Region 1

Hot Issues

Approval of the decommissioning of Stage II vapor recovery systems

- This week, Region 1 approved a State Implementation Plan (SIP) revision from the State of Maine that provides for the decommissioning of Stage II vapor recovery systems at gasoline service stations.
- The use of onboard vapor recovery systems installed on vehicles has eliminated the need for the Stage II systems.
- Region 1 has previously approved similar SIP revisions from New Hampshire, Massachusetts, and Rhode Island.
- We have also proposed approval of a similar SIP revision from Connecticut and will be taking final action in the near future.

Six megawatt solar installation targeted for Massachusetts Superfund site

- The Nyanza Chemical Waste Dump Superfund Site in Ashland, MA includes a thirteen-acre capped landfill constructed in 1992. The MA Department of Environmental Protection (MassDEP) is responsible for operation and maintenance at the site.
- A local solar developer, Citizens Energy Corporation, is actively pursuing the development of a solar panel array on the Nyanza cap. The conceptual design includes 952 strings of solar panels with about 6 megawatts of production.
- Formal plans for the project must be submitted for review by MassDEP and EPA, and the project will require approval per the Grant of Environmental Restrictions and Easement (GERE) which restricts activities and uses of the site.
- Solar installations have already been constructed at nine other Superfund National Priorities List sites in Massachusetts.

Upcoming Public Events

None this week.

Upcoming Major Decisions

None this week.

Last Week Highlights

Settlement of Cranston CAA enforcement case

- Region 1, the City of Cranston, RI, and Veolia Water North America – Northeast, LLC have settled an administrative enforcement case for violations of CAA Sewage Sludge Incinerator Federal Plan requirements. Cranston and Veolia will pay a total penalty of $35,000.
- EPA alleged that Cranston and Veolia failed to: (1) timely submit a final control plan, (2) submit all monthly status reports, (3) timely submit a site-specific monitoring plan, and (4) timely submit an initial compliance report. EPA uses these plans and reports to evaluate if a facility is operating in compliance with the Federal Plan requirements.
- The Federal Plan was designed to control neurotoxins such as mercury and other hazardous

ED_001619B_00000071-00001

air pollutants emitted from sewage sludge incinerators. Excess emissions of mercury and other HAPs can have serious local impacts, although in this matter, EPA did not identify any excess emissions of toxic air pollutants.

- Cranston and Veolia have now resolved the alleged reporting and monitoring violations, and EPA is now able to monitor the facility's compliance with the Federal Plan requirements.
- This is the first Region 1 CAA settlement agreement with a sewage sludge incinerator for violations of the Federal Plan requirements.

SDWA primacy regulations approved for five states

- On June 26, Region 1's Acting Regional Administrator signed a Federal Register notice stating EPA's intent to approve ten Safe Drinking Water Act primacy regulations for Massachusetts, Connecticut, Rhode Island, Vermont, and New Hampshire.
- Publication is expected by July 13. If no hearing is requested within 30 days, the approval is considered final.

Region 2

Upcoming Hot Issues and Important Deadlines

- **Puerto Rico State Revolving Fund (SRF) Debt Restructuring.** The Puerto Rico Aqueduct and Sewer Authority (PRASA), PR Environmental Quality Board and PR Department of Health are expected to extend their current forbearance agreements for repayment of PRASA's outstanding debt to the PR Clean Water and Drinking Water State Revolving Funds (SRFs) for an additional 6 months, to allow additional time to reach an agreement on long-term restructuring of PRASA's debt to the SRFs. The current forbearance agreements expire on June 30 and will be extended to December 31, 2017. The Office of Water and Region 2 support this extension and are continuing to work with all three agencies towards agreement on long-term SRF debt restructuring.
- **Puerto Rico Electric Power Authority (PREPA) Debt Restructuring**. PREPA's ongoing efforts to restructure its debts encountered a setback when, on June 27, the Puerto Rico Financial Oversight and Management Board (created by Congress under the PROMESA statute) disapproved PREPA's current proposed agreement. In the Board's view, the proposal did not contain sufficient "structural and operational reforms required to attract additional capital" to PREPA. In response to great concerns about the Board's disapproval raised by PREPA creditors and insurers of PREPA's bonds, the Oversight Board has agreed to conduct additional discussions with the creditors to try to reach an acceptable agreement. If no agreement is reached, PREPA likely will be added to the ongoing bankruptcy-like proceeding being conducted for the PR government under Title III of the PROMESA Act. EPA would need to participate in the Title III proceeding in order to protect our injunctive relief claims against PREPA for work required to address Clean Air Act violations at PREPA's power plants.

Upcoming Public Events

- **Public Meeting on Matteo Superfund Site to be held July 6.** The proposed remedy at this site in West Deptford, NJ is to address residential soil contaminated by lead when crushed battery casings from a nearby former battery recycling operation were dumped on vacant land that was later subdivided for a residential development. The project requires temporary relocation of several residents. We expect local support for the Agency's proposed cleanup. The meeting is likely to generate press coverage.

Past Week Accomplishments

- **Hudson River Five Year Review public meeting held 6/28 in Poughkeepsie, NY.** This was the first of two public meetings to discuss and take comment on the Second Five Year Review for the Hudson River PCBs Superfund Site. This meeting was in the Lower Hudson River area; the second meeting will be on July 19 in Saratoga, NY, in the Upper Hudson River area. Over 200 people attended; most supported additional dredging in the river. Eight elected officials presented testimony, either in person or through a staff member; among these was Rep. Sean Patrick Maloney. Several other elected officials provided written testimony in advance.
- **Meeting with municipal entities regarding their potential liability for the Passaic River Superfund site.** On 6/28 Region 2 met with representatives from the Passaic Valley Sewerage Commission, City of Newark, Town of Kearny, Town of Harrison and Borough of East Newark, to provide them with information about their potential liability for the cleanup of the lower 8.3 miles

Ex. 5 - Deliberative Process

action.

- **RCRA Consent Decree with Municipality of Santa Isabel, Puerto Rico was entered on 6/23/17.** The decree resolves EPA's claims related to the municipality's violation of earlier administrative orders related to its solid waste landfill. The decree provides for the municipality to provide site security; maintain interim daily cover; complete permanent closure of the landfill by July 2019, and thereafter perform post-closure care and monitoring; implement recycling and pilot composting programs to reduce waste disposal costs; and implement a mosquito control plan to help fight diseases associated with the Zika virus. The municipality will also pay a civil penalty of $20,000. No comments were received during the public comment period; the PR Environmental Quality Board is supportive of this enforcement action.
- **Quarterly meeting with NYSDEC Commissioner & senior staff held 6/28.** Catherine McCabe and four senior R2 officials met with their state counterparts to discuss a number of current issues across multiple programs. Among these is a pending Notice of Intent (NOI) to Sue from the Pace Law School Environmental Litigation Clinic asserting that EPA must act to approve or disapprove NYSDEC's water quality standards. The state's standards are out-of-date in a number of respects, and the state is willing to update them, but this will take some time and Pace may file the lawsuit very soon. EPA met with Clinic representatives on 6/22.
- **On 6/29 R2 met with NYC Councilman Brad Lander, at his request, along with other NYC & NYS officials** to discuss opportunities for resiliency improvements along the **Gowanus Canal** as an outgrowth of EPA's Superfund cleanup work in the canal. The cleanup work requires replacement of bulkheads along nearly the entire length of the canal (so that dredging can safely be carried out). Councilman Lander has urged that these bulkheads be raised above current heights to provide protection against future storm surges like that during Hurricane Sandy.

Region 3

Hot Issues

On June 13, 2016, EPA received a notice of intent to sue the Agency for failure to timely grant or deny a petition to object to the Title V Operating Permit for the Morgantown, Generating Station located in MD.

The lawsuit was filed last Friday. Plaintiffs include Chesapeake Climate Action Network, Sierra Club, Environmental Integrity Project, and Physicians for Social Responsibility. We are working with OAR and OGC on this matter.

EPA reached agreement with the City of Baltimore on the final Modified consent decree (CD) that was lodged in June 2016 to address Sanitary Sewer Overflows (SSOs).

Revisions were made to the June 2016 modification in response to comments that were received. The consent decree is currently going through internal EPA, DOJ and Maryland Department of the Environment review. The City must go through the Board of Estimates, a public process prior to signature. The package must be approved by the agencies before it is available to the public. The tentative date for the Board of Estimates meeting is July 12, 2015. Shortly after signature the parties will sign the document and we will submit the motion to enter. EPA and MDE are working to demand stipulated penalties to the City of SSO overflows that have occurred under the 2002 CD. The estimated stipulated penalty demand letter was sent to the City on June 14, 2017. The State through MDE is a party to this consent decree and they work with EPA to monitor compliance with the CD.

Emergency Response Conducted at Penn Carbose Site, Somerset, Pennsylvania

On June 26, 2017, the Removal Program initiated an Emergency Response at the Penn Carbose Site. The Site is a former manufacturing facility in Somerset, Pennsylvania that produced sodium carboxymethyl cellulose. The facility shut down over a year ago and consists of a single building located within a residential neighborhood. The building has many containers of raw materials (e.g., acids and bases), production materials, and product materials throughout the building. A lab in the building has several containers with acids (hydrochloric, monochloroacetic, and nitric), sodium hydroxide, and flammable compounds. The containers are in an unsecured cabinet and scattered throughout the lab on shelving. Many of these containers are labeled corrosive, flammable, and caustic. The southwest corner of the building has a large monochloroacetic acid tank, large sodium hydroxide tank, and neutralizing pit containing liquids. There are also several vats with unknown liquids. The building surfaces and process vessels are coated with unknown materials. Next steps include properly identifying, collecting, and properly containing the waste prior to sending the chemicals to the appropriate disposal facility.

Public Housing Groundbreaking at North Hills Manor in Upper Dublin Township, Pennsylvania

The Montgomery County Housing Authority (MCHA) utilized $335,000 in Brownfields RLF Program funding from the Redevelopment Authority of Montgomery County for remediation work prior to building demolition and redevelopment (replacement) of this subsidized public housing facility. North Hills Manor has an established and longstanding history in the community, providing affordable homes for generations of residents; however, the property is antiquated with obsolete, 60-year old utility systems, and has no accessibility for the physically disabled. Asbestos-containing material, as well as PCB and Mercury-containing light ballasts, lamps, and switches. In order to maintain a viable,

subsidized, affordable housing asset in this affluent section of Montgomery County, MCHA has partnered with Pennrose to demolish the 50 housing units and reconstruct 50 new units of North Hills Manor with modern amenities and in accordance construction standards and best practices. The new North Hills Manor will be LEED-certified and consist of seventeen new residential buildings.

Upcoming Public Events

None to report this upcoming week.

Past Events

No past events to report this week.

ED_001619B_00000071-00006

Region 4

Hot Issues

Chemical Release to Cape Fear River (Chemours Facility)

Key Message: Chemours (formerly DuPont) uses GenX technology, including a newer processing aid, that enables the production of high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA). GenX-associated chemicals have been found in the Cape Fear River, the source for the Wilmington, NC, drinking water system. **(Update)** NC has verified that Chemours is containing wastewater from the production of GenX preventing the discharge of this byproduct into the Cape Fear River. Chemours is redirecting the wastewater into temporary storage tanks at the Fayetteville facility so it can be moved off-site for disposal.

Update:

- Per the request of the Office of Enforcement and Compliance Assurance (OECA) and the Office of Chemical Safety and Pollution Prevention (OCSPP), Region 4 conducted an on-site inspection on June 28 and 29 at the Chemours (Fayetteville, NC) facility to determine compliance with TSCA. OECA's contractor, ERG, accompanied Region 4 staff during the onsite inspection.

- Region 4 has been working with EPA's Office of Research and Development in Research Triangle Park (RTP), the North Carolina Department of Environmental Quality (NCDEQ), and the State Health Department to conduct surface water and drinking water sampling and analysis. As soon as results are received NCDEQ will perform QA/QC, then work with the State Health Department to conduct a health risk evaluation. NCDEQ also plans to post the information on its webpage with some type of narrative to provide context. The NC risk assessors from DEQ and Health Department are working with OCSPP on available risk information and methodology.

- NCDEQ tentatively plans to issue a press release today stating that it will need to analyze samples from multiple locations, then work with the State Health Department to get a better idea of what the results mean for the public.

- Last night roughly 450 people attended a media forum sponsored by StarNews Media, WWAT TV News and WHQR News 91.3 where many questions and concerns about GenX were raised. The forum featured 16 panelists including representatives from the Cape Fear Public Utility Authority, scientists, health officials, economic and legal experts and elected officials.

Oak Ridge Reservation (USDOE), Oak Ridge, TN

Key Message: On June 8th, the Department of Energy (DOE) Oak Ridge Reservation elevated to formal dispute issues related to the sufficiency of the Remedial Investigation/Feasibility Study (RI/FS-D5) and the draft Proposed Plan (PP) for the Environmental Management Disposal Facility (EMDF).

- The formal dispute initiated at the level of the Superfund Division Director with a deadline of June 29th.
- **(Update)** A meeting with EPA, DOE, and TN Department of Environment and Conservation (TDEC), took place on June 22nd in Oak Ridge to discuss the issues. The parties were unable to resolve their differences at this first level of formal dispute.

- **(Update)** The EPA and TDEC proposed to provide written statements of dispute by July 10th and DOE agreed to that approach. Also, EPA proposed a 30-day extension of the June 29th DRC dispute deadline to allow DOE time to review the EPA/TDEC statements of dispute and offered to meet on July 25th and/or 26th for an additional DRC meeting. DOE declined an extension of the DRC dispute deadline.

Florida Everglades Ecosystem Assessment

Key Message: EPA will release the data and report on the Everglades which will include three decades of data and will show improvement in environmental conditions.

- The initial EPA report features results for mercury, sulfur and phosphorus, important measures of ecosystem integrity.
- In September 2014, Region 4 completed the fourth sampling phase for the Everglades Regional Environmental Monitoring and Assessment Program (REMAP).
- The REMAP program provides critical scientific information so that the public and environmental managers can understand the Everglades' health and the effectiveness of restoration and pollution control efforts.
- EPA sampled water quality and ecological health in all of the Everglades. About 6,000 data values were obtained from water, soil, fish and plants at 119 marsh locations.
- The data and report will be distributed to the parties that allowed sampling on their land (Everglades National Park, Miccosukee Tribe of Indians of Florida, Arthur R. Marshall Loxahatchee National Wildlife Refuge).
- After initial Agency distribution and the preparation of a desk statement next week, the report and data will be posted on EPA's Everglades web site, where all data and reports are available to the public.
- Today, a one-pager will be sent to OW to provide an overview.

Upcoming Public Events

July 6, 2017 – Kerr-Mcgee Chemical Corp Superfund Site Tour in Jacksonville, FL and community and stakeholder meetings

July 11, 2017 – Final public meeting led by the Army for the RCRA 7003 UAO in Forest Park, GA for the Fort Gillem site.

August 22 – 24, 2017 – EPA staff will travel to Chile as a part of EPA's international assistance program and related to the agreement we have under Central America Free Trade Agreement (CAFTA) to provide training on the management of hazardous wastes and technical investigations of chemical and hydrocarbon contamination. The trip will be funded through OITA's interagency agreement with the U.S. State Department.

Upcoming Major Decisions

None

Last Week Highlights

Memphis RVP Rulemaking

Key Message: Removal of Federal RVP requirements for Memphis is a 2-step process (approval of a noninterference demonstration by the Region and approval to remove Federal RVP requirements by the Administrator.)

- **(Update)** The regional final rule was signed on June 22, 2017 and the package was mailed for publication. Headquarters was alerted so they can begin the second rulemaking.

Region 5

Hot Issues:

Michigan Sues Flint in Federal Court for Failing to Select a Long-Term Water Source, Citing Imminent and Substantial Endangerment

Key Message: The June 28, 2017 filing alleges that the city of Flint has violated the *Michigan* Safe Drinking Water Act as well as the *federal* Safe Drinking Water Act.

On June 15, MDEQ sent a letter to the Flint Mayor and City Council informing them that if the City Council failed to select a long-term water source by June 26, 2017, the state would seek legal action to ensure that Flint maintains a safe and reliable drinking water source. On June 26, 2017, the City Council voted to extend the city's current contract with Great Lakes Water Authority (GLWA) to September 2017, but postponed the vote on the long-term water source decision. A long-term water source selection is needed as soon as possible to ensure that there is no lapse in a water source and continued compliance with EPA's January 2016 Order and its amendment, which requires extensive testing and studies in the event of a source-water switch.

Originally, Flint had planned to switch from purchasing treated GLWA water to purchasing raw water from the Karegnondi Water Authority (KWA). The Flint Mayor recently proposed to instead remain on GLWA water. EPA experts agree that this choice is the most protective of public health. It also allows SRF/WIIN funds to be used for lead service line replacements and infrastructure repair, rather than renovating the Flint Water Treatment Plant. However, because Flint sold a 3-mile connector pipeline to KWA and signed contracts with KWA, without renegotiation and/or construction of a new pipeline, Flint will not have access to a water source after October 2017.

EPA has taken no position on the financial and contractual aspects of the source water decision, and has only focused on public health protection issues. Regardless of the city's final decision, EPA will continue to work with the state and the city to ensure Flint's water meets the requirements of the Safe Drinking Water Act and to ensure that all of the requirements in our Emergency Order are met. There has been significant press coverage, some of which can be viewed here and here. Region 5 has not received any press calls concerning the June 28 lawsuit.

Indiana Harbor Confined Disposal Facility (CDF) in East Chicago, Indiana

Key Message: During a public information session, community members voiced concerns over proposed approval of PCB contaminated sediment disposal in East Chicago.

A public information session was held June 22, 2017, at the East Chicago Library. Community members were outspoken about their concerns, but also voiced their appreciation for having the opportunity to be heard. This is the second meeting held on the subject of a proposal to issue approvals to the US Army Corps of Engineers (USACE) for the disposal of sediment contaminated with polychlorinated biphenyls (PCBs). While the first meeting was held as part of the public comment period, the most recent meeting was held in response to community concerns regarding better communication with the Spanish-speaking population surrounding the combined disposal facility (CDF). Response to comments are being prepared.

EPA is proposing to issue a Risk-Based Disposal Approval to the USACE, pursuant to the Toxic Substances Control Act (TSCA) and federal regulations for disposal of PCBs. The approval is valid for the disposal of 50 parts per million (ppm) or greater of TSCA regulated PCB dredged from the Indiana Harbor and Canal dredging project. The PCB dredged material will be disposed on-site in the Indiana Harbor CDF under the supervision of the USACE. The facility is near the East Chicago Superfund site, USS lead.

Region 5 Working with Minnesota to Address USG Interiors' Red Wing, Minnesota, Notice of Violation and SO2 Nonattainment Designation

Key Message: EPA and Minnesota are working to resolve a modeled violation of the 2010 sulfur dioxide (SO2) standard and avoid a nonattainment designation.

In response to a Region 5 enforcement notice of violation, USG Interiors (USG) provided modeling which showed a violation of the 2010 SO2 standard and also requested EPA to include the area in the designations process.

Region 5 and MPCA are working in close coordination to address the modeled violation and avoid a nonattainment designation. Region 5 has agreed to temporarily suspend its enforcement work while MPCA attempts to achieve emission reductions at the facility through direct negotiations, and a state-led settlement with USG. Due to timing constraints, it is unlikely that the Order will be effective by the 120-day letter deadline in August and, possibly, the final designations deadline in December.

EPA and the Wisconsin Department of Natural Resources Discuss Path Forward on Finalizing Water Permitting Review

Key Message: On June 28, 2017, Acting Region 5 Administrator Robert Kaplan and WDNR Secretary Cathy Stepp held a teleconference regarding the Wisconsin Legal Authority Review.

The call focused on EPA's current review of National Pollutant Discharge Elimination System (NPDES) rules promulgated by WDNR; the role of a Wisconsin Attorney General's Statement in resolving certain issues raised in the review; and steps to complete the Wisconsin Legal Authority Review (WI LAR) process, including any new issues that have arisen during the review. Senior Region 5 and WDNR management will meet again in August 2017 to reach agreement on next steps for expeditiously completing the Wisconsin Legal Authority Review.

The NPDES program, delegated to most states, controls the discharge of pollutants from point sources into water bodies. As part of the WI LAR, EPA and WDNR have been working in collaboration to evaluate and, where appropriate, modify Wisconsin's rules and statutes that provide the legal authority for Wisconsin's NPDES program. In the past year and a half, Wisconsin has made significant progress modifying its NPDES regulations to fully align them with their federal counterparts.

Upcoming Events: None

Upcoming Major Decisions: None

Past Week Events:

Fugitive Dust Eliminated at L'Anse Warden Electric Company

Key Message: Region 5 assisted MDEQ in resolving fugitive dust issues from the pneumatic wood chip blower and conveyor system at a biomass power plant in the Upper Peninsula.

The L'Anse Warden Electric Company (LWEC), L'Anse, Michigan, has finished construction on an enclosure around the fuel receiving hopper and the entire conveyor system at the facility, as required by an order issued by MDEQ. MDEQ conducted a follow-up inspection and found the fuel yard to be clean. Last week, EPA Region 5 suspended a 114 requirement to install ambient PM monitors at the fenceline. Since the installation of the enclosures, neither MDEQ or EPA have received complaints about fugitive dust from the facility.

LWEC is a biomass power plant that burns creosote treated railroad ties, wood chips, and tire derived fuels. EPA and MDEQ were investigating fugitive dust at the LWEC facility in response to residents' concerns about the dust blowing off the property from the pneumatic blower into the fuel receiving hopper and from the conveyor system. In October 2016, LWEC signed an order with MDEQ requiring the installation of an enclosure around the fuel receiving hopper and all conveyors to control fugitive dust. More information can be found here.

Region 5 Hosted Successful East Chicago Community Meeting on June 24

Key Message: The June 24 meeting was the first in a series of monthly community meetings for residents of the USS Lead site initiated through the Administrator's East Chicago Customer Service Plan.

Regional community involvement coordinators and site experts attended the meeting and provided an update on current activities and answered questions from the community. Overall, the meeting went smoothly and community members were appreciative of EPA's efforts. Senior Advisor Albert Kelly's attendance at the meeting was well received and allowed him to hear the community's concerns and feedback firsthand. These facilitated meetings are set to take place the third Saturday of every month, with the next one being held on July 15. Moving forward, the meeting agendas will be based on community input gathered prior to the meetings.

ED_001619B_00000071-00012

Region 6

Hot Issues:

Stoller USA, Houston, Texas

Region 6 plans to initiate a Stop Sale, Use, or Removal Order (SSURO) against Stoller USA, LLC (Stoller) for 16 products, based on referrals from the Missouri Department of Agriculture, Iowa Department of Agriculture, and a follow-up inspection conducted on June 22, 2016, at its Houston, Texas, operations. It has been determined that Stoller's products should be registered as plant regulators. Region 6 also plans to move forward with an administrative penalty case.

Formosa Plastics Corporations, Texas, Referral to the Department of Justice

Region 6 is expected to refer a Clean Air Act (CAA) case against Formosa Plastics Corporation, Texas (Formosa) to the U.S. Department of Justice for violations of the Clean Air Act General Duty Clause (CAA GDC) and the Chemical Accident Prevention Provisions of 40 C.F.R. Part 68 at its Petrochemical Complex in Point Comfort Texas. This Litigation Report involves nine separate incidents at the Formosa Petrochemical Complex in Point Comfort, Texas, along with violations identified during an inspection. Texas has not been delegated the authority to enforce the 40 C.F.R. Part 68 regulations. However, we have provided an update, to TCEQ, of our potential enforcement action and will provide periodic communications on the status of our referral.

Bird Creek, Pawhuska, Oklahoma

All sampling is still on schedule, the sampling team reported that they completed sampling at the remaining four stream sites, two drinking water wells and one of the UIC injection facilities. A total of 114 samples were shipped to EPA's laboratory in Houston. After delivering samples for shipping, the team will return to the site to begin the process of downloading and redeploying the data monitors. Work should be completed on June 30.

Citizen Potawatomi Nation of Oklahoma

Internal EPA review by Headquarters' Office of Water, General Counsel and Tribal Affairs on the draft approval of the treatment as a state authority (TAS) for Citizen Potawatomi to administer water quality standards and certification program under the federal Clean Water Act is on-going. Citizen Potawatomi Nation of Oklahoma submitted a TAS application for a nonpoint source grant program (319) and two regulatory programs 303(c) WQS and 401 water quality certification. Region 6 Tribal Operations Committee will meet on July 12 in Albuquerque, NM and TAS application status will be discussed.

Georgia Pacific Plant, Crossett, Louisiana

Region 6 will complete 6 months of Hydrogen Sulfide (H2S) air sampling in and around the Georgia Pacific Plant in Crossett, Arkansas on June 30. Individual sampling results will be provided to homeowners and a summary report is being compiled for public release. The project started in January 2017. EPA, ADEQ and Georgia-Pacific representatives are scheduled to meet on July 14 in Little Rock, Arkansas to discuss path forward in resolving issues, including a Title VI Civil Rights complaint. Arkansas-Democrat Gazette has filed a FOIA for the data.

Denka, LaPlace, Louisiana

EPA (Region 6, ORD and OAQPS) will join LDEQ and Saint John the Baptist Parish President to brief local elected officials on July 13 regarding chloroprene concentrations and Denka's progress in reducing emissions in LaPlace, Louisiana. EPA continues to conduct air monitoring activities and release results publicly. Concentrations continue to be high. EPA is compiling a report summarizing data over the past year (May 2016 – to present) in response to the National Air Toxics Assessment to determine chloroprene concentrations in the ambient air in the neighborhoods surrounding the Denka Performance Elastomer LLC Facility. The Denka facility is the only place that makes chloroprene, which is designated as a likely carcinogen. On June 26, Denka filed a Request for Correction – Toxicological Review of Chloroprene in support of Summary Information on the Integrated Risk Information System (IRIS).

Jackpile-Paguate Uranium Site, Cibola County, NM

On July 1, the Administrative Order on Consent that was filed on June 26, 2017 becomes effective. An agreement, in principle, was reached with Atlantic Richfield Company (ARCO) for an Administrative Order on Consent (AOC) for the RI/FS for the Jackpile-Paguate Uranium site in Cibola County, New Mexico. The AOC allows ARCO to conduct RI/FS activities at the site.

Hope Iron and Metal, Hope, AR

During the week of July 3-7, EPA staff plans to continue excavation, transporting and disposal of contaminated soil at the Hope Iron and Metal Site I in Hope, Arkansas. At the request of the local community, additional sample results were collected and tested. The results show exceedances of cleanup standards from grids on the adjacent residential property along the site's southern boundary. EPA plans to conduct additional soil sampling at the residential property and one other residence on July 6, 2017.

Wilcox Oil, Bristow, OK

Region 6 plans to conduct a site visit at the Wilcox Oil Company Superfund site, in Bristow, Oklahoma, to assess potential time critical removal of volatile and semi-volatile pollutants. The site consists of the former Lorraine/Wilcox Refineries which operated from 1910 to 1963. Two areas on-site have the potential for pollutant exposure. The site visit is being coordinated with the Oklahoma Department of Environmental Quality (ODEQ).

Lyondell Chemical, Bayport, Texas

Region 6, in coordination with TCEQ, intends to send an information request letter to Lyondell Chemical's Bayport Choate Plant in Pasadena, TX to evaluate remedies for potential noncompliance concerning the facilities' flare operations. Emissions from improperly operated flares are a large source of air toxics and pose a risk to public health. The facility has a history of noncompliance related to flaring.

Formosa Plastics, Point Comfort, Texas

Region 6, in coordination with TCEQ, intends to send an information request letter to Formosa Plastics' facility in Point Comfort, TX to evaluate remedies for potential noncompliance concerning the facilities' flare operations. Emissions from improperly operated flares are a large source of air toxics and pose a risk to public health. The facility has a history of noncompliance related to flaring.

River City Metal Finishing, San Antonio, Texas
Region 6 intends to send an information request letter to River City Metal Finishing to request further details about past operational history to help gather evidence that supports potential designation as a responsible party.

Malone Service Company Superfund Site, Texas City, Texas
Region 6 plans to approve a Malone Cooperating Parties (MCP) request to inject minimal volumes of contaminated water into the second of the two approved onsite hazardous waste injection wells to ensure the well is functioning correctly and prevent issues from non-use. The well is presently on standby status in the event that the primary injection well develops mechanical issues. The standby well will inject 5,000 gallons every two months to keep it properly functioning.

Arkansas Regional Haze
Region 6 transmitted for the Administrator's consideration a proposed revision of the Arkansas Regional Haze Federal Implementation Plan (FIP) that was published in the Federal Register on September 27, 2016. The specific portions of the Arkansas Regional Haze FIP that EPA is proposing to revise are the compliance dates for the nitrogen oxide (NOX) emission limits for the Entergy White Bluff Plant (White Bluff) Units 1 and 2, the Entergy Independence Plant (Independence) Units 1 and 2, and the American Electric Power (AEP) Flint Creek Unit 1. EPA is proposing to extend these NOX compliance deadlines by 21 months to January 27, 2020, as a result of our reconsideration process and our 90 day stay of the effectiveness of the compliance dates.

NEPA
The International Border Water Commission is preparing an Environmental Impact Statement for flood control improvements to the Rio Grande Canalization Project. The purpose is to construct a flood control structure. Region 6 will support IBWC by meeting our basic statutory requirements for participating in the environmental review process.
The US Air Force is developing a draft Environmental Assessment regarding the T-6 Operations at Halliburton Field Airport. The 82d Civil Engineer Squadron at Sheppard Air Force Base has prepared a Draft EA addressing the potential environmental impacts for the proposed project of the 80th Flying Training Wing conducting up to 72,000 annual T-6 aircraft patter operations at Halliburton Airport in Duncan, Stephens County, Oklahoma. Region 6 will support USAF by meeting our basic statutory requirements for participating in the environmental review process.
Region 6 anticipates signing a NEPA Categorical Exclusion finding that will support issuance of the proposed Texas Territorial Seas and Texas Coastal General NPDES Permits. This action is for the record and needed for compliance with NEPA obligations for these permits.

FOIA
DUE JULY 11; EPA-R6-2017-008271/ 008270, 008629- Emily Walkenhorst, Arkansas Democrat-Gazette, Copies of air or water monitoring reports regarding Georgia-Pacific facilities in Crossett, Arkansas since January 1, 2014.

Upcoming Public Events
June 26 – Pizza Hut, Dallas LIFE and Food Donation Connection celebrate more than 100 million pounds of food to local food banks and charitable organizations. The 25th anniversary of their food donation program *Harvest*. EPA will attend.

July 10 – North Wastewater Treatment Plant Groundbreaking Ceremony, Sunland Park, New Mexico
July 12 – EPA Regional Tribal Operation Committee meeting, Albuquerque, New Mexico
July 27-28 – Children's Health Symposium at University of Texas at El Paso, Texas. EPA is sponsoring the event.
August 3 – Texas Environmental Law Superconference, Austin, Texas. Acting RA will keynote.
August 8 – State Environmental Directors' Meeting, Dallas, Texas (Tentative)
September 11–13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest information on air quality forecasting and mapping.
September 12-14 – US Mexico Border National Coordinator Meeting, Mexico City, Mexico
September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution
October 27 – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting RA will keynote.

Upcoming Decisions

Texas Regional Haze
EPA (Region 6, OAR, OGC) and TCEQ continue to develop an approach to address Texas Regional Haze with the next coordination conference call scheduled for June 30. Planning action is expected culminate in a July 19 face-to-face meeting in Washington DC. Texas has provided a proposal and subsequent clarification that describes a proposed "Intrastate Trading Program" that would be a part of a FIP that would ultimately be implemented by the State. EPA has a September 9 CD deadline that requires EPA to finalize a plan.

Arkansas Hazardous Waste Program
Region 6 plans to propose a direct final rule to authorize the State of Arkansas for State-initiated changes to their hazardous waste program and codifying the State's base hazardous waste program revisions.

Past Week Accomplishments

Louisiana Regional Haze
Region 6 approved Louisiana's regional haze State Implementation Plan. Louisiana submitted an update to their February 2017 SIP on June 21, 2017, to address its BART eligible electric generating units (EGUs).

Bunge International Grain Elevator, Destrahan, Louisiana
Region 6 signed the public notice in the Federal Register of the Administrator's order responding to a public petition to object to the Bunge International Destrehan Grain Elevator Title V operating permit modification completed by the Louisiana Department of Environmental Quality (LDEQ).

Dallas-Fort Worth Nitrogen Oxides Reasonable Available Control Technology SIP
Region 6 proposed approval of revisions to the Texas SIP addressing Nitrogen Oxides (NOx) RACT for all other affected sources in the 10-county DFW ozone nonattainment area and conditional approval of revisions to the Texas State Implementation Plan (SIP) addressing NOx Reasonable Available Control Technology (RACT) for Martin Marietta cement plant in Ellis County.

John Purviance -- Eastern District of Texas – Criminal Case Sentencing
On June 20, 2017, John Purviance appeared before U.S. Magistrate Judge Craven for sentencing in the Eastern District of Texas, Texarkana Division. Pursuant to a Rule 11(c)(1)(C) plea agreement, Purviance was ordered to pay a criminal fine of $2,375, pay restitution in the amount of $1,625 to the North American Wetlands Conservation Fund and $2,573 to Roy Folse (owner of Folse Ranch), serve 40 hours of community service with the U.S. Army Corps of Engineers, and serve a two-year term of probation, which includes a special condition of probation for Purviance to pay $4,000 to the Texas Department of Agriculture.

Pending Actions (Pending Federal Register Publication)

- Final Authorization of Louisiana Waste Management Program Revisions; Proposed Rule and Direct Final Rule
- Final Authorization of Oklahoma Hazardous Waste Management Program Revisions; Proposed Rule and Direct Final Rule
- Approval of BART for Entergy Nelson for Louisiana Regional Haze

Region 7

Hot Issues

Kansas Coal Combustion Residuals (CCR)

Key Message: On June 23, 2017, R7 received a request from the Kansas Department of Health and Environment to review a CCR permit program application.

- This application may help Kansas become one of the first states to receive approval for the CCR permitting program.
- This opportunity for regulatory flexibility is highly sought by industry.
- Coordination with the Office of Resource Conservation & Recovery is planned to begin on July 7, 2017.

Sunflower Electric Power Cooperative Meeting

Key Message: On June 27, 2017, R7 staff met with leaders from Sunflower Electric Power Cooperative to build relationships and partnerships on environmental matters.

- Sunflower owns electric generating plants in western Kansas, including coal-fired and gas-fired power plants.
- During the meeting, Sunflower educated R7 staff on recent changes to the Southwest Power Pool market and its effects on operation of their power plants.
- Information was exchanged on environmental requirements and aspects of Sunflower's power plants operations.
- Sunflower also updated R7 on status of a permitted, but not constructed coal-fired power plant near Holcomb, Kansas.
- Sunflower representatives appreciated the meeting and opportunity to meet their EPA contacts on air, water, hazardous waste, and tanks regulations.

Five Year Review for Arkansas City Dump Site

Key Message: R7 has completed a Five-Year Review (FYR) for the Arkansas City Dump Site in Arkansas City, Kansas.

- Remedial action began at the Arkansas City Dump Site in 1992 and the site was removed from the NPL in 1996; Operation and maintenance activities at the site are ongoing.
- This most recent FYR concluded that response actions at the site are in accordance with the remedy selected by EPA, all exposure pathways that could result in unacceptable risks are being controlled, and the remedy continues to be protective of human health and the environment.

Upcoming Events

EPA and Army Corps of Engineers FUSRAP Site Meeting

Key Message: On July 27, 2017, R7 will meet with Army Corps of Engineers representatives to discuss the St. Louis Downtown Site and the St. Louis Airport Site.

- The purpose of the meeting is to discuss the ongoing Explanation of Significant Differences and overall schedule for the sites.

Current Week's Highlights

Vienna Wells Superfund Site Proposed Plan and Public Meeting
Key Message: On June 29, 2017, R7 will hold a formal public meeting for the Vienna Wells NPL Superfund Site in Vienna, Missouri.

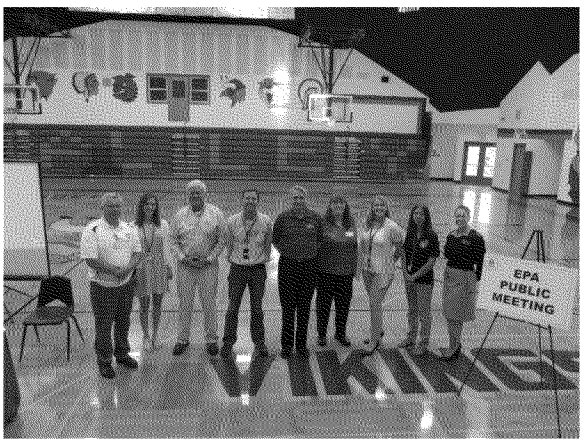
- EPA will present the Proposed Plan and Preferred Alternative for remedial action at the site.
- Representatives from MDNR, MDHSS, and ATSDR will also attend.
- The meeting is part of the public comment period for the Proposed Plan, which started on June 22 and ends on July 22, 2017.

Oak Grove Village Well Superfund Site Meeting with Missouri Department of Natural Resources
Key Message: On June 29, 2017, R7 staff will meet with MDNR, USGS, and the site contractor to coordinate ongoing cleanup activities at the Oak Grove Village Well Superfund site and the TRW-Ramsey RCRA site.

- The goal of the meeting is to reach agreement on the contaminant distribution across the two sites and determine a path forward for the Oak Grove Village Well site.
- The meeting will be held at the Missouri Department of Conservation offices in Sedalia, Missouri.

Washington County Lead District- Furnace Creek Public Meetings
Key Message: On June 26 and 27, 2017, R7 held two public meetings in Washington County, Missouri to solicit feedback on the Proposed Plan for the Washington County Lead District-Furnace Creek NPL site.

- The public comment period for the proposed plan for the Interim Record of Decision for Operable Unit 01 (residential soil) began on June 22, 2017.
- The public meetings were attended by community members, the director of the Washington County Health Department, and representatives from MDNR, MDHSS, ATSDR, and EPA.
- Public comments centered on EPA's approach to the cleanup, the sampling approach, tree and landscaping damage and compensation, institutional controls, contractor wages, and local workforce hiring.



Clean Waterways Conference

Key Message: On June 27 and 28, 2017 R7 On-Scene Coordinators (OSCs) participated in the Clean Waterways Conference in Louisville, Kentucky.

- The conference involved private industry, state organizations, multiple EPA Regions, and the U.S. Coast Guard.
- The purpose of the conference was to improve oil and hazardous substance prevention and response in the inland waterways environment.
- R7 OSC Heath Smith led a presentation on area and sub-area planning as part of the conference.

Iowa City Former Manufactured Gas Plant (FMGP) Superfund Site Meeting

Key Message: On June 28, 2017, R7 participated in a conference call with IDNR, MidAmerican Energy (site cleanup party), Shawver Well Co, and Terracon to discuss geothermal wells proposed for construction at the Chauncey development near the Iowa City FMGP Superfund Site.

- The developer is seeking a water withdrawal permit from IDNR for groundwater extraction wells to support a geothermal heating and cooling system.
- Substantial groundwater contamination remains at the FMGP site and groundwater extraction could potentially have an effect on the contamination.
- Based on the conference call this week, R7 supports IDNR's proposal that aquifer testing be conducted prior to issuing the permit and that ongoing sampling be required as part of the permit to ensure there are not adverse impacts to the site.
- R7 will continue to work with IDNR to resolve any concerns prior to the state issuing a water withdrawal permit to the developer.

Region 8

Hot Issues:

Utah Regional Haze Federal Implementation Plan (FIP) Litigation Update

Key Message: The state of Utah and co-owners of the Hunter and Huntington plants are planning to send letters to the Administrator and the Acting Regional Administrator on June 30 requesting that EPA reconsider its June 2016 final rule to issue a FIP.

- The letters will request that EPA use our inherent authority and also our correction authority under the CAA to reconsider the June 2016 final rule to issue a FIP.
- The letters will cite new information, as well as reiterate several points from the existing reconsideration petitions and briefs, including: early emission reductions; new ammonia monitoring data; seasonal impacts and visitation; and costs.
- PacifiCorp indicated that the letter from the co-owners would express their intent to perform additional (i.e., CAMx) modeling, or at least their intent to explore doing such modeling.

***Upcoming Public Events* - None**

***Upcoming Major Decisions:* – None**

Last Week Highlights:

Region 8 and the Colorado Department of Public Health and Environment (CDPHE) Release Two Proposed Plans for Environmental Remediation at the Eagle Mine Superfund Site in CO.

Key Message: On June 28, 2017, EPA and CDPHE released Proposed Plans for a Record of Decision (ROD) Amendment at Operable Unit 1 (OU1) and a ROD at Operable Unit 3 (OU3) at the Eagle Mine Superfund Site in Colorado.

- The Proposed Plan for the OU1 ROD Amendment introduces an additional remedial feature to capture groundwater which has been identified as a significant source of contamination to surface water.
- The Proposed Plan for the OU3 ROD addresses potential land use changes by selecting additional remedial activities to protect human health in the event that the Site is developed for residential use.

DOJ, on behalf of EPA, and the State of Colorado Lodge a Consent Decree in the Rocky Mountain Bottle Company, LLC, Case to resolve Clean Air Act Violations

Key Message: On June 26, 2017, in a Consent Decree lodged in Federal District Court, Rocky Mountain Bottle Company (RMBC) has agreed to install emissions controls at its Wheat Ridge, Colorado glass bottle manufacturing facility to address Clean Air Act PSD violations that resulted in increased NOx and SO_2 emissions.

- EPA and the State of Colorado alleged RMBC completed a glass-melting furnace expansion without a pre-construction permit or required emission control equipment.
- RMBC has agreed to convert two existing furnaces into one furnace that will use oxyfuel to control NOx and will also install a new scrubber to control SO_2.

- It is expected the emissions controls will eliminate approximately 200 tons of NOx and 150 tons of SO_2 each year.
- RMBC also agreed to pay a $475,000 civil penalty to resolve the PSD violations, half of which will be paid to the State of Colorado.

DOJ, on behalf of EPA, and the State of Colorado File Complaint Against PDC Energy, Inc. for Alleged Clean Air Act Violations

Key Message: On June 26, 2017, DOJ, EPA, and the State of Colorado filed a civil complaint in federal district court in Denver, Colorado, against PDC Energy, Inc.

- The complaint alleges violations of the Clean Air Act and the Colorado Air Pollution Prevention and Control Act for unlawful emissions of volatile organic compounds (VOC) from storage tanks related to PDC's oil and natural gas production system in the Denver-Julesburg Basin (D-J Basin) in Colorado.
- PDC owns or operates approximately 600 tank batteries in the D-J Basin that PDC has certified as being controlled to comply with VOC reduction requirements.
- The complaint alleges PDC has violated numerous requirements intended to address VOC emissions from storage tanks by failing to adequately design, operate and maintain vapor control systems.

Region 8 hosts annual meeting with State Environmental Directors and Oil and Gas Commissioners.

Key Message: On June 28-29, Region 8 held a productive annual meeting with 5 of our 6 states.

- Discussion topics included cooperative federalism, opportunities for process improvement, and environmental and economic challenges facing each state.
- The first day was devoted to discussing issues related to oil and gas development in Region 8 states.
- Ken Wagner participated in this meeting.

Region 9

Hot Issues: None

External Engagement/Public Meetings:

1. **EPA/USDA/China science exchange**: We will join an EPA ORD/ USDA scientific exchange mission to China July 5-19 to develop pilot projects on water recycling for non-potable domestic and agricultural uses. This is part of and funded by the USDA Scientific Cooperation Exchange Program with the Chinese Ministry of Agriculture, and follows an initial trip last year.

2. **Vapor Intrusion at CA NPL Sites**: we hosted a walking tour for the staff of U. S. Sen. Kamala Harris and Congressman Rho Khanna of vapor-intrusion investigations and remedies at the Triple Site in Sunnyvale, typical of Silicon Valley NPL sites.

3. **Anaconda, NV**: we convened local stakeholder meetings in Yerington, NV with our NV DEP partners, BLM, two tribes (Yerington Paiute, Walker River), Atlantic Richfield/BP, and local governments as we progress in drafting agreements aimed at NPL deferral of this site. NDEP's goal is to secure final, signed agreements by September.

4. **Brownfields:**
   a. NV: we dedicated a $5 mil. new senior center in historic Fallon, NV, supported by $55K in EPA Brownfields Assessment funds. The center will provide a panoply of senior services, including onsite meals for 100, preparation of meals delivered to 190 more at home, as well as recreational and medical services.
   b. CA: we conducted radio interviews to highlight the recent Brownfields revolving loan fund award to rural Humboldt County

***Highlights of This Past Week*:**

LOS ANGELES REFINERIES: we experienced two refinery incidents Thursday, at Tesoro Wilmington and Torrance Refinery/PBF, while inspecting the Valero Wilmington Refinery.
Torrance Refining Company: The Torrance Refinery is in a restart mode after being shut for maintenance (aka turnaround). During the restart, they lost a compressor in their vapor recovery system, causing them to send excess flare gas to their flare system. Torrance Fire responded, used monitors to determine any immediate life threatening issues, and found none.
Tesoro Wilmington: Tesoro Wilmington had a small release of diethanolamine from an underground pipeline and a small H2S release (100 lbs). This triggered evacuation of workers from the area of the release, as per their emergency protocols. Diethanolamine is an eye and skin irritant, with a low volatility and a heavy weight, so it would not travel far. This release was reported to the NRC. Tesoro has been much in the news in proposing to merge their Carson and Wilmington facilities, both in Los Angeles.
Valero Wilmington: we were onsite at this refinery with our South Coast Air Quality Management District (AQMD) colleagues as part of the AQMD Blue Sky inspection team. All were evacuated from

the refinery as a precaution, given the Tesoro Wilmington refinery release nearby, and planned to resume the inspection when access was restored.

Imports: we continue our successful partnership with U S Customs and Border Protection at the Ports of Los Angeles and Long Beach. We worked together to identify pesticide imports from China lacking English labelling, registration and establishment numbers, and we recommended seizure/export of 60 CAA-noncompliant marine engines lacking certification. This is typical of the type of illegal importation we find at the bonded warehouses, which when tallied over the course of a year, represent a notable amount, and help maintain a level playing field for companies importing/operating in compliance with FIFRA and CAA.

Sacramento CAA Rules*:* I signed proposals to approve rules controlling volatile organic compounds from landfills and organic chemical manufacturing operations in Sacramento, CA. Once the approvals are final, Sacramento will have a fully approved Reasonably Available Control Technology (RACT) SIP for the 1997 ozone NAAQS. Sacramento recently submitted its RACT SIP for the 2008 ozone NAAQS, which we'll review and act on within the next year.

Fireworks: we convened an emergency preparedness meeting with the CA State Fire Marshall, Cal EPA, hazardous waste and law enforcement agencies to prepare for the confiscation and disposal of illegal fireworks. In prior years, these agencies have relied upon us to bear much of the labor and expense of this recurring disposal problem. We are aiming to move away from the routine seizures and focus upon the situations where conditions pose an immediate threat.

Region 10

Hot Issues:

Cook Inlet Oil and Gas Lease Sale (AK): On June 21st, the Bureau of Ocean Energy Management held its first lease sale in Alaska's federal waters since 2008. Hilcorp Alaska secured bids for several lease blocks totaling nearly $3 million in Cook Inlet. Hilcorp is now the largest producer in the Inlet. The State of Alaska held its annual area wide lease sale on the same day, with Hilcorp as the sole bidder for six tracts totaling nearly $1 million. EPA Region 10 issued a National Pollutant Discharge Elimination System General Permit in 2015 authorizing discharges from oil and gas exploration activities into federal waters of Cook Inlet. The General Permit is effective until 2021. EPA Region 10 also continues to be the air permitting authority for the Cook Inlet federal waters in the Outer Continental Shelf. Given the age of the current Cook Inlet oil and gas infrastructure (over 50 years) it is our expectation that Hilcorp will seek air permits for its operations in the near future.

Bristol Bay Natural Resources Defense Council FOIA (AK): On June 26th, Region 10 received an updated FOIA request from NRDC for Agency records relating to the settling, rescinding and/or withdrawing of the Proposed Determination to restrict activities in the Pebble Deposit Area to protect Bristol Bay. This FOIA request includes the same scope as the original request, i.e. internal and external communication involving the post-inauguration Presidential transition team and EPA, but extended the date range for responsive records from March 27 to June 26. In addition, since May 26th, EPA has received over 70,000 email messages urging the agency not to withdraw the Proposed Determination. The emails are addressed to the EPA Administrator and the Region 10 acting Regional Administrator.

Upcoming Public Events:

Updating the Salish Sea Statement of Cooperation Action Plan (WA): EPA Region 10, in coordination with Environment and Climate Change Canada, is offering tribal consultation with Puget Sound tribes on a draft updated Salish Sea Action Plan before the plan is finalized later this summer. EPA will also host a webinar for tribal staff in July to review the Action Plan updates. The updated plan includes actions for supporting information exchange and strengthening coordination – examples include co-planning the bi-annual Salish Sea Ecosystem Conference and improved information sharing. The Puget Sound basin is the southern portion of a larger "Salish Sea" basin that extends well into British Columbia. To foster ongoing cross-border communication, EPA and ECCC established the Statement of Cooperation for the Salish Sea in 2000. Every two to three years EPA and ECC update the SOC Action Plan.

Federal Green Challenge Regional Awards: In concert with the national announcement, on July 6th Region 10's Federal Green Challenge program will recognize two federal agencies with six different facilities for their efforts to improve efficiency, save resources and reduce costs. The awards go to: two Bonneville Power Administration facilities; and four National Park Service facilities including the Klondike Gold Rush National Historic Park and the Whitman Mission National Historic Site. Nationally in 2016, FGC participants saved over $17 million for U.S. taxpayers. This is the 9th year of participation for Region 10.

Upcoming Major Decisions:

Underground Injection Control Class I Permits (AK): -- Region 10 plans to reissue Class I UIC non-hazardous injection well permits for three facilities on the North Slope of Alaska. These facilities inject fluids that are either non-hazardous or exempt from RCRA hazardous waste classification. Wastes injected into these wells include, but are not limited to: treated domestic wastewater, drilling muds and cuttings, well workover fluids, melt and storm water and production oil reservoir brine. None of the aquifers that these wells inject into or below qualify as underground sources of drinking water. The public comment period for these permits will run from June 30 to July 31, 2017. EPA plans to reissue the permits before their expiration dates in late August. The term for each permit is 10 years. Region 10 shared the draft permits with partner state agencies and will notify appropriate stakeholders of the public notice.

Alaska Stand Alone Pipeline Draft Supplemental EIS and CWA 404 Public Notice: The ASAP, a project proposed by the Alaska Gasline Development Corporation to provide natural gas for in-state use, comprises a gas conditioning facility near Prudhoe Bay to produce utility-grade natural gas to be delivered in a 36-inch 730-mile pipeline to existing pipeline infrastructure in southcentral Alaska; and a 12-inch 30-mile-long lateral supply line to Fairbanks. Approximately 9,000 acres of wetlands will be impacted by the project. The Corps of Engineers, the lead federal agency, will issue the CWA 404 permit Public Notice for a concurrent review with the Draft SEIS. The comment period for both documents is anticipated to be June 30th through August 14th. AGDC is also the developer of the proposed Alaska Liquefied Natural Gas project.

Last Week Highlights:

Washington Performance Partnership Agreement Signed: June 27th EPA Region 10 and the Washington Department of Ecology signed the PPA which serves as the workplan for the Performance Partnership Grant. This represents about $20 million over two years in federal grant dollars for air quality, water quality and hazardous waste management. Ecology and EPA share responsibility to meet environmental and related public health priorities of Washington state.

EPA and the U.S. Army Corps of Engineers, Alaska District Field Level Agreement: Last week Region 10 and the Alaska District Corps held a kick off meeting for our 2017 Field Level Agreement, which was revised in May. This was a forum to coordinate resources, discuss issues and cases regarding Clean Water Act Section 404 enforcement in Alaska. Discussed were opportunities for joint site inspections, a docket review, and an overview of on-going cases and potential enforcement case referrals. The Alaska Department of Environmental Conservation also participated in the meeting.

Office of Administration and Resources Management

Hot Issues:

FAIR Act Inventory
OARM has conducted its annual FAIR Act Inventory as prescribed by the Federal Activities Inventory Reform Act of 1998 under Public Law 105-270 for submission to the Office of Management and Budget by June 30th. The act provides a process for identifying the functions performed by federal government employees that are inherently governmental functions, and for other functions, i.e., commercial in nature. In September 2011, OMB released Policy Letter 11-01 *Performance of Inherently Governmental and Critical Functions* which defined inherently governmental work and clarified how to make the determination.

Headquarters and regional offices updated their inventories using the EPA web-based data collection tool. Offices modified the data based on the 2016 final inventory data following the instructions and guidance provided on EPA's Fair Act Inventory Data Collection website.

The recent assessment indicates 34.6% of the agency's positions were coded as *inherently governmental*; 44.8% as *critical*; 13.8% as closely associated with *inherently governmental*, and 6.7% as *other*. The data is transmitted to OMB through the Max portal.

VERA/VSIP Update
On June 28, 2017, agency representatives met with the Office of Management and Budget regarding the EPA's VERA/VSIP (early-out buy-out) business case. The meeting went well; OMB did not have any major issues with the business case. OARM, with assistance from OCFO, will be reaching out to program and regional offices to get more detailed office-level cost estimates to ensure consistency among the offices. The agency is still on track to offer VERA/VSIPs to a limited number of employees in early to mid-July. EPA management will be communicating with the affected employees as soon as the business case is approved.

Upcoming Public Events: None

Upcoming Major Decisions: None

Last Week's Highlights:

On February 25, 2013, EPA entered into a 5-year Administrative Agreement with Transocean Deepwater, Inc. et al. (Transocean) to resolve all suspension and debarment matters related to Transocean's role in the Deepwater Horizon incident in the Gulf of Mexico on April 20, 2010. The Administrative Agreement imposed terms and conditions on Transocean to ensure its present responsibility and continued eligibility to participate in federal procurement and non-procurement programs. Based on information submitted by Transocean and a recommendation by the Suspension and Debarment Division, the EPA SDO determined that the AA is no longer necessary to ensure the present responsibility of Transocean. The Administrative Agreement was terminated on June 21, 2017, eight months before it was scheduled to expire.

Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines:

- **Proposed Rules under review at OMB:**
  - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG)
  - Renewable Fuel Standard (RFS) 2018 Volumes
  - Review of the Clean Power Plan
  - Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen

Upcoming Meetings, Public Events, or Other Public Releases:

- **Montreal Protocol Meetings:** On July 3-14, OAR staff will participate as members of the US delegation, led by the Department of State, in meetings of the Montreal Protocol in Bangkok, Thailand. EPA staff will serve as technical experts on a variety of topics. On July 3-7, staff will attend the Meeting of the Executive Committee to the Multilateral Fund to consider phaseout management plans for ozone depleting hydrochlorofluorocarbons (HCFCs). On July 10, staff will participate in a one-day workshop on international safety standards. On July 11-14, staff will participate in the Open-ended Working Group (OEWG) meeting to consider a variety of topics including the safe use of alternative refrigerants, the next steps in the phaseout of ozone-depleting HCFCs, the next replenishment, and approval of technologies for the destruction of substances controlled by the Montreal Protocol.
- **Oil and Gas Public Hearing:** On July 10, 2017, OAR will hold a public hearing on the Agency's proposed 3-month and 2-year stays for the Oil and Gas New Source Performance Standards and Emission Guidelines. The shorter proposed stays would fill any potential gap between the Administrative stay currently in place and the 2-year stay. The hearing will be held from 9:00 am – 4:00 pm in the EPA East Building. Over 100 speakers have already registered to speak.

Upcoming Decisions:

- **For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review.
- **For Administrator's Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.
- **For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.
- **Delegated to Office Director Level – Significant New Alternatives Policy (SNAP) Notice 33:** As soon as this week, the Director of the Office of Atmospheric Programs will sign a Federal Register notice on SNAP Notice 33, which will expand the list of acceptable substitutes to ozone-depleting

substances (ODS) and provide industry with more options in the refrigeration & air conditioning and cleaning solvents sectors. CAA Section 612 directs EPA to evaluate substitutes for ODS and list them as acceptable or unacceptable. Several of the listings in this notice respond to stakeholders' requests to transition their facilities to use these safer substitutes. After signature, the notice will go to OP for submittal to the Federal Register.

- **Delegated to Division Director Level – Notice of Intent to Establish Voluntary Criteria for Radon Credentialing Organizations:** The Director of the Indoor Environments Division plans to sign a Federal Register Notice next week to seek public feedback on a proposed approach for developing voluntary criteria for organizations that credential radon service providers. These criteria will help promote continued quality of radon services in the marketplace. States and private industry stakeholders support EPA establishing such guidelines for credentialing organizations to reflect current industry standards and best practices, and this year's appropriations contained language urging EPA to use FY17 funds to begin establishing criteria for credentialing. After signature, the notice will go to OP for submittal to the Federal Register.

Last Week Highlights:

- **Los Alamos National Laboratory (LANL) Baseline Inspection:** On June 28, 2017, the Director of the Office of Radiation and Indoor Air signed a Federal Register (FR) notice announcing EPA's proposed baseline approval at LANL for waste destined for disposal at the Waste Isolation Pilot Plant (WIPP). The FR notice will be sent to OP for submittal to the Federal Register.
- **Expected to be signed this week:** We have a June 30th court ordered deadline for responding to two Title V petitions (Duke Energy Asheville and Duke Energy Roxboro).

Office of Chemical Safety and Pollution Prevention

[redacted]

Formaldehyde Labeling Direct Final Rule

OCSPP plans to soon issue a direct final rule to amend the formaldehyde rule to allow early labeling of compliant composite wood products. This will reduce the unnecessary burden for panel producers, fabricators, distributors and retailers who want to roll out compliant inventory prior to the rule's compliance date. Another direct final rule will update several voluntary consensus standards referenced in the final rule.

Formaldehyde Compliance Date Rules
Due to adverse comment received on its May 2017 direct final rule extending compliance dates, OCSPP will soon be withdrawing that rule and is proceeding to finalize the companion proposed rule to amend the compliance dates, taking into consideration comments received. The original compliance dates published in the December 12, 2016 final rule will remain in effect until another final agency action is taken.

Last Week Highlights:

On June 27, a number of senior leaders in OCSPP and OPPT participated in an all-day event hosted by the Environmental Law Institute and George Washington University Milken Institute School of Public Health. The program - "TSCA Reform - One Year Later" - was intended to explore current issues surrounding the implementation of the amendments to TSCA, and provided the first opportunity for public dialogue on the numerous final rules and other implementation-related documents released by EPA on June 22, 2017. The event was widely attended by various leaders of the legal and environmental communities.

Office of the Chief Financial Officer

Hot Issues: None

Upcoming Public Events:

- The E-Enterprise Combined Air Emissions Reporting Team will host a webinar for state, local and tribal air agencies, EPA, industry, and other interested parties on the joint state-EPA team's project to develop a future process for reporting to four air databases including the National Emissions Inventory via delegated state programs, and direct reports to federal databases including the Toxics Release Inventory (TRI), Greenhouse Gas Reporting Program (GHG), and compliance reporting requirements for Part 60 and Part 63 regulations. The project is collecting comments from individuals about their "user stories" that will inform CAER prototyping.

Upcoming Major Decisions: None

Last Week Highlights:

- OCFO prepared materials for the June 27 Senate Appropriations Committees, including Budget Fact Sheets and polling questions.
- OCFO concurred with comments on the Final e-Manifest User Fee Rule on June 27, 2017 as part of the Final Agency Review process. This rule will allow the agency to collect and offset development and operating costs of this new system that will save industries $34 million annually.
- The E-Enterprise Enforcement and Compliance History Online Case Study Team met at EPA Headquarters on June 28-29, 2017 to further discuss state concerns about improving the usability of EPA's public release of facility enforcement and compliance data, identify resolutions to several high-priority ECHO issues and to plan and prioritize the team's remaining work.

Other:

- FY 2019 Budget updates. OMB estimates that EPA should be prepared to:
  - Deliver FY 2019 budget targets and guidance in early July and recommending that agencies plan FY 2019 budgets based on FY 2018 PB levels.
- OCFO is working with the agency to quickly prepare, review, and clear the House Appropriations Committee Questions for the Record from June 15 hearing. The HAC needs the agency's responses to more than 250 questions in order to move forward with their FY 2018 Omnibus mark-up.
- In conjunction with OPA, OCFO drafted communication to transmit the draft *FY 2018-2022 EPA Strategic Plan* framework to all EPA employees. A second communication will distribute technical guidance for developing narratives—strategies, strategic measures, Agency Priority Goals—for the full-text draft Strategic Plan due to OMB in September and for conducting risk assessments on objectives in straw *FY 2018-2022 Strategic Plan Framework*.
- All draft FY 2018-2019 National Program Manager Guidances will be posted by Friday, June 30 on EPA's website beginning one-month public comment period. OCFO also scheduled joint ECOS/EPA meetings for OAR (July 11), OLEM and OECA (July 13), and OW (July 20) to engage NPM/state dialogue on the draft Guidances. The Tribal consultation call is scheduled for July 11.

ED_001619B_00000071-00032

Office of Congressional and Intergovernmental Relations

Hot Issues and Important Deadlines:

(b) (5)

- [redacted]

Upcoming Events:

- **July 6 –** Call scheduled with Sen. Corker's office to discuss the Iris Glen Natural Gas facility with program staff in OTAQ
- **July 6** - Technical Assistance call with Senate Environment and Public Works Committee majority staff on S. 203 "Recognizing the Protection of Motorsports Act of 2017
- **July 10- July 12** – Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs will visit Florida DEQ, Region 7 All State meeting and attend EPA-ERIS Board Meeting on July 12th
- **July 12**- The Senate Environment and Public Works Committee (SEPW) will hold a markup on the Diesel Emissions Reduction Act (DERA) Reauthorization

Past week accomplishments:

- **June 22 – June 29** Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs visited John Stine, President of ECOS and visited Region 8 *All States* meeting.
- **June 23 – June 26 –** US Conference of Mayors will convened its 85th Annual Meeting in Miami Beach, FL, June 23 – 26. Mayor Mick Cornett (Oklahoma City, OK), President, presided. Tate Bennett engaged with groups of key mayors on Friday, June 23 for dialogue on WOTUS and Superfund.
- **June 26 –** Scheduled a call for Sen. Harris' office to provide an update on the EPA's work with the Arctic Council on black carbon.
- **June 26 –** Call w/ HEC majority staff on Questions For the Record(QFR) and discussion draft legislation
- **June 27 –** Notification of EPA and Army recodifying the WOTUS regulation in place prior to the Clean Water Rule (status quo re: legal stay of CWR), & intention to replace rule.
- **June 27 -** Senate Committee on Environment and Public Works Subcommittee on Clean Air and Nuclear Safety held a subcommittee hearing entitled, "Developing and Deploying Advanced Clean Energy Technologies."
- **June 27 –** Senate Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies a held a hearing on President's FY 2018 Budget. Administrator Pruitt will testify.

- **June 28** – Joint Subcommittee on Energy and Subcommittee on Research and Technology Hearing-Material Science: Building the Future
- **June 29** – Briefing with VA Oyster on oyster BMP panel with Aaron Ringel

Ongoing activities:

- Managing the confirmation process for the nominee for the Assistant Administrator, Office of Enforcement and Compliance Assurance, Susan Bodine. Organized and attended several member meetings. Working closely with the program office to answer QFR's.
- Working with ECOS on planning the upcoming ECOS Leadership meeting scheduled for July 18th.
- Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 21 letters during the previous two weeks
- The House Energy & Commerce Committee voted 29-24 to approve HR 806, the Ozone Standards Implementation Act that pushes back EPA attainment designations for the latest ozone air quality benchmark until 2025. Several minority amendments were voted down; an amendment from Rep. Shimkus limiting the scope of EPA's sanction authority in the Clean Air Act passed.

Office of Enforcement and Compliance Assurance

(b) (6), (b) (5)

[redacted]

ral

ts

AA)
ery
ject

vent
rly

Clean Air Act Civil Enforcement Complaint: On June 26th, the U.S. Department of Justice (DOJ), the EPA, and the State of Colorado filed a complaint against PDC Energy, Inc. (PDC) in the U.S. District Court for the District of Colorado. The U.S. and the State of Colorado alleged in the complaint that PDC were in violation of the Clean Air Act, Colorado's federally approved State Implementation Plan, and Colorado Air Quality Control Commission Regulation 7, for unlawful emissions of volatile organic compounds (VOCs) from storage tanks in the Denver-Julesburg Basin, an ozone nonattainment area. The complaint alleges that PDC's failure to comply with these requirements has resulted in significant excess VOC emissions, a precursor to ground-level ozone. The complaint seeks injunctive relief and the assessment of civil penalties.

Clean Air Act Civil Enforcement Settlement Agreement: On June 26th, DOJ, EPA, and the State of Colorado lodged a settlement agreement (consent decree) with Rocky Mountain Bottle Company, LLC (RMBC), in the U.S. District Court for the District of Colorado. The U.S. and the State of Colorado alleged that RMBC conducted a glass melting furnace expansion project that resulted in significant emissions increases of NOx and SO2, without first obtaining pre-construction permits or installing the required pollution control equipment. RMBC has agreed to install emissions controls that will result in the reduction of 200 tons of NOx and 150 tons of SO2 per year. RMBC is also required to continue to operate its existing continuous emission rate monitoring systems that will allow it to monitor NOx and SO2 emissions. This is a significant settlement in that it will lead to improved air quality for the community surrounding RMBC's facility in Wheat Ridge, Colorado, a western suburb of Denver, Colorado. RMBC will pay a civil penalty, split between the United States and the State of Colorado, an active partner in this settlement.

Resource Conservation and Recovery Act (RCRA) and Clean Water Act (CWA) Criminal Plea: Last week, a manager of the Petroleum Corporation of Delaware, which owns an oil/hydrocarbon-containing waste water

processing facility in Delaware, pled guilty in the District of Delaware for his role in the facility's violations of RCRA and the CWA. For approximately 20 years, the facility operated without conducting the appropriate monthly samples to ensure that it was discharging waste water to local sewers at permitted levels, and transported ignitable hazardous waste that contained concentrations of benzene, barium, chromium, cadmium, lead, tetrachloroethene, and trichloroethene without a hazardous waste manifest. The company was previously sentenced to pay a fine and restitution to the City of Wilmington; the manager is scheduled to be sentenced in October. EPA's criminal team coordinated directly with the City of Wilmington Department of Public Works and the Delaware Department of Natural Resource and Environmental Control's Solid & Hazardous Waste Management Section and Environmental Crimes Section.

ED_001619B_00000071-00036

Office of Environmental Information

Hot Issues: None

Upcoming Public Events: None

Last Week's Highlights:

The Pennsylvania Department of Environmental Protection (DEP) implemented the Emissions Inventory System (EIS) data exchange significantly ahead of schedule and faster than any other EPA data exchange they have developed. They accomplished this using EPA's Virtual Exchange Services (VES).

- **Brief description:** States and tribes exchange more than 100 types of information with EPA via the Exchange Network (EN), and requirements to exchange data continue to evolve. OEI developed the Virtual Exchange Services (VES) to enable states/tribes to implement new data exchanges without installing local hardware and software. Using the VES, the Pennsylvania DEP was able to develop the EIS data exchange for air emissions data more quickly than previously possible. They commended EPA's support team for their "fantastic job" and "incredibly fast responses".
- **Who benefits or cares:** States, Tribes, EPA's Office of Air and Radiation (OAR)/ Office of Air Quality Planning and Standards (OAQPS), other program offices with data exchanges.
- **Why this is important:** Partners are able to exchange new types of data more quickly and with less effort and expense.

Office of General Counsel

Hot Issues:

- (b) (5) [redacted] ce
- [redacted] ne

New [redacted]

- [redacted] n
- [redacted] s [redacted] ls
- (b) (5) [redacted] to [redacted] e
- [redacted]

(b) (5)

- [redacted]

New [redacted]

- [redacted]
  - [redacted] Waste Landfills" at 82 Fed. Reg. 24,878.

- Four new FOIA cases:
  - Case arising from two FOIA requests seeking documents that shed light on "the extent to which individuals associated with industry interests, such as fossil fuel firms, have access to the Trump administration and EPA and are influencing federal environmental protection regulations." Among other things, the information sought includes calendar entries, telephone logs, and correspondence between certain EPA senior officials and Carl Icahn. The Agency failed to respond to the FOIA requests at issue.
  - Case arising from a March 14, 2017 FOIA request for any policy or guidance on whether to remove information from an EPA website, and for any instruction to EPA staff in the Office of Public Affairs to remove information from EPA's website (dated from January 20, 2017 to the present). The EPA sent a letter requesting clarification on June 14, 2017. On June 23, NRDC responded to the letter refusing to clarify the request, and then filed suit.
  - Case concerning a FOIA request submitted by Southeastern Legal Foundation, Inc. (SLF) seeking communications between Lisa Garcia, former Senior Advisor to the Administrator and Associate Assistant Administrator and any employee or agent of Earth Justice from December 2009 through March 2014. This case challenges the failure of EPA to respond to the request within the statutory time frame.
  - Case concerning a FOIA request seeking records regarding the revised water quality criteria for cadmium. Plaintiff challenges the Office of Water's application of Exemptions 5 and 6 to withhold 87 records in full and 246 in part. OGC processed the administrative appeal and remanded the request for further processing back to the Office of Water, who released some

additional records after the remand.

- CAA title V mandatory duty lawsuit was brought in the District Court for the District of Columbia asserting that the Administrator has failed to respond to a petition to object to the issuance of an operating permit to Raven Power Fort Smallwood, LLC, for a complex of power plants in Ann Arundel County, Maryland.
- On June 29, 2017, Riverkeeper, Inc., and a coalition of other NYC-area environmental groups filed a Complaint against the EPA. Plaintiffs allege that EPA has failed to carry out a nondiscretionary duty to (1) approve or disapprove New York's revised primary recreation water quality criteria for the waters surrounding NYC or, in the alternative, (2) that prior EPA correspondence with the state constituted a disapproval and therefore already obligates EPA to promulgate new water quality criteria. Plaintiffs ultimately want EPA to promulgate EPA's 2012 Recommended Recreational Water Quality Criteria.

Other Highlights from Last Week:

None to report

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

None to report

Upcoming Major Deadlines in the Next Two Weeks:

06/30 (b) (5) [redacted]

06/30

06/30

06/30

07/01

07/01

(b) (5)

07/03

07/04

07/07

07/10

07/10

07/10

07/11

07/11

07/13

07/13

(b) (5)

07/13

07/13

07/14

07/14

(b) (5)

07/14 E[redacted]

07/14 E[redacted]

07/15 E[redacted]

Office of International and Tribal Affairs

Hot Issues: None

Upcoming Engagements: Acting Assistant Administrator will be meeting with Japanese Ministry of Environment to advance bilateral cooperation on air quality, mercury, and environmental education; and with the Taiwan Environmental Protection Agency to advance regional cooperation under the International Environmental Partnership.

Past Week Highlights:

2017 CEC Council Session: The annual Commission for Environmental Cooperation (CEC) Council Session took place on June 27-28 in Charlottetown, Prince Edward Island, Canada.

- The theme of this year's Council Session, which was chaired by Canada, focused on harnessing local innovation to advance green growth in North America.
- The Canadian Minister for Environment and Climate Change announced the winners - one from each country - of a competition for students and young entrepreneurs on innovative ideas for sustainability and advancing green growth.
- The U.S. winning project, Restaurant Waste to Superfood, highlighted the growing problem of food waste and loss in North America.
- The CEC Operational Plan for 2017-2018, the North American Program for Environmental Community Action, and updated terms of operation for the Traditional Ecological Knowledge Expert Group were also approved.
- The U.S. assumed the Chair of the Council at the end of the meeting and announced that Oklahoma City will be the location of the 2018 Council Session.

Lead Paint Alliance: This week EPA (OITA, OGC, OCSPP), CDC and the State Department held the second training in a planned series of trainings on lead paint for environmental, science, technology and health (ESTH) officers in US Embassies in South America.

- EPA is the Chair of the Global Alliance to Eliminate Lead Paint, a voluntary partnership of governments, industry, and NGO's to eliminate lead paint around the world.
- The U.S. has a lead paint standard of 90 ppm - in stark contrast, paint in the developing world often has levels of 10,000 ppm or more, which is particularly harmful to children, causing permanently lower IQs and behavioral problems.
- EPA was the principal drafter of a model law with a 90 ppm limit, working with the CDC, Consumer Products Safety Commission, the National Institute for Standards and Testing, the paint industry and international organizations.
- We are also coordinating with the American Bar Association, and this summer the ABA House of Delegates will be voting on a resolution to encourage work on establishing lead paint laws around the world.
- The State Department and EPA have proposed a resolution for UN Environment Assembly meeting in December to encourage all countries to establish lead paint laws.

Office of Land and Emergency Management

Hot Issues:

1. **National Priorities List (NPL), package of proposed sites and final sites.**
2. **CCR State Permit Program Guidance.**
3. **Clean Air Act 112(r) Risk Management Program Rule.**
4. **CERCLA 108(b) Financial Assurance Rulemaking**. The comment period ends on July 11, 2017. Pursuant to a judicial order on consent, a notice of EPA's final action will be signed by December 1, 2017.

Upcoming Public Events:

1. **2017 Brownfields Conference.** (December 5, 2017, in Pittsburgh). Following up on oral discussions, a request is pending for the Administrator to provide the keynote address.
2. **Federal Green Challenge.** We are working with OPA to announce the Federal Green Challenge award winners and their achievements from FY2016.

Upcoming Major Decisions:

1. **National Priorities List package of proposed and final sites.**
2. **General Electric Financial Assurance**

   In routine reviews of General Electric's financial test submissions, states and Regions found that GE no longer passes any of the RCRA Subtitle C financial tests. General Electric uses the financial test to meet its RCRA, CERCLA and TSCA financial assurance requirements at 42 separate sites and facilities nationwide. In response to a request from Connecticut, we (OLEM, OECA, and OGC) drafted a template for states' and Regions' letters formally notifying GE of the need to obtain alternate financial assurance. We expect GE will obtain that alternate financial assurance.

   Background: Owners and operators of hazardous waste treatment, storage and disposal facilities must demonstrate financial assurance for closure, post-closure care, third-party liability and, when necessary, corrective action. "Tangible net worth" is defined in the regulations to exclude intangible assets such as goodwill and rights to patents and royalties. 40 CFR 264.141(f). In the event an owner or operator no longer passes the financial test, the owner or operator must provide alternate financial assurance (e.g. surety bond, insurance). Since GE no longer satisfies the "tangible net worth" test, we expect GE will obtain the "alternate financial assurance."

Last Week Highlights:

1. **Continuity Assessment.** EPA received its 2017-2018 Biennial Continuity Assessment from FEMA. We received a favorable rating on all 14 elements, including program plans and procedures, continuity facilities, devolution, and reconstitution, among others.

1. **Infrastructure**. OLEM reps joined other offices in an interagency meeting regarding how to incentivize investment in infrastructure. The effort includes considering draft legislation to create a multi-agency grant program to for infrastructure projects for large urban areas. USDOT is taking the lead on the drafting.

Office of Policy

Documents sent to the OFR the Week of June 19, 2017

9962-04-Region 5	Proposed De minimis Settlement with Sunoco (R&M), LLC at Lammers Barrel Site in Beavercreek, Ohio
9964-08-Region 4	GA and SC: Changes to Ambient Air Standards and Definitions
9964-09-Region 4	GA and SC: Changes to Ambient Air Standards and Definitions
9964-06-Region 4	Air Plan Approval; Georgia: Permit Exemptions and Definitions
9964-04-Region 7	Approval of Missouri's Air Quality Implementation Plans; Reporting Emission Data, Emission Fees and Process Information
9964-05-Region 4	Air Plan Approval; Georgia: Permit Exemptions and Definitions
9964-37-OAR	Extension of Deadline for Promulgating Designations for the 2015 Ozone National Ambient Air Quality Standards
9961-61-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, Territory of the United States Virgin Islands
9963-84-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of New Mexico
9963-41-Region 6	Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County; New Source Review (NSR) Preconstruction Permitting Program
9963-83-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Hawaii
9963-85-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Nevada
9964-19-OW	Fees for Water Infrastructure Project Applications under WIFIA
9964-18-OEI	National Volatile Organic Compound Emission Standards for Consumer Products; ICR 1764.07
9964-16-OEI	Consolidated Air Rule (CAR) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) (Renewal); ICR 1854.10
9963-36-OEI	NSPS for Equipment Leaks of VOC in Petroleum Refineries/ICR No.0983.15

9961-83-OA	Request for Nominations of Candidates to the EPA's Clean Air Scientific Advisory Committee (CASAC) and the EPA Science Advisory Board (SAB)
9964-13-OAR	National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry: Alternative Monitoring Method
9964-14-OAR	National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry: Alternative Monitoring Method
9960-85-OEI	NSPS for Kraft Pulp Mills (Renewal)/ICR No.2485.03
9961-08-OEI	NESHAP for Polyether Polyols Production (Renewal)/ICR No.1811.10
9963-17-OEI	National Estuary Program (Renewal)/ICR No. 1500.09
9963-18-OEI	General Administrative Requirements for Assistance Programs (Renewal)/ICR No.0938.21
9963-23-OEI	Requirements for Certified Applicators Using 1080 Collars for Livestock Protection"/ICR No. 1249.11
9963-69-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Indiana; CFR Update
9963-70-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Indiana; CFR Update
9963-72-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Permits, Approvals, and Registrations
9963-75-Region 7	Approval of Missouri Air Quality Implementation Plans; Determination of Attainment for the 2010 1-hour Primary Sulfur Dioxide National Ambient Air Quality Standard; Jefferson County Nonattainment Area
9960-08-Region 9	Approval and Limited Approval and Limited Disapproval of Air Quality Implementation Plans; California; Mendocino County Air Quality Management District; Stationary Source Permits
9955-66-Region 9	Approval of California Air Plan Revisions, Great Basin Unified Air Pollution Control District and Town of Mammoth Lakes
9955-67-Region 9	Approval of California Air Plan Revisions, Great Basin Unified Air Pollution Control District and the Town of Mammoth Lakes
9963-73-Region 5	Air Plan Approval; Indiana; Redesignation of the Indiana Portion of the Cincinnati-Hamilton, OH-IN-KY Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter

9962-93-Region 4	Stony Hill Road Site Wake Forest, Wake County, North Carolina; Notice of Settlement
9963-87-Region 1	Air Plan Approval; ME; New Motor Vehicle Emission Standards
9963-88-Region 1	Air Plan Approval; VT; Infrastructure State Implementation Plan Requirements

Office of Research and Development

This week ORD senior leadership had a face to face meeting and had an opportunity to introduce Richard Yamada in person to the leadership team. We had some good discussions around aligning ORD research with your priorities, ORD's support for states and Regions, as well as technical support activities.

Hot Issues:

Air Pollution Research Funded by an EPA Grant Published

A paper was published this week in the New England Journal of Medicine that was partially funded by ORD. The article is titled *Air Pollution and Mortality in the Entire Medicare Population*. The study concludes that 12,000 lives could be saved annually by lowering levels of airborne fine particulate matter (PM2.5) by 1 microgram per cubic meter. Two EPA grants along with other grants funded this work: Regional Air Pollution Mixtures: The past and future impacts of emissions controls and climate change on air quality and health (awarded under the Air, Climate, Energy Centers: Science Supporting Solutions 2014 RFA) and Air Pollution Mixtures: Health Effects Across Life States (awarded under the Clean Air Research Centers 2009 RFA).
Harvard announced the paper via press release last night (https://www.hsph.harvard.edu/news/press-releases/u-s-seniors-air-pollution-premature-death/).

Upcoming Public Events:

Winners of Septic Systems Sensor Challenge

On June 29, ORD will attend and speak at the Advanced Septic System Nitrogen Sensor Challenge Showcase Day at Region 2. Phase 1 of the Septic System challenge was an extensive collaboration with states, academia and The Nature Conservancy that advanced the development of a low-cost sensor to monitor the functioning of septic systems. The Showcase is the opportunity to announce the winners of the Septic System Sensor Challenge and to launch the Phase 2 of the challenge.

Pediatric Environmental health Specialty Units Annual Meeting

June 29-30: The Pediatric Environmental Health Specialty Units (PEHSUs) are an interconnected system of specialists located throughout North America who respond to questions from public health professionals, clinicians, policy makers, and the public about the impacts of environmental factors on the health of children and reproductive-age adults. The 2017 PEHSU Annual Meeting will take place in Denver and is co-hosted by the American College of Medical Toxicology and the American Academy of Pediatrics. ORD has been invited to provide an overview of current ORD research and tools. The goal is to facilitate two-way engagement that would: (1) support use of the currently available ORD information and tools by the PEHSUs, and (2) provide feedback to ORD on the products and understanding of PEHSU needs for these.

EPA Scientists Work with California on Species Pesticide Risk

During the week of July 10, ORD scientists and collaborators will meet in Davis, CA, to discuss integrating effects thresholds and population modeling into urban and agriculture exposure models, cumulative exposure, and co-occurrence of pesticide and listed species distribution for case study chemicals and species in California's Central Valley. The group will visit sites on the San Joaquin River where exposure models have been developed for urban pesticide application. The research is part of

the ORD California Endangered Species Case Study developing improved methods to assess the risk of pesticides to threatened and endangered species.

Last Week Highlights:

Federal Technology Transfer Act (FTTA) Program

On June 22nd the FTTA team, EPA scientists and congressional staffers had a meeting about sensor/monitor technology and the FTTA program. ORD spoke about the FTTA program and water sensor technologies. Hill staffers asked specific questions about FTTA's involvement with small businesses, ORD explained that the FTTA program encourages these partnerships.

Perchlorate Health Impact Evaluation

On June 23, the final data output for perchlorate impact on free thyroxine from the 1st trimester human pregnancy based dose response model was submitted to OW-GWDW. This is part of the deliverables to OW for this critical model that informs the approach for the maximum contaminant load goal for which a peer review is required under court order deadline of October of 2017. This work was a rapid adaptation of a 3rd trimester model following input from a February peer review report. A committed group of ORD scientists, with significant and rapid peer review in June by a broader group of ORD scientists, have delivered this cutting-edge scientific model under considerable time pressure.

Lead in Drinking Water Request for Applications

The National Priorities: Transdisciplinary Research into Detecting and Controlling Lead in Drinking Water Request for Applications (RFA) opened on June 27. This RFA seeks applications supporting research to (1) identify communities that are at a high risk of experiencing the adverse health effects of lead in drinking water; (2) identify opportunities to mitigate these risks; and (3) conduct educational and outreach efforts so that water system managers and the general public are aware of these risks and opportunities. The RFA will remain open for 45 days and close August 15.

Superfund Technical Support

Region 5's Science and Technology Liaison is working with ORD's Engineering Technical Support Center and Michigan's Department of Environmental Quality to review vapor barrier options proposed by a developer of the Aircraft Components Superfund Site in Benton Harbor, MI. Due to a volatile organic compound (VOC) groundwater plume, occupied buildings are required to have VOC vapor barriers installed that meet the state's criteria. The State of Michigan has expressed concerns that the proposed barrier options may be inadequate.

Region 6 Note of Thanks to Gold King Mine Team

On June 27th, Region 6's David Garcia (Deputy Director, Water Division) sent a note thanking ORD's Kate Sullivan and the rest of the team that worked on the fate and transport analysis portion of EPA's response to the Gold King Mine release. Garcia's note was prompted by Sullivan's presentation at the 2nd Annual Conference on Environmental Conditions of the Animas and San Juan Watersheds in June in New Mexico. Sullivan's presentation, Characteristics of Metals Concentrations in the Animas and San Juan Rivers During Passage of the Gold King Mine Release Plume, summarized fate and transport of the metals that traveled through Animas and San Juan Rivers after the release. Garcia expressed

his gratitude not only for the excellence of the study and how well Sullivan presented it, but also for the excellence in the way that she handled the many complex questions she received about the study.

Building Subway System Cleanup Capabilities

EPA and the Department of Homeland Security (DHS) are collaborating with the San Francisco Bay Area Rapid Transit (BART) and New York City Metropolitan Transportation Authority (NYC MTA) on the DHS-sponsored Underground Transport Restoration (UTR) project to understand the challenges and develop solutions for cleanup of a subway systems following terrorist release of anthrax spores. Last week, EPA staff participated in the UTR quarterly meeting held at Sandia National Laboratories where accomplishments of the project to date were discussed as well as the remaining project activities. To date, several of ORD co-developed capabilities have transitioned to field-proven methods through the last year's EPA-led demonstrations: the decontamination of a BART rail car followed by cleanup of a mock subway station and tunnel, at Ft. AP Hill, VA. The results from this project will help prepare our urban centers for rapidly returning their transportation systems to operation following a biological release.

ED_001619B_00000071-00051

OFFICE OF WATER

Hot Issues:
Steam Electric: Today, EPA granted a request from environmental groups to hold a public hearing on the June 6, 2017 proposed rule to postpone the compliance dates for the 2015 effluent limitations guidelines and standards for steam electric power plants. The hearing is scheduled to take place on July 31st in Washington, D.C. During the hearing, the public will have an opportunity to provide their views to EPA on the proposed compliance date postponement. Environmental groups also requested a 60-day extension of the public comment period on EPA's proposal. This request was denied and the current comment period will close on July 6.

Vessels: At the request of OMB, we have been working closely with OCIR to draft comments on the Department of Homeland Security's draft views letter on S. 1129, the "Coast Guard Authorization Act of 2017." The Senate bill includes the Vessel Incidental Discharge Act in Title VIII. EPA has significant equities in the Bill, as it would establish a uniform legislative framework that addresses discharges incidental to the normal operation of a vessel, including ballast water discharges. It would eliminate the need for NDPES permits (the Vessels General Permit and Small VGP) for discharges incidental to the normal operation of a vessel, but may vest EPA with various other responsibilities. Per the request of Senate Commerce Staff, we also provided technical assistance regarding Senate Bill 168, the Vessels Incidental Discharges Act.

Upcoming Public Events: None

Last Week Highlights:

Waters of the U.S.: This week, we released the proposed rule "Definition of Waters of the United States – Recodification of Pre-existing Rules," initiating the first step, in a two-step process, intended to review and revise the definition of "waters of the United States," consistent with the President's EO, issued four months ago. The pre-publication version is posted to our website, and was sent to the OFR for publication, which will then begin the 30-day public comment process.
Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water Peer Review: This week, our contractor held a public peer review meeting on EPA's lead in drinking water modeling effort. The purpose of the peer review was to provide a documented, independent, and critical review of the draft lead in drinking water modeling approaches. EPA intends to use a modeled approach associating lead in drinking water to children's blood lead levels to inform potential revisions to the Lead and Copper Rule. Charge questions guided panel discussion. Peer reviewers were asked to provide individual, rather than consensus advice. EPA expects a draft final report in mid to late August.

Microplastics Expert Workshop: This week, EPA hosted a Microplastics Expert Workshop. Stemming from our Trash Free Waters efforts, the workshop brought together government (EPA, NOAA, USGS, FDA) and academic scientists working in microplastics research to begin to develop a prioritized list of scientific information needs for microplastics research to improve our understanding of the potential ecological and human health impacts.

U.S. Dairy Sustainability Forum and Awards Ceremony: This week OW staff attended the U.S. Dairy

Sustainability Forum and Awards ceremony in Chicago. The awards were launched six years ago to recognize outstanding dairy farms, businesses and partnerships for socially responsible, economically viable and environmentally sound practices. This year, we participated on a judging panel to evaluate applications in the Outstanding Achievement in Resource Stewardship category.