barbara [Pualani.Barbara@epa.gov]
Subject: Final Agenda - RA's Visit to PR and USVI
Attachments: Final Agenda - RA Caribbean Visit - Week of Sept 17.docx

Saludos Pete! Here is a copy of the final agenda for your upcoming trip.

Please do not hesitate to contact us should you have any questions. Looking forward to seeing you tomorrow!

Safe travels,
Carmen

AGENDA
REGIONAL ADMINISTRATOR PETE LOPEZ VISIT TO PUERTO RICO AND USVI
SEPTEMBER 17 TO SEPTEMBER 20, 2018

MONDAY, SEPTEMBER 17 (SAN JUAN, PR):

Not Responsive

TUESDAY, SEPTEMBER 18 (SAN JUAN, PR):

Not Responsive

WEDNESDAY, SEPTEMBER 19 (ST. CROIX, USVI):

Not Responsive

3:00 PM – 4:15 PM **TOUR:** Surroundings of Limetree Bay and Hovensa Facility

Not Responsive

THURSDAY, SEPTEMBER 20 (SAN JUAN, PUERTO RICO):

Not Responsive