Region 1

Hot Issues

Region 1/CT DEEP leadership meeting

- The leadership teams from Region 1 and CT DEEP will meet in Hartford on October 19 to continue our coordination on major issues affecting the state.

Acting Regional Administrator Speaks at NTOC

- R1 Acting Regional Administrator Deb Szaro served on a panel on "Streamlining Environmental Management" at the Oct. 11 meeting of the National Tribal Operations Committee.

EPA provides testimony for NH and MA hearings on NPDES authorization

- Both MA and NH are considering applying for authorization to implement the NPDES permit program.
- The NH legislature established a commission to investigate whether the state should apply for NPDES authorization. At the commission's invitation, and with the support of NH DES, R1 Acting DRA Ken Moraff and NPDES branch chief David Webster met with the commission on Oct. 4 to explain the authorization process.
- For the second year in a row, the governor of MA has filed legislation to enable MA DEP to apply for NPDES authorization. Last year's bill was not voted out of committee. A hearing on this year's bill was held on Oct. 10, and R1 Acting DRA Ken Moraff testified at the committee's request and with the support of MA DEP.
- EPA's messaging at these events was coordinated with OCIR and with the two states.

Upcoming Public Events

None

Upcoming Major Decisions

None

Highlights from previous weeks

Maine Wild Blueberry Company, Machias, Maine

- The Maine Wild Blueberry Company has entered into an Order on Consent to address violations of the risk management program requirements of the CAA § 112(r).
- The Company's facility uses anhydrous ammonia in its refrigeration system, but was found to be in violation of many applicable RMP regulations.
- The Order, entered into on September 29, 2017, requires the Company to:
    - provide updated piping and instrument diagrams of the facility;
    - label ammonia piping;
    - install A/V alarms inside and outside of machinery rooms;
    - address pipe insulation/vapor barrier failure;
    - document compliance with industry standards for machinery room ventilation; and
    - remove improperly stored combustible material.
- The Order will improve chemical safety at this facility. Maine is not delegated to implement the RMP program.

Wells G&H Superfund Site, Woburn, MA, Record of Decision

- This 330-acre site, located twelve miles north of Boston, was placed on the NPL after two public water supply wells (G and H) for the Town of Woburn became contaminated and were shut down in 1979.

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- Over the years, EPA has issued several decision documents, entered into multiple consent decrees with responsible parties, cleaned up many properties, and paved the way for successful redevelopment projects at this site.
- On Sept 29, 2017, EPA signed a ROD for OU 4 (13 acres in the southwest corner of the site including a waste oil facility, former drum cleaner/recycler, and former junk yard/auto parts facility).
- The remedy is estimated to cost $19.2M and consists of the following:
    - Excavation and off-site disposal of approximately 31,000 cubic yards of contaminated soil and wetland sediment;
    - Installation of impermeable caps in areas where access is limited, and wetland restoration;
    - Containment and cleanup of groundwater by pump and treat;
    - Long-term monitoring, periodic Five-Year Reviews, and Institutional Controls.
- The site was made famous in the late 1990s by the book and movie "A Civil Action," starring John Travolta, Robert Duvall and William Macy.

Region 2

Hot Issues

Hurricane Irma/Maria:

- Status of EPA Deployments: Over the past week, additional EPA response personnel and equipment have been able to reach the islands; we now have 137 responders on the ground in PR and USVI. We expect to reach close to 200 personnel by mid-October, and 400 by early December, subject to the availability of lodging which remains a significant constraint. We have also experienced some delays in moving heavy equipment (for debris management) from the mainland to the islands, due to conflicts with shipments of other supplies.
- EPA Emergency Response Activities: EPA response personnel continue to conduct assessments of drinking water and wastewater facilities; oil and Superfund sites; regulated facilities; and potential debris collection and management locations. Movement of supplies (water, food, medicine) to the more remote interior towns remains problematical.
- Conditions on the Ground: There continue to be widespread power and telecommunication outages in both Puerto Rico and USVI. Particularly in Puerto Rico, limited availability of drinking water continues to be a problem; about 35% of the government utility's customers are not receiving running water due to a combination of power outages and broken pumps. Particularly in PR, raw sewage discharges to surface waters pose risks to residents using surface waters for bathing. There are reports of increased incidence of diseases such as gastro-intestinal disorders, conjunctivitis, and leptospirosis and other vector-borne diseases. CDC, PR Department of Health and EPA have issued public advisories urging people not to bath in these waters.
- Groundwater wells at Superfund sites. We have received reports that some residents may have attempted to get drinking water from groundwater wells at one or more EPA Superfund sites. We are moving quickly to investigate and reinforce site security and warning signs as necessary, and have issued public advisories reminding residents that these wells are not suitable sources of drinking water.
- Debris management in USVI: EPA personnel continue to work with FEMA, the Corps of Engineers and USVI authorities to collect, separate and dispose of hurricane debris. We are also assisting hospitals with disposal of medical waste, including the Gov. Juan F. Luis hospital in Christiansted, St. Croix, where a hospital executive raised a concern to VP Pence during his visit last week. EPA staff talked to and met with that executive on 10/12/17 regarding EPA's plans for disposing of this waste. The Corps of Engineers, with R2's support, has recommended controlled burning using air curtain technology as one of the federal responders' methods for disposing of the vegetative waste from the hurricane (burning significantly reduces the volume of waste that needs to be buried or taken off the island). **Please note**: We have received a report that former R2 RA Judith Enck is advising the Gov. of the USVI against this option, and gave a presentation to FEMA and the Corps on this issue (after asking EPA responders to leave the meeting in order to avoid a conflict of interest for her).

Upcoming:

RA will travel to PR and USVI. R2 Regional Administrator Peter Lopez will travel to PR and USVI during the week of October 16, accompanied by DRA Catherine McCabe. He will meet with senior local government officials in both jurisdictions.

Nassau County (NY) Municipal Separate Storm Sewer System (MS4): During the week of 10/16 we anticipate issuing an administrative compliance order (AO) to Nassau County for non-compliance with NY State's MS4 General Permit. Violations include failure to update and fully implement the Stormwater Management Program Plan; failure to conduct a complete outfall reconnaissance inventory; failure to maintain an inventory of post-construction stormwater management practices and ensure long-term operation and maintenance of those practices; failure to implement a pollution prevention/good housekeeping program; failure to perform self-assessments of all municipal operations and facilities; and failure to conduct employee training.

NYS agrees with our issuance of the AO.

Past Week:

EPA Takeover of Superfund Removal Work at Toobro Cheese Site, Lowville, Lewis County, NY: In June, 2017 Toobro entered into an administrative consent order (ACO) to carry out a removal action to clean up hazardous substances from this abandoned cheese factory. The contaminants on site included acids, caustics, oxidizers and mercury. In addition to drums and other containers, there are above- and below-ground tanks. Though the PRP carried out more than half of the required work, it repeatedly failed to comply with many other aspects of the ACO; the necessary removal work remains incomplete; and hazards including mercury spills remain unaddressed. A letter formally notifying the PRP that EPA will be taking over remaining work was issued on 10/10; the work was initiated on 10/11.

Passaic River Superfund Site Allocation Process Begins. EPA has retained the services of an Allocator to evaluate the relative responsibility of approximately 80 PRPs that EPA has noticed in connection with the lower 8.3 of the Lower Passaic River, part of the Diamond Alkali Superfund Site in NJ. (There are additional PRPs that EPA is addressing in other ways. The number of PRPs may grow in the future.) The kickoff meeting between the Allocator and the PRPs is on 10/13. The Allocation process is expected to take about two years. During this time, one PRP – Occidental Chemical – is performing under a consent order the design of the remedy selected by EPA. The remedy has an estimated cost of $1.4 billion.

Trenton, NJ Community Collaborative Initiative (CCI): R2 staff met on 10/11 with representatives of the City of Trenton, NJDEP, OLEM, and EPA contractors to kick off the Land Revitalization Technical Assistance for the Assunpink Creek Daylighting Park Enhancements project. The design effort will create a schematic park design plan that will provide visual continuity and cohesion with the adjacent Mill Hill Park, provide access to the newly restored stream, and incorporate site furnishings that encourage active use of the area. The park design plan will be created and refined during a 3-day design workshop, tentatively scheduled for November 2017. The creek daylighting project has been awarded a total of $4.7 million in state and federal funds, $1.15M of which comes from EPA. NJDEP invited EPA to become a CCI partner to leverage technical assistance opportunities for community revitalization. The restoration project includes removing the existing culvert; restoring the stream bed and fish habitat; and restoring stream banks and planting riparian vegetation. Construction on the park enhancements should begin in Fall 2018.

A Day in the Life of the Hudson River Estuary: This year's "Day in the Life of the Hudson River Estuary" program is being held on 10/12. During the annual event, thousands of students from New York City to Troy, NY collect scientific information about the river at dozens of locations, then share their data via the web to learn how it fits into the larger Hudson estuary ecosystem. "A Day in the Life" is sponsored by NYSDEC's Hudson River Estuary Program, and produced with assistance from the Lamont-Doherty Earth Observatory of Columbia University. At each location, teams of students and environmental educators use seine nets, water testing kits, and measuring tools to investigate aquatic life, water chemistry, tides and weather. Many groups also collect core samples of river bottom mud for analysis.

Region 3

Hot Issues

Ex. 5 - Deliberative Process

October 24.

Upcoming Public Events

26th Annual State Pesticide Inspector Regional Workshop
Acting Regional Administrator Cecil Rodrigues will be attending the 26th annual Region 3 State Inspectors' workshop. Secretary Redding will be in attendance, in addition to pesticide inspectors from each of our states. The states look forward to this ceremony as the most notable inspection and most notable inspector are recognized during this meeting. Acting RA Rodrigues will present the 2017 Inspector of the Year and 2017 Investigation of the Year awards to the Region 3 State Inspector or Inspectors who were nominated by their peers and selected by an EPA Region 3 panel based on a set of evaluation criteria. Plaques are awarded to the recipients for both awards.

Past Events

Region 3 Hosts Elected Officials Meeting at BoRit Superfund Site
Acting Regional Administrator Cecil Rodrigues joined Secretary Pat McDonnell at the temporary site of the Wissahickon Boys and Girls Club to inform the local elected officials, including the Mayor of Ambler, Jeanne Sorg, on the progress made at the BoRit Superfund Site. The presentation by EPA staff went well, with accolades from the Township and Representative Heyer for the transparent and collaborative work done at the site.

Marking a *Green City, Clean Waters* Milestone

On Thursday evening, October 12, 2017 Acting Regional Administrator Cecil Rodrigues joined Philadelphia Mayor Jim Kenney and other city officials at an event marking the 1,000th Greened Acre under the city's nationally-known *Green City, Clean Waters* program. Launched by the Philadelphia Water Department in 2011 as the first large-scale program of its kind in the U.S., *Green City, Clean Waters* is designed to meet state and federal regulations for reducing pollution from excess stormwater runoff and sewer overflows primarily using green stormwater tools. EPA has been a strong partner in the effort, providing financial support and technical assistance.

Region 4

Hot Issues

SO2 Attainment Demonstration SIPs Completion Letters
Key Message: On October 10, 2017, the RA signed SO2 Attainment Demonstration SIP Submittal Completion Letters for the states of TN and KY resulting in termination of the sanctions clocks. TN and KY will be pleased with this action.

Hurricane Nate Response
Key Message: Completed assessment of RMP facilities in Mississippi and Alabama post Hurricane Nate. No releases identified.

Clean Water SRF Grants – State Request for Letter of Support
Key Message: Mississippi Department of Environmental Quality (MDEQ) has asked EPA to provide a letter of support for the state match bond option for the legislature in January 2018. EPA and the state are exploring options.

City of Columbus – Request for EPA Assistance
Key Message: The City of Columbus, Georgia contacted EPA Headquarters' Combined Sewer Overflow program coordinator to request that EPA intervene in the State of Georgia's reissuance of the City's draft Combined Sewer System NPDES permit.

Mosaic - Plant City, FL
Key Message: Pursuant to the Consent Decree entered into among Mosaic of Plant City, Florida (Mosaic), the United States, and the Florida Department of Environmental Protection (FDEP), Mosaic notified the FDEP and EPA of a suspected liner tear in a pond in its gypstack system. FDEP concluded that there is currently no threat to public health or safety. The EPA will support FDEP as it monitors and responds to the incident.

Upcoming Travel for the RA

- October 17 – Speaker at the FL Electric Utilities Annual Meeting in Destin, FL.
- October 18 - Tour of the BF Goodrich Superfund site in Calvert, City, KY.
- October 20 – Speaker at the KY Governor's Conference on Energy and the Environment in Lexington, KY.

Region 5

Hot Issues:

U.S. Steel Wins Lawsuit Against State of Michigan On DEQ Rule
Key Message: Lawsuit victory by U.S. Steel creates a gap in Michigan's attainment plan making the plan submitted to EPA unapprovable.
On Wednesday, October 4, 2017, a judge ruled that a Michigan rule designed to curb sulfur dioxide emissions from United States Steel's Wayne County facilities violates the state Administrative Procedures Act and is illegal. Court of Claims Judge Borrello, agreed with U.S. Steel that the Michigan DEQ rule violated the requirement that state rules have general applicability. This creates a gap in Michigan's attainment plan making the plan submitted to EPA unapprovable. EPA sent a findings letter to Michigan on April 18, 2016 for failure to submit an attainment plan. The findings letter started a two-year FIP clock that can only be turned off with the full approval of a plan that has been submitted by the state. EPA is now faced with the April 18, 2018 deadline to promulgate a FIP for the Detroit SO2 nonattainment area.

Upcoming Events:

EPA Will Hold Monthly Community Meeting about USS Lead Superfund Site, East Chicago, Ind.

Key message: EPA will hold a community meeting on Sat., Oct. 14 to update residents and answer questions about cleanup activities at the USS Lead Superfund site.

On Sat., Oct. 14, EPA will hold its monthly community meeting to update East Chicago residents and answer questions about cleanup activities at the USS Lead Superfund site. EPA staff working on the cleanup will provide brief updates followed by a facilitated question and answer period. There will be no formal presentation. Representatives of the Agency for Toxic Substances and Disease Registry and officials with the city of East Chicago will also be present to answer questions about health and city services. Many questions raised by residents concern issues not directly related to the Superfund site such as the city's lead service line replacement project. Between 40 and 50 residents regularly attend the meetings which are usually covered by local newspapers the Northwest Indiana Times and the Gary Post-Tribune.

Tour of Velsicol Superfund Site for Congressman Moolenaar October 19

Key Message: Congressman Moolenaar requested a tour of Velsicol cleanup activities for October 19, 2017. This is an opportunity to provide the Congressman with an update, as there is good work going on right now. Congressman Moolenaar has been very supportive of the cleanup.

EPA began cleanup at the Velsicol Chemical Corp. Superfund site in St. Louis, Mich., this summer. The site received $9.7 million in funding.
EPA plans to begin thermal treatment at the site. During this process, special equipment will heat the soil, capture contaminants and treat them on-site. This phase of work is expected to take 18 months. Additional environmental actions at the plant site will follow in the future.

Backgound: Velsicol produced fire retardant polybrominated biphenyl, or PBB, and the pesticide DDT from

1936 until 1978 when the plant shut down. The chemicals polluted the groundwater, soil and Pine River that bordered the plant. In the 1980s, the factory was demolished, but elevated levels of benzene and 1,2 dichloroethane remain in the groundwater beneath the site.

Upcoming Major Decisions:

NONE

Past Week Accomplishments/Highlights:

Agreement Reached at USS Lead for Groundwater Study

Key Message: EPA entered into an Administrative Settlement Agreement and Order on Consent (ASAOC) with USS Lead, where USS Lead will perform the remedial investigation and feasibility study of OU2 of the USS Lead Superfund Site.

OU2 includes soils at the former USS Lead facility, as well as groundwater beneath both that facility and the residential neighborhood.

EPA to clean up former gas plant site in Marinette, Wis.

Key Message: EPA decided on an estimated $7.6 million cleanup plan for the Wisconsin Public Service Corp. Marinette Manufactured Gas Plant Superfund site in Marinette, Wis. The cleanup includes excavation and disposal of contaminated soil; on-site treatment of contaminated groundwater, monitoring, and restricted use of soil, groundwater, and sediment until cleanup goals are met.

Background: WPSC owned and operated the gas plant from around 1910 to 1960 in a historically industrial area. The plant carbonized coal and carbureted water to form gas used for heat and light. Currently, the site is owned by the city of Marinette and the property houses the city's wastewater treatment plant and public boat launch.

EPA announces plan to clean up PCBs and remove dam at Allied Paper site in Otsego, Mich.

Key Message: EPA has decided on a plan to clean up contaminated soil and sediment at a portion of the Allied Paper Inc./Portage Creek/Kalamazoo River Superfund site near Otsego, Mich. Part of the plan is to remove the Otsego city dam. EPA plans to negotiate an agreement to ensure responsible parties pay for and implement the cleanup.

The recently signed “record of decision” is for the cleanup of the 1.9-mile stretch of the Kalamazoo River between the former Plainwell Dam and the Otsego city dam, known as area 2 of operable unit 5 of the Superfund site. The cleanup addresses polychlorinated biphenyl, or PCB, contamination in sediment and soil from historic paper recycling operations.

Other components of the cleanup for this portion of the site include realignment of the Kalamazoo River to create a single stable channel; riverbank and floodplain soil excavation; and capping the upstream channel areas

that will be cut off from the main channel when the dam is removed. Fish consumption advisories will remain in effect, and EPA will continue long-term monitoring of surface water, fish tissue, and sediment.
Background: Starting in the 1950s, several paper mills along the Kalamazoo River and Portage Creek recycled various types of paper stock. This included carbonless copy paper containing PCBs that were released into the mills' waste streams and eventually to the Kalamazoo River. In 1990, the government added the site to the National Priorities List, a list of the worst contaminated sites in the country. Construction activities are anticipated to take five years at an estimated cost of $46 million.

EPA awards $220,000 to City of Duluth to protect coastal wetland habitat Duluth GLRI grants

Key Message: Duluth will use EPA funding to protect important coastal wetland habitats identified by the Lake Superior Action and Management Plan.

EPA awarded $220,000 to the City of Duluth to protect coastal wetland habitat along the shoreline of Lake Superior.
Funding will support a multi-dimensional analysis that will be used to develop ecological restoration and conservation management plans. Additionally, up to 1300 acres of coastal wetlands and shoreline along nearly 10 miles of the St. Louis River Estuary will be permanently protected.

EPA Awards $240,000 Clean Diesel Grant to Minnesota

Key Message: EPA's funding will enable MPCA to offer public or private entities the opportunity to reduce diesel emissions through a range of actions, such as replacing older diesel engines, equipment or vehicles with certifiably cleaner ones.

EPA announced a $243,318 grant awarded to the Minnesota Pollution Control Agency to replace diesel engines and vehicles to cut harmful emissions and improve air quality. EPA's funding will enable MPCA to offer public or private entities the opportunity to reduce diesel emissions through a range of actions, such as replacing older diesel engines, equipment or vehicles with certifiably cleaner ones. EPA provides grants under the Diesel Emissions Reduction Act to protect human health and improve air quality by reducing emissions from diesel engines.

EPA provides $550,000 to Lorain County, Ohio, for water quality projects

Key Message: EPA's funding for projects that will improve water quality in the Black River Area of Concern on Lake Erie.

EPA announced an award of $550,000 to the Lorain County Board of Commissioners. The Black River AOC is on the binational list of toxic hotspots that have been targeted for cleanup under the U.S.-Canadian Great Lakes Water Quality Agreement. The funding is a supplemental award to an existing grant of $600,000, increasing the total amount to just over $1 million. The Lorain County Board of Commissioners will use this additional funding to restore two critical areas of degradation and impairment in the Willow Creekwater shed, which flows to the Black River. Funding will also support work to restore an additional 800 feet of Fortune Ditch, a major tributary of Willow Creek. Additionally, 1.5 acres of riparian wetland habitat will be restored at the Margaret Peak Nature Preserve, a former family farm in Eaton Township donated to the township 12 years ago by its late

namesake. The nature preserve is home to 170 species of birds, two ponds, five acres of wetlands and 10 acres of forest.

Region 6

Hot Issues:

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

deadline of December 15, 2017. We are on track to issue a final notice by that deadline.

Village of Cuba and City of Jemez Springs, New Mexico
EPA will conduct two National Environmental Laboratory Accreditation Program (NELAP) Inspections in New Mexico the week of October 16 - 20, 2017. The inspections will take place at the Village of Cuba Waste Water Treatment Plant in Cuba, New Mexico and the City of Jemez Springs and Jemez Valley Schools in Jemez Springs, New Mexico. Inspections will consist of reviews of the facility's quality system, as well as EPA, state, and NELAP methods, including but not limited to organic, inorganic, and metal testing methods. Invitations have been extended to the regional offices of the New Mexico Environment Department (NMED) to shadow the EPA employee on these audits for training and experience purposes. EPA is invested in continuing the development of the laboratory audits under the NPDES program and to share information with states.

Pueblo of Nambe, Santa Fe County, New Mexico
On October 11, EPA Region 6 met with Monarch Waste Technologies at its request to discuss Monarch's request to use an alternative monitoring plan for the commercial Hospital/Medical/Infectious Waste Incinerator it constructed on the Pueblo of Nambe. EPA notified Monarch on October 5, 2017, that it was not able to approve the current request because it did not present sufficient information to identify specific alternatives under the New Source Performance Standards (NSPS) for compliance testing and operations. At the meeting, EPA offered guidance and information to assist Monarch in developing a new monitoring plan with sufficient

technical detail to comply with alternative requirements allowable under both the NSPS General Provisions (40 CFR Part 60 Subpart A) and the Hospital/Medical/Infectious Waste Incinerator NSPS (Subpart Ec).

Bird Creek, Osage County, Oklahoma

A public hearing was held on October 11, 2017, on the proposed administrative orders issued to Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc., applicable to seven UIC wells. The three companies expressed that they hope to work with EPA in resolving the issues and concerns. Warren America and Jireh Resources offered to periodically pump and haul away water located in Bird Creek near monitoring station 6, as a partial remedial measure. Station 6 has recorded the highest consistent readings/levels of pollutants over the past few months. Novy Oil and Gas, Inc. stated that its well plugging plan has now been approved by BIA. Novy intends to plug and abandon its well. The land manager of Bass Bros property did not comment at the hearing, but previously submitted written comments prior to the hearing. The public was allowed to submit written comments during the 30-day comment period and was given the opportunity to also make oral comments at the hearing, but they declined to do so. EPA will carefully consider information and testimony provided at the hearing and the 30-day comment period and determine if any changes to the proposed orders are warranted.

Dairy Inspections, Southeast Louisiana

During the week of October 16, 2017 EPA will conduct joint small dairy AFO (Animal Feeding Operations) sampling inspections with the Louisiana Department of Environmental Quality (LDEQ) in southeast Louisiana. EPA will lead two of the joint inspection teams, and LDEQ will lead one inspection team for a total of three teams. The inspections will be conducted within the St. Helena, Tangipahoa and Washington Parishes to evaluate the animal waste management operations of some of the approximately 93 dairy farm sites located within those parishes. Most of these dairies do not have adequate lagoon dewatering and land application capabilities, and if an unpermitted dairy wastewater discharge to a waterway is noted, a sample will be collected.

Macy's Retail Holdings, Inc.

A press release has been prepared to announce EPA's settlement with Macy's Retail Holdings, Inc., (Macy's) over violations of hazardous waste regulations. In addition to correcting violations, Macy's will also develop a program with the capacity to train 400 retailers in Oklahoma and Texas, and conduct third-party audits at 11 of its largest facilities within Texas, Oklahoma, Louisiana and New Mexico, among other required actions. The company will also pay a $375,000 civil penalty within 30 days of the effective date of the settlement, and must comply with all other requirements within one year. Oklahoma Department of Environmental Quality (ODEQ) Executive Director Scott Thompson said "The Macy's settlement highlights the importance of states and EPA working together on common-sense approaches that respect the needs of businesses, while still protecting public health." EPA and ODEQ will issue the press release within the next few days.

Georgia Pacific, Crossett, Arkansas

EPA is continuing our collaboration with ADEQ regarding our Interim Objection letter sent on May 19, 2017. EPA is seeking more information on the GP Crossett draft discharge permit. On August 14, 2017, ADEQ requested supplemental information for the permit application submitted on May 22, 2015 to include additional detail regarding: a description of the current wastewater treatment system, documentation clearly demonstrating that the portion of Coffee Creek located above Mossy Lake is separate from the Georgia Pacific Crossett (GP) wastewater treatment process, and a qualified estimation that the discharge from Outfall 001 is protective of the

Ouachita River during periods when Mossy Lake is flooded. ADEQ reported they received partial information from GP Crossett. ADEQ will send GP Crossett another letter and will request to receive all information within the next 2 weeks.

Homestake Mining Company Site, Cibola County, New Mexico
EPA in cooperation with the U.S. Geological Survey (USGS) intends to conduct a webinar to provide an update on the groundwater assessment performed for the Site on October 19, 2017. USGS technical experts will present an overview of the sampling, the data collected, and provide a preliminary analysis. The webinar will be an opportunity for the community members, including the Bluewater Valley Downstream Alliance (BVDA), and its technical advisor, to provide any feedback on the groundwater assessment.

City of Fort Worth, Texas
The Texas Commission on Environmental Quality proposed a draft water discharge permit for the City of Fort Worth. This draft permit was reviewed and numerous concerns were noted by EPA The permit fails to include measures to control post construction stormwater runoff. An Interim Objection is being routed for management review and will be submitted to TCEQ by its regulatory deadline of Friday, October 20, 2017.

City of Mesquite, Texas
The Texas Commission on Environmental Quality proposed a draft water discharge permit for the City of Mesquite, Texas. This was reviewed and numerous concerns were noted by EPA. The permit fails to include measures to control post construction stormwater runoff. An Interim Objection is being routed for management review and will be submitted to TCEQ by its regulatory deadline of Friday, October 20, 2017.

NEPA: None

Upcoming Public Events:

October 13 – House Energy and Commerce Member Briefing on State and Federal Hurricane Response Efforts, Washington DC. Regions 2, 4, and 6 have been invited to make presentations along with TCEQ Chairman Shaw and Florida Secretary Valenstein.

October 18 – Louisiana Air & Waste Management Conference, Baton Rouge, LA. EPA will present on the impact of Hurricane Harvey to the Gulf Coast.

October 27 – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting Regional Administrator will keynote.

November 29 – 30 - Regional Tribal Operations Committee (RTOC) meeting, Tulsa, Oklahoma

Upcoming Decisions:

Oklahoma Coal Combustion Residual Permit Program

EPA is engaging the tribes in consultation and coordination regarding the Coal Combustion Residuals (CCR)

Permit Program Application from the State of Oklahoma. On August 3, 2017, EPA Region 6 received the Application. The Oklahoma Department of Environmental Quality has requested review and approval of the program consistent with the 40 CFR 257, Subpart D pertaining to coal combustion residual units. We will begin our government-to-government consultation by holding a conference call on October 19, 2017. The consultation is not anticipated to impact the timeline for approval by the Administrator.

Past Week Accomplishments:

San Jacinto River Waste Pits Superfund Site, Harris County, Texas

The cleanup plan to address highly toxic dioxin contamination at the San Jacinto Waste Pits Superfund site in Harris County, Texas was approved by Administrator Scott Pruitt.

Approval of Tonkawa Tribe of Oklahoma and Absentee Shawnee Tribe of Oklahoma for CWA Section 319(h) Grants

EPA approved Treatment As State (TAS) applications for the Tonkawa Tribe of Oklahoma and Absentee Shawnee Tribe of Oklahoma to receive Clean Water Act funds to monitor water quality and implement non-point source controls on tribal lands.

Pending Actions (Pending Federal Register Publication):

Texas Regional Haze and Interstate Visibility Transport Final Action (Federal Implementation Plan)

Region 7

Hot Issues:

R7 Hurricane Response Support Update
Key Message: To assist R2 with the response to Hurricanes Irma and Maria, R7 is partnering with R6 to staff multiple positions in the South Branch in Ponce, Puerto Rico. To date, R7 has deployed two bilingual CICs to Puerto Rico and has six R7 OSCs scheduled to deploy on Sunday, October 15.

R7 support for the Hurricane Harvey response in Texas has ramped down. As the primary backup Region for R6, R7 deployed a total of 62 employees to various locations in Texas to assist with the response. All R7 employees supporting Harvey response efforts returned last week.

Last Week's Highlights:

Superfund Remedial Action Completions
Key Message: R7 has completed Remedial Actions (RAs) at the Garvey Elevator (OU1) site in Hastings, NE and 10th Street (OU2) site in Columbus, NE.

- *The Garvey Elevator site*
  - The Remedial Action consisted of the implementation of the groundwater component including the upgrade and operation of the existing pump and treatment system.
  - The final inspection was conducted with Nebraska Department of Environmental Quality and the system was determined to be operating and functioning as designed.
  - The system will now enter Long Term Remedial Action for a period of ten years before being transferred to the state for operation and maintenance, if cleanup levels are not met by then.
- *The 10th Street site*
  - The Remedial Action consisted of the acquisition and transfer of four parcels of property and tenant relocations.
  - The EPA acquired all four parcels in 2015, relocated the tenants and businesses, and subsequently performed a remedial action involving demolition of facilities, excavation of contaminated soil, and backfill.
  - The RA was completed in the summer of 2017 and the properties are in the process of being transferred to the City of Columbus.
  - NDEQ, EPA R7, EPA HQ, and City of Columbus are all in agreement for the Deeds and Environmental Covenants which will be routed for signature and recording in October 2017.

West Lake Landfill Update:

Key Message: On October 8, 2017, EPA R7 issued the comment letter to the PRP group on the second draft Final Feasibility Study.

- The comment letter reflects input from multiple state and federal partner agencies.
- A revised Final Feasibility Study is due to EPA on December 8, 2017.
- On October 11, 2017, the Missouri Department of Natural Resources held a public hearing on its proposed stormwater permit. EPA staff from the Water and Superfund Divisions attended the meeting.

Region 8

Hot Issues:

Region 8 sent a CWA 404 "3(b)" letter to the Army Corps of Engineers, Sacramento District to continue collaboration on a mitigation plan for the West Davis Corridor Project, Utah.
Key Message: On October 10, 2017, Region 8 sent a letter to the Army Corps of Engineers implementing Part IV 3(b) of the Clean Water Act Section 404(q) Memorandum between the EPA and the Corps (MOA) in response to the Corps' public notice for the CWA 404 permit application for the West Davis Corridor Project north of Salt Lake City, Utah.

- The Utah Department of Transportation's CWA 404 permit application for the project requested authorization to fill 43 acres of Great Salt Lake (GSL) wetlands and cause secondary impacts to 57 acres of GSL wetlands.
- Region 8's primary goal in engaging the Corps through this procedure is to ensure an adequate mitigation plan is prepared for the impacts to GSL aquatic resources as required under CWA Section 404 and the Mitigation Rule. This action will not delay the project which is planned to begin in 2020.
- The EPA Region 8 coordinated with OW on this action.

Upcoming Public Events:

Region 8 will participate in the San Juan and Animas Rivers Watershed Long-Term Monitoring Program Planning Meeting in Albuquerque, NM on October 18-19, 2017
Key Message: At this meeting, the EPA and jurisdictions potentially impacted by the Gold King Mine Release will discuss the development of the watershed-wide, long-term water quality monitoring program, identify monitoring activities that will be funded under the Water Infrastructure Improvements for the Nation Act (WIIN Act) to support this monitoring program, and assess options for data visualization. Goals of this meeting include:

- Identifying the questions that the water quality monitoring plan will be designed to address.
- Establishing the scope of the monitoring plan and how jurisdiction-specific monitoring plans will align with the proposed plan.
- Reaching consensus on the proposed criteria that will guide EPA recommendations for WIIN Act funding decisions.
- Specifying next steps and milestones for finalizing funding decisions and developing a draft monitoring plan.
- Participants include: Colorado, New Mexico, Utah, Southern Ute, Ute Mountain Ute, Navajo Nation, and representatives from EPA Regions 6, 8, 9, OW, and ORD.

Lake Koocanusa/Kootenai Watershed Meetings in Kalispell, Montana
Key Message: EPA will participate in several meetings during the week of October 16 as part of the Lake Koocanusa Monitoring and Research Working Group annual meeting, along with other federal agencies and representatives including Montana, British Columbia, and Tribes from the US and Canada.

- EPA will host a meeting of federal agencies to explore opportunities for greater federal coordination.
- Region 8 will participate on a panel during two public stakeholder meetings to answer questions about EPA's Lake Koocanusa work. The meeting is hosted by the Kootenai River Network.
- Regions 8 and 10 and the Office of Water will participate in several technical meetings.
- EPA will meet with the Confederated Salish and Kootenai Tribes and the Kootenai Tribe of Idaho.
- Lake Koocanusa is a transboundary watershed that has received significant pollutant loading from coal mining on the Elk River in British Columbia.
- Region 8 has coordinated with Region 10, OITA and OW.

Upcoming Major Decisions: - None

Last Week Highlights:

Region 8 Awards Three Environmental Justice (EJ) Small Grants
Key Message: On September 29th, Region 8 notified three EJ Small Grant applicants that their applications have been approved.

- The three grant awards are for approximately $30,000 each.
- Region 8 received thirteen applications for this grant opportunity – a significant increase from previous years.
- EJ Small Grants are awarded to community-based organizations, and local and tribal organizations working with communities facing environmental justice issues.
- The three awards went to the following organizations/projects:
    - The Blackfoot Tribe (Browning, MT): Preventing Aquatic Invasive Species in Blackfeet Waters.
    - Taking Neighborhood Health to Heart (Denver, CO): Building Community Capacity and Improving Indoor Air Quality.
    - Utah Physicians for a Healthy Environment (Salt Lake City, UT): The UPHE Lead Safe Children Program: Creating a Safe Environment for Children.

Wyoming Environmental Health Association Meeting, Cody Wyoming, October 11, 2107
Key message: Region 8 presented at the annual meeting of Wyoming state and county inspectors for food and beverage establishments, most of which are also public water systems regulated by Region 8.

- The 45-minute presentation covered the basics of EPA regulation of Wyoming public water systems, including the different types of water systems and the various regulatory requirements for each type of system.

Region 9

Hot Issues:

Contaminated Groundwater Basin: The Administrator will be meeting with the Orange County Water District (OCWD) on Wednesday, October 18, to discuss a large area of contamination in a groundwater basin that serves 2.4 million people in southern California. The groundwater is contaminated with a mixture of chemicals; concentrations of several exceed Federal standards for drinking water by multiple orders of magnitude. OCWD continues to work with relevant state agencies and the Region to develop a path forward for dealing with the contamination. EPA received a governor's letter supporting inclusion of the North Basin on the NPL; OCWD publicly supports listing of the site, and R9 queued it for consideration when next NPL proposal is published.

North Bay Wildfire Response: Seventeen wildland fires continue to burn across California, seven of which are declared federal disasters. R9 is assisting FEMA and has members in the field actively mitigating a tire fire and scoping hazmat debris operations. Though sparse at the moment, R9 continues to gather information concerning impacts on tribes, with particular focus on availability of drinking water.

External Engagements:

Transboundary Wastewater Flows: On 17 October R9 will convene federal, state, local, and elected officials to discuss progress in reducing transboundary sewage flows in the Tijuana and New River watersheds per action items from our April meeting. The R9 Acting Regional Administrator will lead the meeting and will include representatives from CalEPA, Regional Water Boards 7 and 9, the International Boundary and Water Commission, NADBank, Customs and Border Protection, and the State Department, along with local, state, and federal elected officials.

Edwards AFB: Per the agreement to defer the Edwards South AFRL Dispute, the follow-on SEC meeting is scheduled for 24 October. The focus of the meeting continues to be resolving the dispute, as well as the Air Force's response to last month's informational meetings in Sacramento on the tetrachloroethylene (PCE) toxicity value and California Toxicity Criteria Rule.

Job Training Graduation: On 18 October the Los Angeles Conservation Corps (LACC) and R9 will celebrate a significant achievement. LACC is preparing to graduate the 531st Environmental Job Training program trainee. The R9 Acting Regional Administrator and staff from the brownfields program will participate. LACC received $200,000 in 2016 to train 50 individuals in various environmental technician training courses. The graduation will be the second graduation under this funding opportunity.

Past week's highlights:

CAA Claims Against Nevada Cement Company: On October 4, 2017, the U.S. District Court for the District of Nevada entered a consent decree resolving an enforcement action brought by the U.S. Department of Justice and EPA against Nevada Cement Company. The action concerned violations of the Clean Air Act Prevention of Significant Deterioration requirements at NCC's Portland cement manufacturing facility near Fernley, Nevada. Under the consent decree, NCC will pay a civil penalty of $550,000, perform a mitigation project worth $420,000 to replace two heavy-duty diesel vehicles, and spend over $2.5 million to install continuous emissions

monitoring systems and Selective Non-Catalytic Reduction technology to reduce its NOx emissions by approximately 1,140 tons per year. EPA coordinated with the Nevada Division of Environmental Protection at the initial and final phases of the enforcement process.

Treatment as a State (TAS) Approvals for Tuolumne and Viejas Tribes: Applications for TAS were approved for the Tuolumne Band of Mewuk and Viejas Band of Kumeyaay Tribes under Clean Water Act Section 319 (Nonpoint Source Pollution Control). Approval allows these tribes to apply for and conduct activities using CWA 319 funds.

San Joaquin Valley Contingency Measures: On 10 October the R9 Acting Regional Administrator signed a Federal Register notice proposing resolution of a contingency measure deficiency for the 1997 PM2.5 standard for San Joaquin Valley, California. R9 requests expedited publication of the proposal to ensure timely resolution of this issue. A final action will terminate the sanctions that are currently set to take effect on December 13, 2017.

Triple Site Operating Unit (OU) VI (Sunnyvale, CA): Results from the latest round of indoor air sampling at the Rainbow Montessori school confirm that all five mitigation systems for the 1,000-person campus are functioning properly to meet EPA's health-protective screening levels for children and staff. We are working with the school administration on an update letter for parents to communicate these results.

Anaconda Copper Mine: EPA continues constructive efforts related to the State of Nevada's (NDEP) formal request on 31 July to defer NPL listing of the site. R9 is currently working with NDEP, BLM, Yerington Paiute Tribe (YPT) and the Walker River Paiute Tribe (WRPT) to revise documents that will be necessary should deferral occur, including MOUs with both Tribes and EPA/NDEP. Several issues remain to be resolved but EPA continues to work hard to ensure that threshold issues for deferral are addressed and to see that a CERCLA protective remedy will be implemented and that YPT and WRPT interests are protected.

Region 10

Hot Issues: None

Upcoming Public Events:

EPA Basic Inspector Training Course in Idaho: In response to requests from the Idaho State Department of Agriculture (ISDA) and the Department of Environmental Quality (IDEQ), EPA Region 10 is hosting the formal CST109 Basic Inspection Training (BIT) class for our state partners in Idaho on October 17-19, 2017. This 2.5-day class is one of the courses required as part of the credentialing process for all EPA inspectors. More than 60 attendees representing EPA, ISDA, IDEQ and various Idaho Department of Health and Welfare district health departments have enrolled in the class.

Region 10 celebrates Lead Poisoning Prevention Week: Region 10's Lead-Based Paint (LBP) Program celebrates lead-free kids for a healthy future by participating in outreach activities that raise lead awareness to both the public and contractors in and around communities located in Alaska and Idaho. The LBP Program has intensified its outreach this year by advertising the Renovation, Repair, and Painting (RRP) requirement to the public through electronic newspapers. The RRP Ad runs from September 15, through October 27, 2017 on the Anchorage Daily News and Idaho Statesman newspaper websites. Region 10 LBP Program staff will also be participating at the Annual Boise Fall Home Show (October 27-29).

Idaho WQS Consultation Meeting with Shoshone Bannock Tribe: On Tuesday October 17th, EPA Region 10 management and legal staff will travel to Fort Hall, Idaho to consult with the Shoshone Bannock Tribes' Business Council on EPA's upcoming action on Idaho's revised human health water quality criteria.

Duwamish Waterway Superfund Site tour for congressional staff (WA): On October 17th, in response to an invitation from NOAA, Region 10 will join NOAA and Puget Soundkeeper on a boat tour for staff from the offices of Senators Maria Cantwell, Patty Murray, and Congresswoman Pramila Jayapal. The tour is to provide information to the staff members about restoration and pollution prevention work on the river.

Upcoming Major Decisions:

Liberty Oil and Gas Project ESA Consultation (AK): The Liberty Development Project proposed by Hilcorp Alaska, LLC involves the construction of a reinforced gravel island about 5 miles offshore in the Beaufort OCS, with facilities to separate crude oil from water and gas, and a subsea pipeline to transport crude to shore. Hilcorp applied for an NPDES permit to discharge five different waste streams during construction and production activities at the Liberty gravel island. EPA is required to consult under Section 7(a)(2) of the Endangered Species Act on the action of issuing this NPDES permit to Hilcorp. Because EPAs action is part of a larger action permitted by BOEM, BSEE and the Army Corps, the agencies are submitting a joint Biological Assessment (BA) to the USFWS and NOAA-NMFS. EPA and BOEM have prepared the draft BA. The Liberty project is subject to reporting requirements on the Permitting Dashboard pursuant to Title 41 of the FAST Act, and the BA is due on October 18, 2017. In addition, on October 2, 3, and 5, Region 10 staff participated in BOEM public hearings on the project held in Nuiqsut, Fairbanks, and Utqiagvik (Barrow), and met with tribal governments of the Native Village of Nuiqsut, Native Village of Barrow, and the Inupiat Community of the Arctic Slope. Concerns included impacts to subsistence from increased activities, noise, and spills, and lack of

revenue sharing. The issues relating to the NPDES permit include imposing a zero discharge requirement, impacts to resources from chemicals in the discharge, and involving the community experts in designing a discharge monitoring plan.

Request for Final 401 Certification on Leavenworth National Fish Hatchery Permit (WA): EPA sent a final CWA 401 certification request to the Washington Department of Ecology on October 6th for the USFWS Leavenworth National Fish Hatchery NPDES permit. EPA expects to issue this permit by November 6, 2017 upon receiving the final 401 certification. This permit was last issued in 1974. In the past 15-20 years, Wild Fish Conservancy and the Center for Environmental Law and Policy have filed lawsuits related to the permit and hatchery against EPA, Ecology, NOAA, and USFWS. EPA expects this permit to be appealed after issuance. A recent court order requires actions by USFWS if EPA's permit is not in effect by January 1, 2018.

Last Week Highlights:

Gorst Creek Landfill Removal Entering Final Stages (WA): The restoration of approximately 1,000 feet of Gorst Creek is nearly complete. Over 7,500 plants consisting of 26 native species is replacing the six-acre landfill formerly blocking the flow of the creek. Over the past few weeks the site has been visited multiple times by County officials, WA Department of Fish & Wildlife, and the Suquamish Tribe. The site removal and restoration was also recently highlighted in the Kitsap Sun newspaper. Surplus materials from the site restoration were provided to other EPA removal sites, Kitsap Co. Public Works and Parks, the Kitsap Conservation District, and City of Poulsbo Parks. Next steps include the completion of the removal/restoration report, additional planting in the riparian zone of willow stakes early this Winter, and periodic site inspections. The site plan also calls for watering during 2018, and for up to two years of site maintenance and removal of invasive plants.

Office of Administration and Resources Management

Hot Issues

Emergency Response Volunteers
To date, the volunteer response is as follows:

FEMA

Applications Submitted	Deployed	Deployed Pending Check-in	Eligible for Deployment *(difference)*
144	46	2	95

* 1 has been removed from the system

SBA
Application deadline for SBA has passed and the numbers remain the same; 12 applications submitted to SBA, 0 deployed.

Employee Viewpoint Survey
By regulation, agencies are required to post EVS results internally and externally 120 days from completion of the survey. EPA's posting date is October 13th. The required information includes a brief summary of the results and an OPM report of responses by question.

Upcoming Public Events

OARM submitted a speaker request inviting Administrator Pruitt to give opening remarks for the 2017 Veterans Day Celebration scheduled for November 8, 2017.

Upcoming Major Decisions

None

Last Week's Highlights

On Friday, October 6, 2017, a notice of suspension was issued by the EPA Suspension and Debarment Official (SDO) to a current or former Audi AG employee (the head of Thermodynamics within Audi's Diesel Engine Development Department) based on a July 6, 2017 complaint that was filed in U.S. District Court for the Eastern District of Michigan. He was charged with conspiracy, wire fraud, and Clean Air Act false statements. This respondent is related to the VW respondents. Six current or former Volkswagen Aktiengesellschaft (VW AG) executives have already been suspended by the EPA SDO based on a prior indictment. A suspension notice was also issued to the former Leader of Diesel Competence at Volkswagen Group of America, who has agreed to plead guilty in the same District to Conspiracy to Defraud the United States, to Commit Wire Fraud, and to Violate the Clean Air Act.

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Office of Air and Radiation

Hot Issues and Important Deadlines:

- **Tracking SIP Actions:** (Note this week we are starting to track actions for FY2018)
  - Total Number of SIPs submitted to Regions in FY 2018: 3_
  - Total Number of SIP Submittals with Final Action taken by the Regions in FY 2018: 2
  - Total Number of Backlogged and Non-backlogged SIPs: 642
    - Backlogged: 487
    - Non-backlogged: 157
- **Title V Petition Response for PacifiCorp Hunter (Emery County, Utah):** We have an October 16, 2017, consent decree deadline to respond to this petition.
- **National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works Residual Risk and Technology Review ("POTW RTR"):** We have a court-ordered deadline for signature of October 16, 2017, to finalize the POTW RTR.
- **National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines: Direct Final Rule Withdrawal.** This withdrawal action needs to be signed and published prior to October 25, 2017, which is the date the direct final rule will take effect. We are withdrawing the direct final rule due to an adverse comment we received on August 25, 2017.
- **Response to December 9, 2013, Clean Air Act Section 176A Petition from CT, DE, MD, MA, NH, NY, PA, RI, and VT:** We have an October 26, 2017, consent decree deadline to respond to a petition under Clean Air Act Section 176A regarding expansion of the ozone transport region.
- **OAR actions under review at OMB:**
  - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG) – Stay Notices
  - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach – Supplemental Proposal
  - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month and Two Year Stay of Certain Requirements - Notices of Data Availability (NODAs)
  - Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (Advance Notice of Proposed Rulemaking)

State Implementation Plan (SIP)-Related Actions:

- The Regions report that the following 3 SIP-related actions were signed this week:
  - **Region 5:** Proposed and Final Rule - Wisconsin Streamlining of Air Permit Process, Revisions to NR 400 and 406
  - **Region 5:** Proposed and Direct Final Rule - Wisconsin Regional Haze 5-year Progress Report
  - **Region 9:** Proposed Rule - San Joaquin Valley 1997 PM2.5 Contingency Measures Correction of Deficiency

Upcoming Meetings, Public Events, or Other Public Releases:

- **Green Power Leadership Awards:** On October 23, the recipients of the Green Power Leadership awards will be recognized at the Renewable Energy Markets Conference in New York City, New York.
- **SmartWay Excellence Awards:** On October 23, the recipients of the SmartWay Excellence awards will be recognized at the American Truckers' Association Conference in Orlando, Florida.
- **ENERGY STAR Partner Meetings Products, Homes, & Commercial Buildings:** On

October 23-25, ENERGY STAR will host the ENERGY STAR Partner Meetings for Products, Homes, & Commercial Buildings in Chicago, Illinois.

- **Natural Gas STAR Annual Implementation Workshop:** On October 24-26, Natural Gas STAR will host their annual implementation workshop in Houston, Texas.

Upcoming Decisions:

- **For Administrator's Signature – Final Approval of Rescission of Nevada Visibility Protection Federal Implementation Plan (FIP) for the Mohave Generating Station (MGS):** This action finalizes the withdrawal of the visibility protection FIP for the MGS in response to a Nevada Division of Environmental Protection's (NDEP) request. NDEP requested this rescission because MGS has not operated in over a decade and has been decommissioned and demolished. The package is in OEX awaiting Administrator signature.
- **For Administrator's Signature – Revisions to Testing Regulations for Air Emission Sources:** In this rule we are proposing editorial and technical corrections to regulations that require source testing of emissions. (This is a routine "clean-up" action that we have done several times in the past – most recently in August 2016). The package is with OP for review.

Recap of Past Week:

- **Actions signed recently:**
    - Title V petition response regarding Wheelabrator Frackville Energy, Inc. (Mahanoy Township, Pennsylvania)
    - Title V petition response regarding Linn/Berry Oilfield (Kern County, California)
    - Proposal to Repeal the Clean Power Plan

Office of Chemical Safety and Pollution Prevention

Ex. 5 - Deliberative Process

[redacted]

Hot Issues: ■

Formaldehyde Voluntary Consensus Standards. OCSPP will soon publish a direct final rule to update several voluntary consensus standards listed at 40 CFR § 770.99 and incorporated by reference in the Formaldehyde Emission Standards for Composite Wood Products rule. These updates apply to emission testing methods and regulated composite wood product construction characteristics. Several of those voluntary consensus standards (technical specifications for products or processes developed by standards-setting bodies) were updated, withdrawn, and/or superseded through the normal course of business by these various bodies to take into account new information, technology, and methodology. The Administrator signed the direct final rule on October 12.

Dicamba. As early as October 13, OCSPP plans to announce an agreement with manufacturers on measures to further minimize the potential for off-target drift to damage neighboring crops from the use of dicamba formulations that are used to control weeds in genetically modified cotton and soybeans. The registrants voluntarily agreed to registration and labeling changes including making these products restricted-use, record keeping requirements, and certain additional spray drift mitigation measures. These new requirements will allow farmers to make informed choices for seed purchases for the 2018 growing season.

Upcoming Decisions:

Wolbachia Mosquito Registration. OPP plans to issue a registration decision on the "*Wolbachia* Mosquito" by the end of October. Male mosquitoes carrying the *Wolbachia* bacterium, trade name ZAP Males®, were proposed for registration by EPA on September 12. The public participation period for this action closed on September 27, and a decision by OPP could come as early as late October. ZAP Males® were submitted to EPA as a new microbial pesticide by the company MosquitoMate, Inc. If registered, this would be the first pesticide of its kind to utilize live mosquitoes to control mosquito populations of a specific species (*Aedes albopictus*). This particular species is of critical importance to human health as it can carry diseases, such as the Zika virus, Chikungunya virus, and West Nile virus. ZAP Males® mate with females in the environment, but their offspring do not survive into adulthood. Thus, with continual release throughout the mosquito season, the natural population declines over time. Neither the bacterium, nor the mosquito were genetically engineered to create the ZAP Males®.

New Active Ingredient Bacillus Amyloliquefaciens Strain F727. By October 27, OPP plans to finalize the regulatory decision for Bacillus amyloliquefaciens strain F727 (BAM). BAM is a new active ingredient intended to control or suppress fungal and bacterial diseases and promote the health of certain plants grown in agricultural and residential settings, nurseries, and greenhouses. OPP has evaluated the studies and information provided by the applicant and determined that BAM meets the regulatory standard under FIFRA, i.e., no unreasonable adverse effects on the environment. OPP solicited stakeholders and the public for comments on the proposed registration of associated pesticide products through a 15-day comment period in the public docket, which closed on October 13, 2017. As of October 12, 2017, no comments had been received.

Upcoming Meetings and Public Events:

Inventory Reporting Webinars. EPA has scheduled three webinars to assist the regulated community with reporting under the TSCA Inventory Notification (Active-Inactive) Rule, published in the Federal Register on

August 11, 2017. This rule requires industry to report chemicals manufactured or imported in the U.S. over the past 10 years. Each identical webinar will include an overview of reporting requirements, a demo of the electronic reporting application (Central Data Exchange (CDX)), and will provide time for questions and answers. The first webinar occurred on September 27, 2017. The remaining webinars are scheduled for 1-3 PM EDT on October 25, 2017 and November 29, 2017.

Last Week Highlights:

Cancellation of Public Meeting for Negotiated Rulemaking Committee: Chemical Data Reporting Requirements for Inorganic Byproducts. On October 12, OCSPP announced the cancellation of the remaining scheduled meeting of the Negotiated Rulemaking Committee to Negotiate a Proposed Rule to Limit Chemical Data Reporting (CDR) Requirements for Certain Inorganic Byproducts. The meeting was scheduled for October 25 to 26, 2017. OCSPP is cancelling this meeting because the Committee determined that it was not able to reach consensus on regulatory approaches and concluded its discussions, which were required by TSCA and which were conducted in good faith. While the negotiated rulemaking process is concluding and will not be reopened, OCSPP will be providing additional opportunity for the public to offer input for 60 days about approaches that would reduce reporting burden while maintaining the Agency's ability to receive the information it needs to understand exposure.

FDA Issued Final Guidance Clarifying FDA and EPA Jurisdiction Over Certain Mosquito-Related Products. On October 4, FDA announced the availability of the final version of their guidance document on regulatory jurisdiction over certain mosquito-related products including genetically engineered (GE) mosquitoes. This guidance transfers regulatory responsibility for GE mosquitoes used as pesticides to control mosquito populations to EPA. This action will be of significance to certain biotechnology companies, e.g., Intrexon's Oxitec, that are interested in developing and deploying GE mosquitoes. EPA, FDA, and USDA will continue to work to clarify regulatory jurisdiction for other GE insects.

Visit with the European Chemicals Agency. Deputy Assistant Administrator Dr. Nancy Beck travelled to Helsinki, Finland, on October 9-11, to meet with the European Chemicals Agency (ECHA) to explore opportunities for collaborations now that we have regulations in place to implement the new TSCA amendments. Discussions will include harmonization, alternative testing, and sharing of chemical information. She will also participate in 2nd APCRA Workshop to discuss advanced approaches to risk assessments.

Office of the Chief Financial Officer

Hot Issues:

1. **Hurricanes.** We are in support of the Region 6 response to Hurricane Harvey, the Region 2 and 4 responses to Hurricane Irma, and the Region 2 response to Hurricane Maria.

2. **CCR State Permit Program Guidance.**

3. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing**. We are working with OGC, OP, and OA as we work toward a Dec 1, 2017 signature.

4. **Clean Air Act 112(r) Risk Management Program Rule.**

5. **Ongoing major Superfund NPL sites (for example, East Chicago, West Lake, Gold King Mine/Bonita Peak, Hudson River, Portland Harbor, Hanford, Mississippi Phosphates).**

6. **CERCLA-EPCRA AFO-CAFO Rule**.

Upcoming Public Events:

1. **National Tribal Caucus.** On October 11-12, OLEM participated in the tribal meetings.

Upcoming Major Decisions:

1. **CERCLA-EPCRA AFO-CAFO Rule.** EPA is working to have guidance available by October 16, to assist farmers in meeting CERCLA and EPCRA reporting requirements. We are conferring with the AO and OGC on next steps.

2. **E-Manifest User Fee Final Rule.** The rule package is with OMB.

3. **RMP Modernization Rule Reconsideration.** OLEM, OGC, and the AO are conferring on next steps and schedule.

Last Week Highlights:

1. **Awards Ceremony.** On October 11, OLEM held its annual awards ceremony to recognize accomplishments over the past year.

2. **San Jacinto ROD.** Signed by the Administrator on October 11, 2017.

3. **Tribal Meetings.** We participated in the cross-Agency meeting on Wednesday, and the program-specific meeting on Thursday.

4. **East Chicago.** OLEM joined in discussions on scoping the available options to evaluate for next steps on OU 1.

Office of Congressional and Intergovernmental Relations

Upcoming Hot Issues and Important Deadlines:

- **October 18-** SEPW Business meeting to consider EPA nominees for OW, OCSPP, OAR, OGC.

Upcoming Events:

- **October 16** – Announcement of the CERCLA/EPCRA Reporting Requirements Guidance. The guidance is for farmers on complying with reporting requirements for air emissions from animal waste.
- **October 18** – Sen. Coons (DE) staff briefing on green chemistry w/OCSPP
- **October 19** – OCIR and OW will meet with representatives of the North Bay Waster Reuse Authority (NBWRA) to receive updates on work the NBWRA has done in Northern California's Marin, Sonoma and Napa Counties to generate a sustainable, drought proof water supply for agriculture, environmental restoration and municipal purposes.
- **October 19 -** EPA will meet with representatives of the North Bay Waster Reuse Authority (NBWRA) to receive updates on work the NBWRA has done in Northern California's Marin, Sonoma and Napa Counties to generate a sustainable, drought proof water supply for agriculture, environmental restoration and municipal purposes.

Past week accomplishments:

- **October 9** – Notification of Dicamba label changes w/OCSPP
- **October 10 -** EPA proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, commonly referred to as Clean Power Plan (CPP). EPA is considering the scope of such a rule and has an Advance Notice of Proposed Rulemaking under OMB review currently.
- **October 11** – Senate Commerce staff briefing re VGP and VIDA language
- **October 11** – Notification of perchlorate peer review comment period extension
- **October 11** – SEPW staff briefing on TSCA New Chemicals program w/OCSPP
- **October 11 –** Steve Fine, Acting AA, Action CIO, OEI, scheduled to testify at the House Committee on Small Business hearing on examining the Paperwork Reduction Act
- **October 12** – Sen. Udall (NM) staff briefing on PRIA and related issues
- **Anticipated October 12, 2017 -** Responses to Questions for the Record due to the Senate Environment and Public Works from the confirmation hearing held Wednesday, October 4, 2017 for the nominees for OCSPP, OGC, OW, and OAR.
- **October 13 -** Roundtable with House Energy and Commerce Committee, Subcommittee on Environment on State and Federal Hurricane Response Efforts. EPA participants: Regions 2, 4, and 6.

Ongoing activities:

- Participating in responses to hurricanes Harvey, Irma and Maria. Coordinating with state and local elected officials to ensure seamless communications.

- HURRICANE AID PACKAGE RELEASED - The House Appropriations Committee released a $36.5 billion disaster relief package late last night (Oct 10) that includes nearly $5 billion to help shore up Puerto Rico's cash-strapped government. The package also includes an additional $14 billion for FEMA's disaster fund, $16 billion for the National Flood Insurance Program and $576 million to fight wildfires, Sarah Ferris reports. The legislation will be considered later this week under a fast-track method reserved for noncontroversial bills.

- The LGAC and SCAS nomination process for membership has entered the next stage. Regions are currently reviewing the initial rankings from the nomination review process. Within the next week or two OCIR management will be briefed on options to fill vacancies for the LGAC and SCAS. Senior management will be briefed on the ranking process, Regional input, as well as the comprehensive balance review for optimal representation of local, state, and tribal government interests as well as diversity.

- The draft FY 2018-2022 Strategic Plan was released for public comment on October 4. OCIR has two longer-term Strategic Measures which are reflected in the new Strategic Plan and will be working on reporting annual results on these Measures to the Agency's Senior Leadership. EPA will collect comments through October 31 on the draft Plan and the agency anticipates the final Strategic Plan will be submitted to Congress in February 2018.

Office of Enforcement and Compliance Assurance

Hot Issues:

Hurricane Response: October 11th, the Administrator signed a fuel waiver under the Clean Air Act to continue to allow the use of high sulfur heating oil and marine fuel in mobile nonroad generators or pumps used for emergency purposes in Puerto Rico. In addition, on October 6th, OECA issued a No Action Assurance to exercise its enforcement discretion for the Puerto Rico Electric Power Authority, allowing alternative fuel types and other operational flexibilities to facilitate the recovery and provision of electric power supplies for Puerto Rico.

Upcoming Events/Public Meetings:

The week of October 16th, OECA's Deputy Assistant Administrator (DAA), Patrick Traylor, will visit Regions 8, 9 and 10, as well as OECA's National Enforcement Investigations Center, to meet with enforcement and compliance staff. As part of the Region 9 visit, Patrick will meet with representatives from CalEPA.

On October 16th, OECA DAA Traylor will be keynote speaker at the American Fuel & Petrochemical Manufacturer Annual Environmental Conference in Denver, Colorado. The conference will include 350-400 environmental professionals from the refining and petrochemical industries. Open press.

On October 16th, OECA DAA Traylor will co-present with Martha Rudolph, Director of the Colorado Department of Public Health and Environment, at a Colorado Bar Association event in Denver, Colorado. Patrick will speak about EPA enforcement and compliance priorities. Closed press.

On October 19th, Susan Bodine, Special Advisor to the Administrator, will speak at the American Bar Association, Section of Environment, Energy, and Resources, 25th Fall Conference in Baltimore, Maryland, on a panel entitled "News from Inside the Beltway: Administration and Congressional Priorities for Environmental, Energy, and Resources Law and Policy." Alex Dunn, Executive Director of the Environmental Council of the States (ECOS), will moderate, and Susan will be joined on the panel by Kevin Minoli, EPA Acting General Counsel, and Tim Richards, Counsel for the Energy & Commerce Committee at the U.S. House of Representatives. Open press.

On October 19th, OECA Acting Assistant Administrator, Larry Starfield, and OECA enforcement staff will meet (separately) with representatives from Baker Botts/Texas Industry Project and the Compliance Innovation Group to discuss the Agency's Audit Policy.

On October 20th, OECA managers and OECA's criminal enforcement program will meet with University of Michigan Law Professor David Uhlmann to discuss his research regarding federal environmental criminal prosecutions.

Upcoming Major Decisions:

None.

Last Week's Highlights:

Oil Recycler Sentenced for Tampering with Water Discharge Monitors, Illegal Waste Disposal: The branch manager of an oil recycling facility was sentenced today in the U.S. District Court, Delaware, to one year and one day incarceration for tampering with monitoring methods associated with his company's federally-enforceable Clean Water Act pretreatment permit, and for illegal disposal of hazardous waste. International Petroleum Corporation of America ("IPC") owned and operated the facility, which processed used oil and hydrocarbon-containing waste water and then sold the reprocessed petroleum to various companies for reuse. The defendant admitted that on sampling days, he caused the facility to significantly reduce the volume of wastewater treated, rendering it more effective. He also violated RCRA by transporting approximately 500,00 pounds of hazardous tank bottoms (containing TCE, PCE, and metals) to South Carolina without a manifest. IPC pled guilty to similar charges and was sentenced on February 2, 1017, to a $1,300,000 fine and $2,200,000 in restitution to the City of Wilmington. This case was investigated by OECA's Criminal Investigation Division, with help from the City of Wilmington Department of Public Works and Delaware's Solid & Hazardous Waste Management Section.

EPA/ECOS Compliance Innovations Collaboration: EPA and ECOS have designed a Compliance Innovation webinar series to (1) share social science knowledge relevant to compliance assurance programs and (2) encourage states considering innovations to engage with research institutions to pilot and evaluate new approaches. The webinars, which began in June and will continue through the end of the year, host researchers from top universities to present topic-specific compliance research followed by an opportunity for questions and answers. The webinars have been attended by over 100 participants, mostly from state agencies. Webinar topics include: inspections and compliance; Rule and Permit design; and transparency, e-reporting, and deterrence.

OECA Submits Penalty Inflation Rule Information to OCFO for Agency Financial Report: On September 22nd, OECA submitted its section of the Agency Financial Report to OCFO. OECA's section describes the Civil Monetary Penalty Inflation Adjustment Rule of 2017 (2017 Rule) which adjusted penalty levels to reflect changes in inflation. The 2017 Rule was published on January 12, 2017, and became effective on January 15, 2017. EPA published the 2017 Rule in accordance with the instructions of the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015.

MOA with DOD and FEMA on Hurricane Response: OECA has worked with DOD's General Counsel's office to help DOD to obtain necessary authorization to provide drinking water in the Virgin Islands and Puerto Rico. OECA and DOD will work with FEMA (and our EOC) to develop an MOA to lay out a mutually-agreeable process for DOD to obtain the appropriate authorizations in as timely a manner as possible, and thereby provide needed assistance as quickly as possible.

Office of Environmental Information

Hot Issues: NA

Upcoming Public Events: NA

Upcoming Major Decisions: NA

Last Week's Highlight:

Comment Period Closes for Waters of the United States (WOTUS) Recodification of Pre-existing Rules Docket

- **Brief description:** The comment period has closed for the joint EPA and Department of Army docket (EPA-HQ-OW-2017-0203) for the proposed rule to rescind the definition of "Waters of the United States". The EPA Docket Center has received more than 500,000 comments.
- **Who benefits or cares:** The Administration; Congress; EPA program offices and regions; state, local and tribal governments; non-governmental organizations; regulated industries; academic and research institutions; the media and the public.
- **Why this is important:** This completes the first step in the process to review and revise the definition of the WOTUS. In the second proposed rule in the process, the EPA and the Army will conduct a substantive re-evaluation of the definition.
- **Additional information:** The Docket Center continues to count, process and post comments to Regulations.gov. The Docket Center is working with the Administrator's Office (AO) and the Office of Water (OW) to obtain comments submitted directly to AO and OW, so the Docket Center can add them to the docket as well.

Administrator's Calendar:

- **Brief description:** OEI, in collaboration with the Administrator's Office, deployed the Administrator's Calendar on the EPA Internet.
- **Who benefits for cares:** The Administration; Congress; EPA program offices and regions; state, local and tribal governments; non-governmental organizations; regulated industries; academic and research institutions; the media and the public.
- **Why this is important:** The calendar provides transparency into the Administrator's meetings with staff, stakeholders, elected officials and others outside the Agency.
- **Additional information:**
    - The calendar will be updated once every two weeks.
    - OEI and AO are working on calendars for each Assistant Administrator and Regional Administrator.

Office of General Counsel

New Judicial Decisions:

- In a Freedom of information Act (FOIA) lawsuit challenging EPA's search and disclosure of records related to EPA's environmental risk assessment for the Enlist Duo herbicide, the U.S. District Court for the District of Columbia issued a memorandum opinion denying in part and granting in part EPA's motion for summary judgment. The Court granted EPA summary judgment with respect to procedural claims under FOIA, a pattern and practice claim, APA claims, and for EPA's Exemption 6 (personal privacy) withholdings. The Court denied summary judgment without prejudice on the adequacy of EPA's search and EPA's withholdings under FOIA Exemption 5. As to EPA's search, the Court ordered EPA to conduct a supplemental search with a new cutoff date and additional custodians. The Court further ordered EPA to either perform an additional search for instant/text messages to the extent it did not before, or provide further explanation of its policy on those communications. Lastly, the Court questioned the absence of any records of communications with state agencies or other third parties. Lastly, the Court found that EPA did not support its Exemption 5 withholdings and did not properly identify and describe the withheld records. The Court ordered EPA to provide a supplemental Vaughn index. (*Center for Biological Diversity v. EPA*, No. 16-175)

- The D.C. Circuit issued an order granting petitioners' motion to hold in abeyance the challenge to EPA's now-withdrawn extension of the deadline to promulgate designations for the 2015 ozone NAAQS. Motions to govern further proceedings in the case are due November 8. The court deferred ruling on our pending motion to dismiss. (*American Lung Association v. EPA,* No. 17-1172)

- The U.S. District Court for the District of Columbia granted the EPA's Motion to Stay in *EIP, et al. v. Pruitt*. The underlying action is a claim under CAA § 304(a)(2) alleging that the EPA Administrator failed to perform a nondiscretionary duty to respond, within 60 days, to a petition requesting that EPA object to a CAA Title 5 permit issued by the Maryland Department of the Environment ("MDE") for the Morgantown Power Plant. The Plaintiffs moved for summary judgment, asking the Court to order EPA to respond to the petition, and EPA responded by asking the Court to briefly stay the proceedings because MDE was in the process of modifying the CAA Title 5 permit in question. The Court granted EPA's request for a stay and stayed the proceedings to December 1, 2017, noting that because of the on-going MDE proceedings, the permit that "was the subject of Plaintiffs' petition will almost certainly be replaced by an amended permit that may well satisfy Plaintiffs' concerns" and that under these unique circumstances, "a limited stay will not unduly prejudice" the Plaintiffs. (*EIP, et al. v. Pruitt*, No. 1:16-cv-1643)

- The D.C. Circuit granted the request of EPA and other parties to enter the consolidated challenges to EPA's 2016 Massachusetts small municipal separate storm sewer system (MS4) general permit into the D.C. Circuit's mediation program. Each party is to submit a position paper ("presenting your view of the key facts and issues in this case") no longer than 10 pages to the mediator by next Thursday, October 19. DOJ plans to ask for a short extension of this deadline for EPA. (*Center for Regulatory Reasonableness, et al. v. EPA*, No. 16-1246)

New Complaints Filed:

- The Chesapeake Bay Foundation, Inc. filed suit against the Agency in the U.S. District Court for the District of Maryland, alleging that the EPA failed to perform a nondiscretionary duty to act on Maryland's "Good Neighbor" petition under section 126 of the Clean Air Act. (*Chesapeake Bay Foundation, Inc. v. Pruitt, et al.*, No. 1:17-cv-2939)

- Nine environmental groups filed a "protective" petition for review of EPA's final rule, published on September 18, 2017, postponing by two years certain compliance dates in the 2015 steam electric effluent limitations guidelines and standards (2015 steam electric rule). These petitioners contend that the September 18, 2017 postponement rule is a violation of the Administrative Procedure Act, for which jurisdiction and venue are proper in the U.S. District Court for the District of Columbia, and they have sought leave to amend their complaint in an ongoing proceeding in the District Court challenging EPA's action pursuant to Section 705 of the Administrative Procedure Act staying certain compliance dates in the 2015 steam electric rule to assert claims challenging the postponement rule. Because EPA's position is that jurisdiction and venue to review both the 705 stay and the postponement rule are proper only in the courts of appeals, pursuant to Clean Water Act section 509(b), environmental petitioners filed this petition for review "as a protective matter to preserve their right to judicial review." (*Clean Water Action, et al. v. EPA*, No. 17-1216)

- The Southern California Alliance of POTWs (SCAP) filed a petition for a writ of certiorari, seeking Supreme Court review of a Ninth Circuit Court of Appeals decision dismissing a challenge to an EPA Region 9 objection letter for two draft California National Pollution Discharge Elimination System (NPDES) permits. The Ninth Circuit had dismissed the case on the grounds that it lacked subject-matter jurisdiction under CWA 509(b)(1)(E) or (F). The Court held that an EPA objection to a draft permit is merely an interim step in the state permitting process, and that, since the state ultimately issued the permit addressing EPA's objections, the appropriate avenue for SCAP to seek redress is through the state's permit review process. SCAP argues in its cert. petition that the Ninth Circuit decision conflicts with Supreme Court precedent and decisions from other federal circuits. The deadline for filing an opposition to certiorari is November 13. (*Southern California Alliance of Publicly Owned Treatment Works (SCAP) v. EPA,* No. 14-74047)

Hot Issues:

- A Notice of Intent to Sue was filed on behalf of the States of New York, California, Connecticut, Illinois, Iowa, Maine, Minnesota, Oregon, Rhode Island, Vermont and Washington; the Commonwealths of Massachusetts and Pennsylvania; and the District of Columbia for the EPA's alleged failure to issue designations for 2015 Ozone National Ambient Air Quality Standards.

New Petitions that OGC is Aware Of:

- None that OGC is aware of.

Upcoming Public Events & Important Meetings in the Next Two Weeks:

- Kevin Minoli will be speaking at the ABA Section of Environment, Energy, and Resources Fall Conference on Thursday, October 19.

Upcoming Major Deadlines in the Next Two Weeks:

10/13 Answer is due in *Sierra Club, et al. v. EPA*, where plaintiffs allege the EPA failed to grant or deny a petition to object to a proposed Title V Operating Permit for Wheelabrator Frackville Energy, Inc. power plant in Schuylkill County, Pennsylvania.

10/13 Motion for Summary Judgment is due in *Environmental Integrity Project v. EPA*, a FOIA litigation concerning a FOIA request seeking records pertaining to Administrator Pruitt's meetings with outside parties and records of travel vouchers or expenses.

10/16 Answer is due in *Center for Biological Diversity, et al. v. EPA*, where plaintiffs allege the EPA did not make findings of failure to submit for 2008 ozone NAAQS nonattainment areas state implementation plans.

10/16 Cross Motion for Summary Judgment due in *State of Connecticut v. EPA*, litigation where plaintiff alleges the EPA failed to grant or deny section 126 petition filed by Connecticut regarding Brunner Island Steam Electric Station in York County, Pennsylvania.

10/16 Pursuant to a Consent Decree in *Sierra Club v. Pruitt*, EPA must complete the final RTR for the Publically Owned Treatment Works NESHAP.

10/16 Pursuant to a Consent Decree in *Sierra Club v. EPA*, EPA must take action to Respond to Petition on Title V permit for PacifiCorp-Hunter facility.

10/16 Oral argument on EPA's Motion To Dismiss challenge to its refusal to designate municipal stormwater for permitting under its residual designation authority in *LA Waterkeeper v. EPA*.

10/16 Answer due in *James River Dischargers Coalition v. EPA*, a challenge to the plaintiff's wasteload allocation under the Chesapeake Bay TMDL.

10/17 Status of the Reconsideration Proceedings is due in *Association of Battery Recyclers, Inc., et al. v. EPA*, an Issue 21 Petition for review of secondary lead RTR under CAA sections 112(d)(6) and (f)(2).

10/18 Production of documents due in *Center for Biological Diversity v. EPA*, a FOIA litigation challenging the remaining withholdings regarding a FOIA request seeking the "revised water quality criteria for cadmium."

10/19 EPA's Combined Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment is due in *Sierra Club v. EPA*, litigation concerning CAA deadlines related to Commercial and Industrial Solid Waste Incinerators and other categories of Solid Waste Incinerators.

10/19 Status Report advising the court whether further discovery is needed is due in *New Mexico v. EPA, et al.* and *Navajo Nation v. EPA, et al.*, litigation that resulted from the Gold King Mine incident.

10/19 Possible Opposition to Motion To Amend Complaint and EPA's Reply Brief in support of Motion To Dismiss for Lack of Jurisdiction are due in *Clean Water Action, et al. v. EPA*, a challenge of certain compliance deadlines in the steam electric rule pursuant to APA section 705.

10/19 Position paper is due to the mediator in *Center for Regulatory Reasonableness, et al. v. EPA*, consolidated challenges to EPA's 2016 MA small MS4 general permit, now in D.C. Circuit mediation program.

10/20 Answer due in *EIP, et al. v. Pruitt*, five consolidated CAA § 304(a)(2) actions alleging failure to respond to petitions to object to Title V permits issued by the Texas Commission on Environmental Quality for the following facilities: "Baytown Olefins," Baytown Refinery," "Pasadena Refinery," "Port Arthur Refinery," and "Welsh Power Plant."

10/20 Final production of documents due in *U.S. Right to Know v. EPA*, a lawsuit brought after a failure to respond to a FOIA request seeking records referring or relating to glyphosate.

10/20 Petition for Rehearing is due in *API v. EPA*. On July 17, 2017, the D.C. Circuit issued its decision on challenges to the 2015 definition of solid waste rule. The court upheld most of the rule, but vacated two

aspects of the rule: (1) Factor 4 of the legitimacy test and (2) most of the verified recycler exclusion. EPA is considering a request for rehearing regarding the former.

10/20 Answer due in *Environmental Law & Policy Center, et al., v. EPA, et al.*, a challenge to EPA's approval of Ohio's CWA section 303(d) list for failure to include the open waters of Lake Erie.

10/20 EPA's Answer is due in *Rosado v. Pruitt*, a challenge to MPRSA dredged material ocean dump site in Eastern Long Island Sound.

10/21 Motion to Govern Further Proceedings due in *Coffeyville Resources v. EPA*, a challenge to the 2017 RFS annual standards rule.

10/22 The final production of documents is due in *PANNA v. EPA*, a FOIA matter related to the chemical chlorpyrifos.

10/22 The United States' Response is due in *Guam v. United States*, where Guam seeks to hold the United States liable for response costs under CERCLA 107(a) for cleanup of the Ordot Superfund Site in Guam. EPA is not a party to the case but has a strong interest in the arguments made on behalf of the United States.

10/25 EPA's Response as to whether a Consent Decree has been satisfied is due in *NPCA v. EPA*, a complaint alleging EPA's failure to perform a non-discretionary duty to issue regional haze FIPs for 39 states for which it made a finding of failure to submit, and to take action on 10 regional haze SIPs.

10/27 Pursuant to a Consent Decree, EPA must take final action approving or disapproving a 176A petition in *State of New York, et al. v. EPA*.

10/27 Pursuant to a Consent Decree, EPA must take final action approving or disapproving a 176A petition in *North Carolina, et al. v. EPA*.

10/27 The Answer to the Complaint is due in *Figley v. EPA*, a FOIA matter regarding a multi-part request that sought records relating to payments from the BP settlement.

10/27 The United States' Reply Brief is due in *Center for Biological Diversity v. U.S. Forest Service*. This is a RCRA § 7002 citizen suit alleging imminent and substantial endangerment to California condors in Kaibab National Forest from the use of lead shot for game hunting. On this second trip to the 9th Circuit, CBD argues the district court erred in finding *sua sponte* that plaintiff seeks an advisory opinion from the court. CBD also argues the merits of its allegation that USFS is "contributing to" disposal of solid waste by its failure to control use of lead shot or the abandonment of carcasses and gut piles containing lead shot. EPA is not a party to the case, but EPA has equities because EPA's imminent and substantial endangerment authority under RCRA is identical to the citizen suit provision.

10/27 EPA's Reply Brief is due in *OVEC v. Pruitt*, an EPA appeal of a district court order that EPA act on "constructive submission" of no TMDLs for biologically-impaired waters in West Virginia.

10/27 Reply to plaintiffs' response to EPA's/NOAA's Motion for Reconsideration is due in *NWEA v. Commerce, et al.*, litigation challenging EPA and NOAA actions and inactions regarding Washington CZARA and CWA 319 nonpoint source programs; EPA intends to file motion for reconsideration of the district court's recent order denying EPA's motion to dismiss of two claims related to CWA section 319 on mootness and standing grounds.

Office of International and Tribal Affairs

Hot Issues:

None

Upcoming Engagements:

October 16-17 - Acting OITA AA will attend the annual meeting of the National Congress of American Indians in Milwaukee.
October 25-26 - Acting OITA AA will attend the semi-annual bilateral environmental meeting with U.S. and Canada in Ottawa.

Past Week Highlights:

National Tribal Operations Committee (NTOC) Meeting - Administrator Pruitt co-chaired the NTOC annual meeting, along with the Chair of the National Tribal Caucus (NTC), Evaristo Cruz. The Administrator and the NTC Chair signed the reaffirmation of the EPA's 1984 Indian Policy, which reaffirmed EPA's commitment to protecting human health and the environment in Indian country. OITA has shared the EPA press release on the signing with tribal media and organizations.

- After the signing, Acting Deputy Administrator Flynn took over as co-chair for EPA and helped facilitate four robust discussions on cooperative federalism, streamlining environmental management, engaging tribes in Superfund, and tribal budget priorities. The Executive Director of ECOS, Alex Dunn, also joined in the discussion on cooperative federalism.
- Some of the issues raised included: (i) exploring opportunities to assist tribes with science research; (ii) identifying ways to improve the GAP Guidance; (iii) considering tribes in the state's consultation process; and (iii) exploring ways to continue tribal consultation and engagement on Superfund cleanups.
- The NTC also held individual meetings with OITA, OAR, OCSPP, and OLEM to discuss specific issues in more depth, including EPA's Strategic Plan.

Canadian Mining Company Fined by British Columbia - On October 5, 2017, a Canadian mining company with various facilities that discharge to the transboundary waters near the Montana border was fined by British Columbia for a major fish kill that took place in October 2014.

- Teck Coal Ltd. was fined $1.425 million after pleading guilty to releasing toxic amounts of nitrate, selenium and other pollutants into the Elk River. The fine was levied for three releases from the Line Creek facility resulting from a failed wastewater treatment plant.
- The fine is the second largest fine issued by British Columbia under the Canadian Fisheries Act. The company has since made modifications to the treatment plant.
- Region 8 and Montana have been working with British Columbia to develop site-specific water quality objectives for selenium in Lake Koocanusa, a transboundary lake that is receiving water from the Elk River downstream from Teck Coal's mining operations. OITA and the State Department have also been working with the Canadian federal government to address U.S. concerns.

OECD Environment Policy Committee Meeting – EPA (OITA) chaired the Environment Policy Committee meeting of the Organization for Economic Co-Operation and Development (OECD) held on October 4-6. Meeting topics included green mobility and transport, urban sprawl, circular economy, digital innovation for the environment, and accession to the OECD.

- EPA also held bilateral meetings with several delegations including Canada, Denmark, Netherlands and UK to discuss common interests and strategic alliances.
- EPA facilitated a break-out session with 15 countries on OECD's circular economy/resource efficiency work, which included a discussion on food waste.
- EPA raised the issue of modernizing OECD's Environmental Performance Review program, which will impact EPA and the U.S. in the next round of the Environmental Performance Review cycle.

Office of Land and Emergency Management

Hot Issues:

- **Hurricanes.** We are in support of the Region 6 response to Hurricane Harvey, the Region 2 and 4 responses to Hurricane Irma, and the Region 2 response to Hurricane Maria.

- **CCR State Permit Program Guidance.**

- **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing**. We are working with OGC, OP, and OA as we work toward a Dec 1, 2017 signature.

- **Clean Air Act 112(r) Risk Management Program Rule.**

- **Ongoing major Superfund NPL sites (for example, East Chicago, West Lake, Gold King Mine/Bonita Peak, Hudson River, Portland Harbor, Hanford, Mississippi Phosphates).**

CERCLA-EPCRA AFO-CAFO Rule.

Upcoming Public Events:

- **National Tribal Caucus.** On October 11-12, OLEM participated in the tribal meetings.

Upcoming Major Decisions:

- **CERCLA-EPCRA AFO-CAFO Rule.** EPA is working to have guidance available by October 16, to assist farmers in meeting CERCLA and EPCRA reporting requirements. We are conferring with the AO and OGC on next steps.

- **E-Manifest User Fee Final Rule.** The rule package is with OMB.

- **RMP Modernization Rule Reconsideration.** OLEM, OGC, and the AO are conferring on next steps and schedule.

Last Week Highlights:

- **Awards Ceremony.** On October 11, OLEM held its annual awards ceremony to recognize accomplishments over the past year.

- **San Jacinto ROD.** Signed by the Administrator on October 11, 2017.

- **Tribal Meetings.** We participated in the cross-Agency meeting on Wednesday, and the program-specific meeting on Thursday.

- **East Chicago.** OLEM joined in discussions on scoping the available options to evaluate for next steps on OU 1.

Office of Policy

Documents Submitted to OFR from October 4 - October 12, 2017

FRL	Title	Date Submitted to OFR
9969-43-Region 4	Air Plan Approval; Georgia: New Source Review Updates	10/10/2017
9969-20-Region 4	Air Plan Approval; Florida; Interstate Transport (Prongs 1 and 2) for the 2010 1-hour NO2 Standard	10/10/2017
9969-38-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendment to Ambient Air Quality Standard for Ozone	10/10/2017
9969-40-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendment to Ambient Air Quality Standard for Ozone	10/10/2017
9969-42-Region 4	Air Plan Approval: Georgia; New Source Review and Permitting Updates	10/10/2017
9969-47-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2015 Ozone National Ambient Air Quality Standards	10/10/2017
9969-48-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2015 Ozone National Ambient Air Quality Standards	10/10/2017
9969-50-Region 3	Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interstate Transport Requirements for the 2010 1-Hour Sulfur Dioxide Standard	10/10/2017
9969-51-Region 3	Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interstate Transport Requirements for the 2010 1-Hour Sulfur Dioxide Standard	10/10/2017
9969-62-Region 5	Air Plan Approval; Ohio; Regional Haze Five-Year Progress Report State Implementation Plan	10/10/2017
9968-59-OCSPP	Pesticide Program Dialogue Committee; Notice of Public Meeting	10/10/2017
9964-42-OCSPP	Significant New Use Rules on Certain Chemical Substances	10/10/2017
9966-70-OCSPP	Certain New Chemicals or Significant New Uses; Statements of Findings for July 2017	10/10/2017

9969-32-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Control of Volatile Organic Compound Emissions from Miscellaneous Metal Parts Surface Coating, Miscellaneous Plastic Parts Surface Coating, and Pleasure Craft Surface Coatings	10/10/2017
9969-34-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Control of Volatile Organic Compound Emissions from Miscellaneous Metal Parts Surface Coating, Miscellaneous Plastic Parts Surface Coating, and Pleasure Craft Surface Coatings	10/10/2017
9966-72-OCSPP	Disapproval of Pesticide Product Registrations for Special Local Needs	10/6/2017
9967-09-OCSPP	Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities	10/6/2017
9967-35-OCSPP	Pesticide Product Registration; Receipt of Applications for New Active Ingredients	10/6/2017
9967-60-OCSPP	Pesticide Program Dialogue Committee; Notice of Charter Renewal	10/6/2017
9968-94-OCSPP	Chemical Data Reporting; Requirements for Inorganic Byproduct Chemical Substances; Notice of Public Meeting; Cancellation and Public Input Opportunity	10/6/2017
9969-27-Region 4	Air Plan Approval; South Carolina; Cross-State Air Pollution Rule	10/6/2017
9969-28-Region 4	Air Plan Approval: North Carolina; Transportation Conformity	10/6/2017
9969-29-Region 4	Air Plan Approval; SC: Multiple Revisions to Air Pollution Control Standards	10/6/2017
9969-30-Region 4	Air Plan Approval; Georgia; Cross-State Air Pollution Rule	10/6/2017
9969-31-Region 4	Air Plan Approval: South Carolina; Standards for Volatile Organic Compounds and Oxides of Nitrogen	10/6/2017
9969-33-Region 4	Air Plan Approval; North Carolina; Air Curtain Burners	10/6/2017
9969-35-Region 4	Air Plan Approval; AL; VOC Definitions and Particulate Emissions	10/6/2017
9969-36-Region 4	Air Plan Approval; AL; VOC Definitions and Particulate Emissions	10/6/2017
9969-37-Region 4	Air Plan Approval; Florida; Stationary Sources Emissions Monitoring	10/6/2017
9969-39-Region 4	Air Plan Approval; Florida; Stationary Sources Emissions Monitoring	10/6/2017
9969-41-Region 4	Air Plan Approval; SC: Miscellaneous Revisions to Multiple Rules	10/6/2017

9969-44-Region 3	Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units	10/6/2017
9969-45-Region 3	Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units	10/6/2017
9969-49-OW	Notice of Extension to Comment Period on the Request for Public Comments To Be Sent to EPA on Peer Review Materials To Inform the Safe Drinking Water Act Decision Making on Perchlorate	10/6/2017
9969-54-Region 1	Air Plan Approval; Connecticut; Nonattainment New Source Review Permit Requirements for the 2008 8-Hour Ozone Standard	10/6/2017
9969-56-Region 1	Air Plan Approval; Vermont; Regional Haze Five-Year Progress Report; Withdrawal of Direct Final Rule	10/6/2017
9968-83-OAR	Proposed Information Collection Request; Comment Request; National Volatile Organic Compound Emission Standards for Architectural Coatings (Renewal)	10/5/2017
9968-88-ORD	Human Studies Review Board; Notification of Public Meetings	10/5/2017
9969-07-Region 6	Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan	10/5/2017
9969-08-OAR	National Emission Standards for Hazardous Air Pollutants: Nutritional Yeast Manufacturing Residual Risk and Technology Review	10/5/2017
9969-14-Region 7	Air Quality Implementation Plan; Iowa; Withdrawal of Direct Final Rule; Amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa	10/5/2017
9969-15-OARM	National Advisory Council for Environmental Policy and Technology	10/5/2017
9969-19-Region 4	Air Plan Approval; KY; Miscellaneous Source Specific Revisions for Jefferson County	10/5/2017
9969-21-Region 4	Air Plan Approval; Alabama; Regional Haze Plan and Prong 4 (Visibility) for the 2012 PM2.5, 2010 NO2, 2010 SO2, and 2008 Ozone NAAQS	10/5/2017
9969-22-Region 4	Air Plan Approval; Alabama: PSD Replacement Units	10/5/2017
9969-23-Region 4	Approval and Promulgation of Air Quality Implementation Plans; State of South Carolina; Regional Haze State Implementation Plan	10/5/2017
9969-24-Region 4	Air Plan Approval: Alabama; Transportation Conformity	10/5/2017

9969-25-Region 4	Air Plan Approval: Alabama; Transportation Conformity	10/5/2017
9969-26-Region 4	Air Plan Approval; Kentucky; Regional Haze Progress Report	10/5/2017
9969-46-Region 8	Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation Number 3	10/5/2017
9968-98-Region 10	Approval and Promulgation of Implementation Plans; Oregon: Permitting and General Rule Revisions	10/4/2017
9969-18-Region 9	Approval and Promulgation of Air Quality State Implementation Plans; California; Ambient Ozone Monitoring Requirements	10/4/2017
9969-09-Region 7	Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Oxide National Ambient Air Quality Standard	10/4/2017
9969-10-Region 7	Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Oxide National Ambient Air Quality Standard	10/4/2017
9969-06-OAR	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills	10/4/2017
9967-71-OCSPP	Tetrachlorvinphos; Notice of Receipt of Request to Voluntarily Cancel Certain Pesticide Registrations	10/4/2017
9967-72-OCSPP	Tolfenpyad; Pesticide Tolerances for Emergency Exemptions	10/4/2017
9963-91-OCSPP	Agency Information Collection Activities; Proposed Collection; Comment Request	10/4/2017
9965-58-OCSPP	Tall oil fatty acids; Exemption from the Requirement of a Tolerance	10/4/2017
9969-01-Region 8	Approval and Promulgation; State of Utah; Salt Lake County and Utah County Nonattainment Area Coarse Particulate Matter State Implementation Plan Revisions to Control Measures for Point Sources	10/4/2017
9969-11-Region 7	Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter (PM2.5)National Ambient Air Quality Standard	10/4/2017
9969-12-Region 7	Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter (PM2.5)National Ambient Air Quality Standard	10/4/2017

Office of Research and Development

Hot issues:

Water Infrastructure for Improvements to the Nation (WIIN) Act Updates:

- **Galesburg, IL.** In a sample taken by ORD's contractor Battelle during the week of September 18, high lead levels were found in a home in Galesburg where the lead service lines had been removed. On October 5, ORD received the sampling results from the Region 5 laboratory, where they were analyzed. On the same day, ORD notified the City of Galesburg of the high lead level and informing them that they need to comply with the WIIN Act and share these results with residents immediately.
- **Flint, MI.** On October 4, ORD received sampling results from Region 5 that were collected in late summer. The sample results included a home in Flint, MI, with high lead levels, despite their lead service line having been removed. The same day, ORD sent a letter to the Michigan Department of Environmental Quality (MDEQ), with a copy to Region 5, informing them they must share the sampling results with the residents immediately to comply with the WIIN Act. A representative from MDEQ replied that they were going to visit the home that day.

Wildfires

On October 10, ORD provided information on wildfire smoke, particle pollution and health to public health organizations whose members work at the city, county and state levels. This was done in response to the California wildfires and was coordinated with OAR and Region 9.

Upcoming public events:

Waste Characterization Table Top Exercise

Waste characterization following a wide-area contamination incident can significantly contribute to the number of samples requiring analysis further slowing the ability to make the decisions required for remediation efforts to proceed. On October 19, ORD is leading a Table-Top Exercise focused on waste characterization with EPA's Regional On-Scene Coordinators, OLEM, and State Agency representatives. The tabletop specifically exercises the use of a waste characterization standard operation guide (SOG), providing a framework for EPA response personnel, and others in the Incident Command, to develop a waste characterization strategy in response to a wide area contamination incident. The strategies developed through the use of the SOG will reduce required laboratory resources while still meeting the data needs of regulators and receivers of the waste. This Table Top Exercise includes simulation exercises, which can be used for future training activities.

Expert Panels for Lead in Drinking Water

ORD researchers have been invited to participate on two expert panels to proactively discuss issues related to lead in drinking water, including corrosion control and infrastructure:

- **October 24**: At the request of a consultant to the Municipal Water District of Southern California (MWDSC), ORD will participate (by video conference) on an expert panel with Region 9 and MWDSC. ORD will discuss corrosion control and treating low alkalinity in source water. The water district includes 14 cities: Anaheim, Beverly Hills, Burbank, Compton, Fullerton, Glendale, Long Beach, Los Angeles, Pasadena, San Fernando, San Marino, Santa Ana, Santa Monica, and Torrance.
- **November 6**: At the request of Providence Water, the water utility for the City of Providence, RI, ORD will participate on an expert panel with Region 1 in Providence. The purpose of the panel is to review current and future projects aimed at improving treatment and distribution system health, specifically as they relate to corrosion control.

Last week Highlights:

Citizen Science *SmokeSense* Mobile Application for Apple iOS Now Available at iTunes Store
Apple phone users are now able to participate in this citizen science research project that provides air quality index, smoke, and wildfire guide information, including measures on how to protect health when smoke is present. Since its release on October 5, more than 800 users have downloaded the iOS version of EPA's *SmokeSense* app, joining more than 1700 who have downloaded the Android version since its release on August 1, 2017. Over 92% of Android web sessions are from repeat users. Having more of the public use the app will further expand the delivery of local air quality and smoke information, provide researchers with information on subclinical health effects of exposure to wildfire smoke, and help ORD increase transparency and public participation. The data collected from this study will inform future communications strategies around wildfire smoke impacts on health, and be made available to state and local public health officials to help plan exposure reduction strategies. The Centers for Disease Control and Prevention's current Million Hearts e-Update includes a feature on *SmokeSense* under "Tools You Can Use."

Guiding Dissolved Oxygen Criteria in New Hampshire
New Hampshire is re-evaluating its current standards for dissolved oxygen, and has requested information about the Virginian Province dissolved oxygen criteria developed for saltwater between Cape Hatteras and Cape Cod. At the request of EPA Region 1, ORD is providing an overview of how the Virginian Province criteria were derived and guidance on the additional information needed if New Hampshire wishes to extend the criteria to waters north of Cape Cod.

***E. coli* outbreak discussion with OW, Centers for Disease Control and Prevention (CDC), and local government agencies**
Today ORD participated in a call with OW, CDC, Nevada County Environmental Health Department and State of California Public Health Laboratory. The purpose of the call is to discuss an *E. coli* o157 outbreak that occurred this summer on an inland lake (Lake Wildwood) in California. ORD provided technical expertise and answered questions about genetic markers related to the source of the outbreak.

Hydrogen Sulfide Calculator Mobile App
As part of a 2015 RARE project with Region 5, ORD has developed an app for estimating hydrogen sulfide (H_2S) generation from disposed drywall, the "EPA H_2S Calculator." The app estimates gas (usually methane and carbon dioxide) generated at construction and demolition debris landfills, with a focus on H_2S production. In addition, the app aids landfill operators by providing best management practices for controlling H_2S generation. Region 5 has made the tool available for use in response to recent natural disasters, including hurricanes Harvey, Irma, and Maria. This app is available now on the Apple app store and Google Play.

Superfund and Technical Support: Review of treatment technologies for mining-influenced waters.

- **Bonita Peak Mining District Superfund Site, San Juan County, CO.** A number of companies have developed technologies for treating mining-influenced water and mining wastes in the Bonita Peak Mining District (BPMD) following the Gold King mine incident. At the request of Region 8, ORD provided a review and evaluation of more than 120 treatment technologies offered by the companies. The findings will be shared with state and federal partners, including the Colorado Department of Public Health and Environment, U.S. Forestry Service, and Bureau of Land Management. The BPMD site consists of 48 historic mines or mining-related sources where ongoing

releases of metal-laden water and sediments are occurring within the Mineral Creek, Cement Creek and Upper Animas River drainages.

- **Elizabeth Mine Superfund Site, Strafford, VT.** At the request of Region 1 ORD is providing ongoing technical support for two pilot treatment options to address high concentrations of iron from tailing pile leachate at the Elizabeth Mine site. The state, which will eventually take over management of this site, requested a passive treatment option to operate year-round rather than a system that operates only in warmer months. Potential passive treatment systems are being piloted to determine their ability to replace the current active system. The Elizabeth Mine site is a former copper mine with metal contamination, including copper, iron, lead, mercury, and zinc in the soil, groundwater, and surface water.

New FRM Approved

A core element of ORD's Emissions and Measurements program is designating Federal Reference Methods (FRMs) for measuring criteria pollutants in ambient air. These measurements are used to inform attainment/nonattainment decisions and for a wide range of analyses. A new FRM for measuring concentrations of CO in ambient air was recently designated by ORD. The new reference method for CO is an automated method (analyzer) utilizing a measurement principle based on non-dispersive infrared (NDIR) analysis.

PFAS

- **ORD participation in PFAS meeting with NJ, NC, NIH, CDC** This week ORD staff participated in a meeting with the North Carolina Department of Health and Human Services, NIH, CDC, and the New Jersey Department of Environmental Protection to discuss what is known and unknown about the toxicity and exposure potential for per- and polyfluoroalkyl substances (PFAS). This meeting allowed for each group to provide updates on the projects they are working on that will fill the knowledge gaps.
- **PFAS Webinar for States:** Regions 1 and 2 coordinated with the Northeast Waste Management Officials Association (NWMOA) to plan a webinar on ORD's PFAS research activities. ORD will present PFAS research activities to the 8 states that are part of NWMOA.

EPA-RTP STEM Outreach receives US2020 award

On October 10, the EPA-RTP STEM Outreach Program was awarded two US2020 STEM Mentoring Awards for Excellence in Volunteer Experience and Volunteer Mobilization. ORD's Tim Watkins accepted the awards in Washington, D.C. at the 2017 STEM Mentoring Symposium. The US2020 STEM Mentoring Awards were created to honor exceptional work among STEM mentors. The Excellence in Volunteer Experience Award is for STEM programs that provide high-quality, well-supported activities for their volunteers during the academic year. The Volunteer Mobilization Award recognizes organizations for providing exceptional support to US2020 City Coalitions through the engagement of their workforce. Since EPA-RTP's STEM Outreach Program began in 2004, volunteers have donated over 19,000 hours of their time to provide STEM programming for local students and community members.

Publication: Persistence of Bacillus Spores on Sewer Infrastructure and Assessment of Decontamination Using Chlorine

In the event of a drinking water distribution system contamination incident involving a biological agent, contamination of the sewer system infrastructure could result from flushing of the drinking water distribution system to remove the contaminant. The objective of this study was to examine the persistence of *Bacillus atrophaeus* subsp. *globigii* (*B. globigii*) spores (a surrogate for pathogenic *B. anthracis* spores) on the surface materials that make up common sewer systems. Should *Bacillus* spore contamination flow into a sewer during a

real contamination event, the data show that most of the spores will flow with the water. Spores that do adhere to infrastructure do so in a largely transient manner, and most are washed off of the infrastructure material in the days after the contamination event.

ORD Article Widely Cited

The journal article co-written by ORD and the University of Colorado, "Conditional vulnerability of plant diversity to atmospheric nitrogen deposition across the United States" (PNAS, http://www.pnas.org/content/113/15/4086) received enough citations to place it in the top 1% of the academic field of Environment/Ecology according to Web of Science that uses a highly cited threshold for the field and publication year. In addition, the article has been highlighted in 24 news stories, 43 tweets, and figures and information have been incorporated into several upper-level ecology courses and in planning documents for the NOx SOx Secondary Standard Review (https://pnas.altmetric.com/details/6364292).

Office of Water

Hot Issues:

Comprehensive Performance Evaluation (CPE) and discussion of ongoing performance and management challenges at Pittsburgh Water and Sewer Authority: At the request of the Pennsylvania Department of Environmental Protection (PA DEP), OGWDW's Technical Support Center (TSC) participated in a "Comprehensive Performance Evaluation" the week of September 18, 2017, to address concerns at the Pittsburgh Water and Sewer Authority (PWSA) public water system. Members of TSC's Optimization team joined representatives from EPA Region 3 and PA DEP in conducting the CPE. PWSA, the second largest PWS in PA, has experienced a number of challenges. On Thursday, Oct. 5th, the OGWDW Director Peter Grevatt met with PADEP Secretary McDonnell, Region 3 DRA Cecil Rodrigues and the leadership of PWSA to discuss the operational and management challenges with the system. The parties will continue to work closely together to ensure that appropriate engineering and finance plans are established and implemented to address the significant public health concerns with the system.

Hurricane Response Update
Senior Leadership from EPA Regions 2, 4, and 6 have been requested to appear at a briefing for members and staff of the House Energy & Commerce Committee on Friday, 10/13. The purpose is "to articulate an assessment of the damage to air (RMP and NAAQS), drinking water, soil (including RCRA and CERCLA issues), progress made to remedy that damage, a plan to respond to such remaining damage, and any challenges to remediation." State officials from Texas and Florida have been invited (there is no indication that PR or USVI officials have been invited).

EPA Press Release: 'On October 8, 2017, EPA received a declaration of crisis notification from the government of Puerto Rico to use sodium dichloroisocyanurate (NaDCC) tablets for water purification and concurred with the request. These tablets, donated by the UN World Food Programme, are used for emergency water disinfection. The tablets dissolve in water, releasing chlorine that kills target pests.'

On Saturday, October 7, PRASA submitted a Resource Request Form (RRF) seeking assistance from the USACE for its infrastructure assessment and emergency design, repairs, and construction repairs. It has been processed all the way through to FEMA for its evaluation and approval. PRASA reports that 36% of clients are without drinking water service. The La Plata Dam was reenergized and will be able to supply additional drinking water to 140,000 clients in the Metropolitan Area, including municipalities in Bayamon, Toa Baja, Toa Alta. PRASA estimates $91.3 million in repair needs just for the 20% of its system that has been assessed to date.

EPA currently has approximately 137 personnel (employees and contractors) in PR and the USVI working on the response. This number includes some of *EPA's Caribbean Environmental Protection Division (CEPD)* staff who are participating in the response. The Region plans for that number to increase significantly to over 200 before the end of October, and to about 400 by early December. To date, however, it has been extremely challenging for EPA to move response personnel and equipment to the islands. Access to seats on flights has improved but securing lodging on the islands remains difficult. EPA continues to pursue berthing space on the various FEMA-supported vessels arriving in PR and the USVI.

Upcoming:

Association of State Drinking Water Administrators (ASDWA), Conference: Next week Mike Shapiro and Lee Forsgren will attend ASDWA's 32nd Annual Conference in Norfolk Virginia. They will give remarks about EPA's "News and Views" during the Opening Plenary Session on Federal and State Perspectives. ASDWA members are the drinking water program administrators in the 50 states, the five territories, the Navajo Nation,

and the District of Columbia. Trade Press expected.

Last Week Highlights:

WEFTEC 2017: EPA had another successful year at Water Environment Federation's WEFTEC. The 90th annual conference was held in Chicago, September 30 – October 4 and is the world's largest annual water quality technical conference and exhibition to connect water professionals. Lee and Mike participated in multiple sessions, including speaking about the future of water, clean water policy and water technology innovation. The Agency's redesigned graphics this year included a new kiosk on Resilient Utilities. EPA hosted fifteen speaker sessions within the booth, including a demonstration of the Water Finance Clearinghouse, technology innovation clusters, and green infrastructure. The Agency hosted representatives from DOE and DOS to the booth. The booth had 1,465 attendees (up 454 from 2016) and staff distributed almost 1,700 flashdrives.