Region 1

Hot Issues

State Implementation Plan Update

- In FY'17, the Region 1 Air Program took final action on 38 SIP packages, exceeding our Key Performance Indicator (KPI) commitment of 37 for the fiscal year. Over the last three years, Region 1 has reduced its historical SIP backlog by over 80%.

- Region 1 also did significant work to publish Direct Final Rules on two additional SIPs during FY'17 (the Connecticut New Source Review Rule Certification SIP and the Vermont 5-year Regional Haze Progress Report SIP). These final rules had to be withdrawn, however, due to receipt of a small number of adverse public comments. Region 1 is already working on responses to the comments and will take final action on these two SIPs early in FY'18.

Clean Water Act Administrative Order on Consent (AOC) to address Combined Sewer Overflows (CSOs)

- This AOC provides a process for the City of Lawrence to update and implement a CSO long term control plan (LTCP) within the context of an Integrated Plan. The MA DEP participated in early negotiations with the City and has continued to provide EPA with comments on the AOC's terms. Under the terms of the AOC, MA DEP will be reviewing the City's submittals and generally coordinating with EPA on the City's implementation of the AOC's requirements.

- The AOC requires the City to conduct periodic assessments of its progress on achieving the objectives of the Integrated Plan (including those related to CSO discharge elimination and mitigation), and it may recommend changes to the Integrated Plan based on those assessments.

Upcoming Public Events

- On October 12th, the EPA/State Quality Assurance Roundtable Meeting will be held at the EPA laboratory in Chelmsford, MA. The meeting will be attended by representatives from the New England states, NYDEC and NEIWPCC. Agenda topics include Citizen Science, Method Update Rule and Quality Assurance Project Plans under Performance Partnership Agreements.

Upcoming Major Decisions

None this week.

Highlights from last week

- On Wednesday, October 4th Region 1 Staff attended a final Meeting of the NH Governor's Task Force on the Seacoast Cancer Cluster in Portsmouth, NH.

Region 2

Hot Issues:

Hurricane Irma/Maria: Over the past week, additional EPA response personnel and equipment have been able to reach the islands; we now have about 84 responders on the ground in PR and USVI. However, while flights have become more readily available, lodging remains a severe constraint, limiting the number of personnel we are able to send down. We expect to reach close to 200 personnel by mid-October. Our response personnel have been and will continue to conduct assessments of drinking water and wastewater facilities; oil and Superfund sites; regulated facilities; and potential debris collection and management locations. Particularly in PR, raw sewage discharges to inland and coastal surface waters, including into waterbodies upstream of drinking water intakes, pose risks to residents using surface waters for bathing. EPA is working with CDC and the PR DOH to urge them not to bath in these waters.

Upcoming:

RA will travel to PR and USVI. Incoming R2 Regional Administrator Peter Lopez will travel to PR and USVI during the week of October 16, accompanied by DRA Catherine McCabe. He has already had several press interviews focusing on response to storm damage from the hurricanes.

VW settlement funding: On 10/2/17 a federal court finalized the trust agreement for $2.9 billion in Volkswagen settlement funding. This starts the 60-day clock for states to certify eligibility for project funding. Under the consent decrees, New York can receive nearly $128 million, New Jersey over $72 million, and Puerto Rico over $8 million. R2 is communicating with the PR Environmental Quality Board to assist and ensure that the necessary documentation to access these funds is completed on time.

Past Week:

Urban Waters - Bronx & Harlem River Watersheds: The US Geological Survey (USGS) announced that over $1.5 million will be provided to improve urban lands and waters in four Urban Waters Federal Partnership locations, including this one in Region 2. EPA is a member partner along with other federal, state and local agencies. Projects to be funded include real-time, water level and water-quality monitoring to alert homeowners of threats from floods and other water emergencies, surface-water connections with urban aquifers, measuring the effectiveness of controls such as new rain gardens at reducing storm water pollution, assessing contaminants in urban waterways to improve public health, and evaluating whether urban restoration projects have improved water quality and stream habitat.

Consent Decrees (CDs) in 2 CERCLA Cases: (1) On 9/29 a CD was signed with 9 PRPs (including private companies and municipalities). The settlors will implement the remedy for Operable Unit 4 of the Kentucky Avenue Well Field site (known as Koppers Pond) in Horseheads, NY. The pond is contaminated with PCBs and heavy metals. The remedy includes placement of a geotextile membrane and six-inch soil/sand cap on the pond bottom, at an estimated cost of $1.9 million. The settlors will also reimburse 100% of EPA's future response costs; EPA agreed to forgive certain past costs associated with the oversight of the OU4 remedial investigation and feasibility study. **(2)** On 9/29 the District Court for the Southern District of NY entered a CD between the U.S. and 3 PRPs for the Port Refinery site, located in a residential neighborhood of Rye Brook, NY. EPA incurred response costs conducting a removal action to address significant mercury contamination. These 3 PRPs will pay a total of $151,503; EPA is continuing its cost recovery efforts against additional PRPs for the Site.

Region 2 Resolves Numerous Regulatory Enforcement Actions. During the previous week we finalized administrative settlements in a variety of cases, including:

(1) Nedjet Yetim and his companies ASLI & Gizem Realty Corp. They failed to comply with RCRA Underground Storage Tank rules requiring protection for metal piping and leak testing, among other violations. The defendants confessed judgment in the Eastern District of NY and agreed to pay a civil penalty of $850,000.
(2) Mel Chemicals failed to timely report its manufacture of 15 chemical substances for EPA's 2012 TSCA Inventory update; the company certified compliance and will pay a penalty of nearly $250,000.
(3) Atlas Refinery, Inc. failed timely to report importation of 5 chemical substances for the 2012 TSCA Inventory; the company certified its facility is now in full compliance and will pay a $50,000 penalty.
(4) Kascon, LLC violated the TSCA Renovation, Repair and Painting (RRP) Rule in the course of renovations at a school in Utica, NY; the company will document its compliance and pay a penalty of $7,126.
(5) BOA Windows failed to comply with RRP work practice and record keeping requirements when it performed window replacement work at a Wyantskill, NY building; the company will document its compliance and pay a civil penalty of $24,300.
(6) Genpak LLC in Middletown, NY and Poly Molding LLC, polystyrene foam sheet manufacturing facilities, violated CAA requirements by, among other things, failing to install required emissions control technology. Both companies agreed to comply; Genpak will pay a penalty of $15,000 and Poly Molding will pay $65,000.

Region 3

Hot Issues

Schaffer Equipment Company Site – Minden, WV

Region 3 is ready to provide to residents sampling results from its June 2017 investigation in Minden, WV, near the Shaffer Equipment Company, to determine if PCB contamination may have spread from the site that was previously capped by EPA in 2002. EPA performed the investigation in response to recent resident concerns. The results indicate that the cap has limited the spread of PCBs. However, media coverage of the issue has been high and residents may continue to express concern after the release of the results. Two open houses/public availability sessions are planned in the community on Oct. 20, 2017 and 21, 2017.

The former Shaffer Equipment Company manufactured equipment used in mining that included transformers and other electrical equipment that contained PCBs. Residents reported Shaffer used abandoned mines to dispose of electrical equipment and contaminated oil. EPA became involved in the site in 1980s, extracting and removing contaminated soil on three different occasions between 1984 and 1991. EPA's last action at the site was completed in 2002 when soil was excavated and a cap was constructed over about one acre of the site that included the remains of a demolished building and some remaining contaminated soil. Minden is a town of about 250 families in Fayette County, WV. Residents recent concerns stem partly from their belief that floods that have occurred in nearby Arbuckle Creek may have caused PCBs to migrate from the site to their properties. Residents are also concerned about what they perceive as elevated cancer rates in the community.

Acting RA Rodrigues and Secretary McDonnell to Meet with Pittsburgh Water and Sewer Authority

EPA and PADEP are meeting with representatives of the Pittsburgh Water and Sewer Authority on Thursday, October 5, 2017. The Agencies would like to discuss the limiting factors identified during the Comprehensive Performance Evaluation and PWSA's status on compliance with the Lead and Copper Rule. Peter Grevatt will also be participating in this meeting, to be held in the PADEP Harrisburg office.

Update on Potomac River Oil Discharge/Oxon Cove in Washington D.C. and Prince Georges County, Maryland

The Office of Preparedness and Response continues to support U.S. Coast Guard Sector Maryland/National Capital Region and the District Department of Energy and Environment. Ground penetrating radar was utilized by Oil Spill Response Organization during the week of September 18, 2017 to locate potential source and therefore the responsible party. Oil fingerprint samples were taken from two underground storage tanks owned by D.C. Department of General Services. These two tanks are 10,000 gallons each and were out of service for some time. Results reveal match with discharged oil in Oxon Cove and Potomac River. D.C. Government has assumed liability and hired cleanup contractor to properly pull these tanks and associated contaminated soils. A total of 2000 gallons of discharged oil have been collected from Oxon Cove since the response began in August 2017.

Region 3 Drinking Water Tabletop Functional Exercise

On September 13-14, 2017 the Drinking Water Branch conducted a two-day functional tabletop exercise simulating an unknown contaminant spill to Washington, D.C.'s drinking water. The exercise took place at Region 3's COOP location in Boothwyn, PA and included staff and management from WPD, HSCD, EAID, and

ATSDR. The training portion of the exercise included topics related to activation, deployment, and demobilization of Region 3 program personnel, an overview of the Incident Command System, and risk communication. During the functional exercise, participants practiced water sample collection and documentation, discussed laboratory capabilities, developed maps of the impacted area, reviewed public notification, simulated responses to media and local responder requests, and completed a "hotwash" discussion and demobilization briefing.

Monocacy-Catoctin Watershed Workshop and Tabletop Exercise

The Drinking Water Branch, in coordination with EPA HQ's Water Support Division, conducted a day-long emergency response workshop and exercise on September 12, 2017 in Gettysburg, Pennsylvania. Adams County Emergency Services Center was the venue for over 50 participants, including more than a dozen attendees from large, medium and small drinking water utilities from Pennsylvania and Maryland. The Monocacy- Catoctin Watershed crosses state lines and is a headwater region for the Potomac River. During the past year, the Potomac River Drinking Water Source Protection Partnership (DWSPP) has been expanding its reach and working to collaborate with more upstream partners and water suppliers to enhance early warning capabilities and protect the Potomac River, which is a drinking water source for millions of consumers throughout the region. The workshop and exercise was designed to assist drinking water suppliers, local industry (including aboveground storage tank owners), first-line emergency responders and state and federal agencies to better prepare for a hazardous material spill within the watershed. EPA presentations focused on lessons learned from the Elk River Spill in West Virginia, the newly released Drinking Water Utility Response-On-the-Go mobile app and the Drinking Water Mapping Application to Protect Source Waters (DWMAPS). Local responders discussed area contingency planning, and reporting and safety requirements for aboveground storage tanks and potential sources of concern; and local business owners presented their perspectives to spill response near public water supplies. Local, state and federal attendees were appreciative of the opportunity to network, plan and trouble-shoot potential emergency response issues and to continue improve source water protection efforts throughout the Potomac Basin in Pennsylvania, Maryland, Virginia and West Virginia.

Upcoming Public Events - No events to report at this time.

Past Events

First Annual State Secretary Agriculture Meeting Held in Region 3

Acting RA Rodrigues hosted the Region's first Agriculture State Secretary Meeting in Philadelphia on September 28, 2017. Representatives from each state participated. Nancy Beck (OCSPP) also participated via videoconference to answer any pesticide related questions. Main topics included the use of SRF funding, the Chesapeake Bay Watershed Implementation Plan Part 3, and Worker Protection Standards. Some action items included visiting state agencies and presenting on SRF possibilities and

Acting RA Rodrigues, Secretary McDonnell, and Agriculture Secretary Redding Meet with Pennsylvania Farm Bureau

Acting RA Rodrigues met with PADEP and representatives of the Pennsylvania Farm Bureau on Monday, September 25, 2017 to discuss possible partnership interests in addressing nutrient management and market-based industry incentives.

Region 4

Hot Issues

Mississippi Phosphates Corporation (Pascagoula, MS) Tropical Storm Preparedness
Key Message: On October 5, 2017, Region 4 initiated a bypass at the facility in anticipation of exceeding the on-site storage capacity due to heavy rain and associated storm surge impacts from Tropical Storm Nate.

Region 4 Eastern Gulf of Mexico Final NPDES General Permit (GP)
Key Message: The Regional Administrator (RA) was briefed on the Region 4 Eastern Gulf of Mexico NPDES GP and the related Environmental Assessment, including the finding of no significant impact (EA/FONSI). The RA has approved the NEPA Record of Decision (ROD) and is waiting for the Office of Management and Budget to finish its review of the GP before the ROD and GP can be published in the Federal Register.

Eastman Chemical Explosion, Kingsport, Sullivan County, Tennessee
Key Message: On October 4, 2017, the Eastman Chemical Company in Kingsport, Tennessee reported multiple explosions at its facility accompanied by a release of hydrogen sulfide and other unknown chemicals in the coal gasification process area. Region 4's On-Scene Coordinator (OSC) provided technical assistance and reviewed air monitoring data (there were no constituents of concern detected at the site or fence line). The fire in the coal gasification process is extinguished and the facility is safely shut down and secured. There has been significant national media coverage of this incident.

Florida's Estuary Specific Numeric Nutrient Criterion
Key Message: Florida's Estuary Specific Numeric Interpretations of the Narrative Nutrient Criterion package is being routed for signature and approval. The package includes 68 estuarine segments: 54 included changes to one or more elements of the magnitude, frequency, or duration of the water quality standards for the segment and previously established water quality standards will be codified for 14 segments.

Tropical Storm Nate and Hurricane Irma
Key Message: Region 4 continues to respond to Irma and is preparing for potential impacts from Nate.

Florida's Clean Water Act (CWA) 404 Program Assumption
Key Message: Regional staff are coordinating closely with FDEP staff on the process for Florida to assume the 404 program, including establishing the Memorandum of Agreement between the agencies to ensure consistent implementation of the regulations.

Oakridge U.S. Department of Energy Facility (Oakridge, TN)
Key Message: The RA held a call with the Commissioner for the Tennessee Department of Environment and Conservation and the Oakridge Environmental Manager to discuss resolution of the dispute regarding ARARs. All parties continue to be committed to resolving the outstanding issues.

Region 4 Administrator Pascagoula, MS Meetings
Key Message: On October 2-3, 2017, the RA toured the MS Phosphates facility and met with site engineers, Mayor Dane Maxwell (Pascagoula, MS), a representative from Senator Cochran's office and other city staff to discuss cleanup progress and next steps. The RA also met with Mayor Maxwell, Mayor Phil Torjusen (Gautier, MS), and the Mississippi Department of Environmental Quality to discuss redevelopment opportunities for Jackson County, MS.

SIP Key Performance Indicator

Key Message: Region 4 exceeded our FY17 goal by more than 10%, completing 78 SIPs, including expeditious processing of state priority actions, 44 backlog actions, and 34 actions well within the statutory time frame of 18 months, including 16 actions in 6 less than months.

Upcoming Travel for the RA

- On October 11th – Participation in the National Tribal Operations Committee meeting. Washington, D.C. Closed Press.
- On October 12th – Keynote speech at the Mississippi Manufacturer's Association Annual Meeting. Jackson, MS. Closed Press.
- October 12th – Participation in Waters of the U.S. discussion with local business leaders. Jackson, MS. Closed Press.
- October 13th – Participation in a House Energy and Commerce Committee congressional meeting on the Hurricane Irma response. Washington, D.C. Closed Press.

Region 5

HOT ISSUES:

Extensive Western Lake Erie Algal Bloom

Key Message: Algal bloom continues in the Maumee River and the Western Lake Erie Basin, with extensive local and national media coverage.

A September 29 article in the Toledo Blade discusses the Western Lake Erie algal bloom. The article references the lawsuit against EPA challenging the agency's approval of Ohio's CWA Section 303(d). Mayor Hicks-Hudson has reversed her position on designating the open waters of the lake as impaired, although the state of Ohio maintains its opposition. The Toledo Blade ran an Op-Ed by Director Butler.

On October 4, the New York Times ran a piece on the Lake Erie algal bloom as the lead article in the "National" Section. The article features color satellite images and a graph of dissolved phosphorus in the lake and highlights potential public health concerns and impacts to the area economy. However, at this time there are no drinking water concerns. The finished water coming out of the Toledo drinking water treatment plant is showing non-detect for microcystin and the raw water samples show less than 5 ppb as of October 4, 2017.

Remaining 2017 Excavations to Begin in Zone 3 of the USS Lead Superfund Site in East Chicago, Indiana

Key Message: The remedial action in Zone 3 of the USS Lead site is nearing completion for the 2017 construction season, with an average **9.6/10** satisfaction rating from residents.

EPA scheduled 121 properties for remediation in the Zone 3 neighborhood during the 2017 field season. With one property owner requesting deferral of work until next year, EPA has completed 116 of the 120 scheduled excavations. During the week of October 2, EPA will begin the final four excavations as well as continue to restore previously excavated properties. Topsoil and sod installation has been completed at 100 of the 120 scheduled properties. Upon completion of a 30-day maintenance period, EPA holds post-construction property meetings with residents to ensure satisfaction with our work. With over 40 percent of these meetings held, EPA has received an overall satisfaction rating of 9.6 out of 10.

EPA will begin to plan the third and final construction season work in Zone 3 for 2018, with approximately 100 remaining properties identified for cleanup. However, a group of 40-50 properties in Zone 3 (with absent owners) will be referred to the U.S. Department of Justice for assisting EPA in obtaining access to conduct remedial design sampling and cleanup, if warranted. This could yield another 15-25 properties for cleanup in 2018.

Lead Sinkers Found in Bathtub Fixture of Flint Home

Key Message: The lead sinkers were found in a home that had previously seen very high lead water results and also elevated blood lead levels.

In August 2017, EPA became aware of a situation where lead fishing sinkers were found by a local plumber in the bathtub fixture of a Flint home. Michigan DEQ had previously analyzed samples collected from this home and found had very high lead concentrations of 3000+ ppb. Additionally, the home owner had reported high

blood lead levels and claims that her only exposure is from bathing and showering. This issue has been raised to the region's Criminal Investigation Division and MDEQ, and both are looking into the matter.

This issue has attracted the attention of Dr. Marc Edwards as well as the Young Turks Network, which has been extensively covering Flint. At a press conference on September 15, Dr. Edwards reported that the most recent lead results show that Flint's drinking water has improved significantly and that lead levels are similar to other cities with lead service lines. The Young Turks has been questioning that statement, specifically citing the high lead levels found in the lead sinker home as proof of continued high lead levels in the water. Other local and national news outlets have begun to pick up the story as well, some of which can be viewed here.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS/HIGHLIGHTS:

Region 5 Settlement Will Benefit East Chicago Schools

Key Message: The supplemental environmental project will protect East Chicago children from PCB and lead contamination and enhance the learning environment within the schools.

On October 4, a settlement agreement between EPA and Heritage Environmental Services LLC was finalized and includes a supplemental environmental project that will benefit two East Chicago public schools. Heritage Environmental agreed to install energy efficient, PCB-free lighting and new drinking water fountains with lead-filtering systems at the Carrie Gosch Pre-K Early Learning Center and the Joseph L. Block Middle School. The upgrades — which cost a total of more than $290,000 — are scheduled to begin this month and to be completed by early 2018.

Following a July 2012 inspection, EPA alleged multiple hazardous waste violations at the Heritage Environmental facility in Indianapolis. Today's settlement requires the company to improve waste handling procedures, pay a $77,385 civil penalty, and perform the lighting and drinking water upgrades at the two East Chicago schools. The company has also applied to the Indiana Department of Environmental Management for a major modification to its Resource Conservation and Recovery Act permit. IDEM's proposed RCRA permit incorporates improved testing methodology for better waste analysis.

Region 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

Tropical Storm Nate

Tropical Storm Nate is forecasted to continue strengthening over the Gulf of Mexico and could affect portions of the northern Gulf Coast of the United States as a hurricane this weekend, with direct impacts from wind, storm surge, and heavy rainfall. Some models have the storm making landfall near New Orleans, Louisiana. The State of Louisiana Emergency Operations Center has been partially activated. EPA anticipates sending a representative to the state EOC soon. EPA has begun storm preparations at both Superfund removal actions and Superfund NPL sites within projected impact areas.

Arkema Inc., Houston, Texas

EPA intends to conduct a Risk Management Plan (RMP) inspection at the Arkema Inc. Houston Plant, located in Houston, Texas to determine compliance with the Clean Air Act (CAA) Section 112(r) and 40 CFR Part 68 Chemical Accident Prevention requirements. The inspection will focus on compliance with RMP requirements. The Texas Commission on Environmental Quality (TCEQ) has been invited to attend. TCEQ has not requested delegation of the Chemical Accident Prevention Provisions under 40 CFR Part 68 and EPA conducts the inspections for facilities regulated under this program in the State of Texas. This inspection falls under the National Enforcement Initiative under 112r for Chemical Plants. Press interest continues to be high.

Takata, Eagle Pass, Texas

The Takata facility in Eagle Pass, Texas, is storing approximately 2 million recalled airbag inflators. The inflators are under a DOT Preservation Order requiring Takata to store all inflators returned to the company under the recall. NHTSA is working on a modification to the Preservation Order to allow Takata to begin disposing of inflators because 100% of the returned inflators are no longer needed for evidentiary purposes and storage of such large number of inflators may pose a hazard. EPA HQ does not consider the stored undeployed inflators to be discarded, and therefore they are not subject to RCRA until the Preservation Order is lifted. When the Order for some or all of the inflators is lifted, the inflators will immediately become solid waste, and regulated as a hazardous waste for reactivity and ignitability. The inflators contain ammonium nitrate. Takata is exploring several disposal options and a Texas facility under consideration is Clean Harbors, Deer Park, which has two RCRA permitted incinerators.

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

EPA continues to finalize the Record of Decision and supporting Administrative Record for the San Jacinto Waste Pits Superfund site in Harris county, Texas. The proposed remedy requires the Administrator's signature. EPA will expect to transmit the package to Headquarters on October 5 for processing. An final decision is expected on October 13. On September 28, EPA announced damage to the temporary armored cap and exposure of dioxin containing waste material. The damaged area has been repaired. The potentially

responsible parties have been directed to collect 7 supplemental samples to determine if contaminated material migrated from the damaged area. The potentially responsible parties have also conducted a bathymetric survey on the river bottom outside of the cap perimeter to evaluate changes in the river bottom after Hurricane Harvey. Changes could impact cap stability and results are expected soon. EPA provided the House Energy and Commerce staff an update on repairs to the temporary armored cap on October 4. Press and Congressional interest continues to be high.

Denka, LaPlace Parish, Louisiana

Louisiana Department of Environmental Quality (LDEQ) requested EPA continue to perform air monitoring for chloroprene at six locations near the Denka facility in LaPlace, Louisiana for one year after the Regenerative Thermal Oxidizer (RTO) commences operation in December 2017. The state of Louisiana and Denka have entered into an Administrative Order of Consent to implement reduction projects for chloroprene emissions from the plant. EPA has commited to continue air monitoring until the current continuing resolution expires on December 8 and will continue as additional funding is made available. LDEQ is reviewing EPA's draft summary report of chloroprene monitoring for the past 12 months and the report is expected to be finalized this month. LDEQ and Parish officials are scheduled to meet on October 24 in LaPlace. Press and Congressional interest continue to be high.

Pawhuska School District, Pawhuska, Oklahoma

The Osage Minerals Council reported that the well on the softball field is plugged. As a result of this recent plugging, monitoring of the softball field is ongoing and continues to detect gas readings. Asst. Principal Chris Walker, in conjunction with the OCC, will monitor and document gas readings at the High School and softball field for the next 60 days. The softball field will remain closed during this time. The Oklahoma Corporation Commission OCC requested EPA assistance by collecting soil samples in the plugging area to establish a background on possible oil and gas drilling contaminants. The gas seep technical group will reconvene in 60 days to discuss findings and determine next steps in the process, if needed.

Bird Creek, Osage County, Oklahoma

Proposed shut-in Orders have been issued to three companies; Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc., applicable to seven UIC wells. All three companies have submitted requests for a hearing scheduled for October 11 in Tulsa, and all are represented by counsel. Six authorized by rule injection wells within three miles of the salt water seeps have been sent letters requiring submittal of permit applications and recording daily injection pressures and volumes. Seven permitted injection wells within three miles have had permits modified to require daily monitoring of pressures and volumes. This constitutes all of the injection wells within three miles of the seeps.

Dairy Inspections, Southeast Louisiana

EPA and Louisiana Department of Environmental Quality will conduct small dairy AFO (Animal Feeding Operations) sampling inspections will be conducted within the St. Helena, Tangipahoa and Washington Parishes to evaluate the animal waste management operations of some of the approximately 93 dairy farm

sites located within those parishes. Most of these dairies do not have adequate lagoon dewatering and land application capabilities, and if an unpermitted dairy wastewater discharge to a waterway is noted, a sample will be collected.

Tijeras Arroyo, New Mexico

The New Mexico Environment Department's Surface Water Quality Bureau submitted the nutrients (total phosphorus and total nitrogen) Total Maximum Daily Loads (TMDL) to EPA for approval. The TMDLs included a 30-day public comment period from June 12, 2017 to July 12, 2017. The TMDLs were approved by the New Mexico Water Quality Commission on September 12, 2017. EPA anticipates approving these TMDLs no later than October 13, 2017.

Camp Minden, Minden, LA

EPA and the Louisiana Department of Environmental Quality (LDEQ) will complete their initial review of the draft Closure Plan this week and provide comments to the Louisiana Military Department (LMD). The plan includes the following language "LMD will determine the eventual disposition of the Contained Burn System". The Camp Minden Community Advisory Group (CAG) meeting is next week in Minden, where topics include reviewing the most recent soil sampling results and briefing the status of the Closure Plan following the destruction of explosive propellants at the site.

Macy's Retail Holdings, Inc.

On September 26, 2017, the US Environmental Protection Agency, Region 6, (Region 6) filed a Consent Agreement and Final Order, settling claims brought pursuant to the Resource Conservation and Recovery Act (RCRA) against Macy's Retail Holdings, Inc., (Macy's). As a major retail chain in the US, Macy's generates several thousand pounds of hazardous wastes annually, from its returns and unused cosmetic liquids and other cosmetic products. Overall, Macy's generated over 269,168 pounds of hazardous waste during a three-year period (from 2012 to 2015) for the 44 locations identified in the CAFO. Macy's has agreed to expand the findings of the Third-Party audits to its approximately 626 additionally stores nationwide share training products. EPA and state of Oklahoma are planning a joint announcement of this action.

Citizen Potawatomi Nation of Oklahoma

Region 6 is preparing so send the final concurrence package to Headquarters for the approval of the treatment as a state authority (TAS) for Citizen Potawatomi of Oklahoma to administer water quality standards and certification program under the federal Clean Water Act.

Georgia Pacific, Crossett, Arkansas

On May 19, 2017, EPA sent an Interim Objection Letter to Arkansas Department of Environmental Quality (ADEQ) seeking more information on the GP Crossett draft discharge permit. On August 14, 2017, ADEQ requested supplemental information for the permit application submitted on May 22, 2015. ADEQ requests

additional detail regarding: a description of the current wastewater treatment system, documentation clearly demonstrating that the portion of Coffee Creek located above Mossy Lake is separate from the Georgia Pacific Crossett (GP) wastewater treatment process, and a qualified estimation that the discharge from Outfall 001 is protective of the Ouachita River during periods when Mossy Lake is flooded.

NEPA - None

UPCOMING PUBLIC EVENTS

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

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

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

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

UPCOMING DECISIONS

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

EPA will approve Treatment As State (TAS) applications for the Tonkawa Tribe of Oklahoma and Absentee Shawnee Tribe of Oklahoma to receive Clean Water Act funds to monitor water quality and implement non-point source controls on tribal lands. This approval allows both tribes to be eligible to receive an annual allocation of $30,000 funding to implement nonpoint source controls on tribal lands in fiscal year 2018. In the state of Oklahoma, 5 tribes have approved for CWA Section 319(h) funds.

Bandera Road Ground Water Plume Superfund Site, City of Leon Valley, Texas

EPA and Department of Justice have successfully negotiated a Cash-out Settlement Agreement with Savings Square Partners, LTD for $1,820,000 for payment of past cost incurred at the site. EPA has taken actions to prevent the use of contaminated ground water and to mitigate indoor air impacted through vapor intrusion from the site. This action will be proposed in the Federal Register for a 30-day public comment period.

Oklahoma Coal Combustion Residual Permit Program

EPA intends to certify the ODEQ application submission for the state's Coal Combustion Residual (CCR) permit program. Oklahoma is the first state in Region 6 to submit an application. The State has developed rules and

authorities to operate the program. In August, EPA released an interim final guidance to help states develop and submit permit programs for the safe management of coal combustion residuals (CCR), commonly known as coal ash, to EPA for review and approval.

PAST WEEK ACCOMPLISHMENTS

DFW 2008 Ozone Nonattainment and RACT for VOC requirements for NAAQS
EPA proposed approval of SIP revisions to approve revised regulations that limit VOC air emissions and a demonstration that the DFW area meets VOC RACT requirements for the 2008 ozone NAAQS.

Texas Regional Haze and Interstate Visibility Transport Final Action (Federal Implementation Plan)
EPA has partially approved the Texas Clean-air Plan for Regional Haze and Interstate Visibility Transport and finalized a Federal Implementation Plan for a best available retrofit technology (BART) alternative that includes an intrastate trading program for sulfur dioxide

Exxon Mobil Refinery, Beaumont, TX
EPA approved a delisting exclusion for the surface impoundment basin solids.
The Exxon Mobil Refinery in Beaumont submitted a delisting petition to EPA in August of 2016. Exxon Mobil is scheduled to clean out the refinery's surface impoundment basin and remove sludge that has built up over more than a decade. Approximately, 400,000 cubic yards of generated waste is scheduled to be removed.
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PENDING ACTIONS (Pending Federal Register Publication)

DFW 2008 Ozone Nonattainment and RACT for VOC requirements for NAAQS
Texas Regional Haze and Interstate Visibility Transport Final Action (Federal Implementation Plan)

Region 7

Hot Issues

Harvey Support Update

Key Message: Region 7's support for the Hurricane Harvey response continues to be a priority for the Region.

- As the response backup for Region 6, we have to date deployed 62 employees from Region 7 to various locations in Texas to assist with the response – 48 of those employees have returned leaving 14 employees currently deployed.
- R6 has determined an additional deployment of Community Liaisons is not needed and R7 is currently planning to demobilize our 14 Community Liaison positions by October 6th.

Last Week's Highlights

Sporlan Valve Site Emergency Action

Key Message: In August 2017, EPA R7 staff collected samples of indoor air and soil at the former Sporlan Valve facility and adjacent properties in Washington, MO.

- The facility was recently subject to an Administrative Settlement Agreement and Order on Consent (ASAOC), but the responsible party has indicated that they lack the funds necessary to complete the agreed removal activities.
- EPA conducted additional assessment activities to determine the next steps to address remaining contamination at the site.
- EPA identified one property which exceeded the established site action level for sub-slab vapors and indoor air for trichloroethylene and is currently working on an Emergency Action Memorandum to install a vapor mitigation system at that property.

Region 8

Hot Issues

Region 8 Responding to the Crow Agency Water Treatment Plant on the Crow Reservation in Montana and Issuing an Emergency Administrative Order Under the Safe Drinking Water Act

Key Message: On October 4, 2017, someone broke into the Crow Agency water treatment facility and damaged it with a shotgun (serving approximately 1,300 persons per day year-round). There have been varying accounts of damage reported by the BIA Police, Crow Agency and the FBI. All sources agree that the chlorine tank was damaged and was leaking from the valve set. The clear well is an open well, so there is also concern over intentional contamination of the drinking water supply.

- The facility was manually shut off yesterday at approximately 8:00 a.m. The water system has provided and distributed door-to-door a Do Not Use advisory. The notice will also be posted in conspicuous locations and announced on the local radio station within 24 hours of receiving the Order. The residents are being provided bottled water.
- Region 8 is working with the EPA Montana Office, EPA Drinking Water Unit, EPA Drinking Water Enforcement Unit, EPA Criminal Investigation Division, OECA, EPA Tribal Assistance Program, the Tribe, the System operator, the FBI, the BIA Police, and numerous other governmental and legal authorities to assist in the investigation, damage assessment, and response.
- Region 8 is supporting the tribe's request for assistance in getting the plant back on-line. In addition, Region 8 is issuing an Emergency Administrative Order to ensure proper system evaluation and startup.

Final Agency Action on Petition to Withdraw Utah's Authorized National Pollutant Discharge Elimination System (NPDES) Program

Key Message: Region 8 is denying a petition to withdraw Utah's NPDES program and will send its decision to the Petitioners with a copy to the State this week.

- On May 5, 2016, Western Resource Advocates filed a petition to withdraw Utah's NPDES program on behalf of itself and nine other citizen groups. The Petition was filed in response to state legislation creating a peer review process which seemed to exclude the public from reviewing, commenting on, and asking for judicial review of some NPDES permitting and to make technology-based effluent limits required by the Clean Water Act subject to peer review.
- Since the Petition was filed, Utah has worked with the Petitioners and Region 8 to clarify the problematic aspects of the legislation via administrative rule.
- EPA program staff and legal counsel have determined that the final administrative rule addresses and resolves the claims raised in the Petition and recommend denying the Petition. Regional Counsel and the acting AA for OW have concurred with this recommendation which was closely coordinated with OW and was reviewed by OGC staff.

Upcoming Public Events –

Region 8 Presents Webinar on Partnering to Promote Lead Poisoning Prevention in Denver, Colorado

Key Message: On October 12, 2017, the R8 Lead Program will present a webinar to EPA Regional Division Directors and Lead Program staff on how R8 has been partnering with federal, state, and local entities to integrate the EPA Lead Renovation, Repair and Painting (RRP) Rule into Denver's Building Permitting Operations.

- This webinar will provide resources and approaches for other EPA regional lead programs to utilize as they implement their RRP and building permitting initiatives.
- The webinar aligns with promoting October's National Lead Poisoning Prevention Week.

Upcoming Major Decisions – None.

Last Week Highlights –

Region 7 and Region 8 held the Exchange Network (EN) Meeting and E-Enterprise (EE) meeting at the Region 7 office

Key Message: On September 26-27, 2017, Region 7 and Region 8 state network exchange grant recipients presented on the status of grant funded activities. The states and tribes updated their efforts to look at shared resource possibilities in terms of ideas, technology sharing, and collaboration.

- HQ discussed the relationships of EE and EN and the FY18 EN Grant Application Process Timeline.
- All six Region 8 state presented on their EE and EN activities, examples included an environmental online services portal and an "e-Application" process for electronic permitting activities.
- Two Region 8 tribes also presented on data flow and application development projects.
- Other related projects were presented by Region 7 states.

Region 9
Important/urgent/action items:

Anaconda: last week, we met with our NV DEP partners, BLM, BIA and two tribes. This week, we held detailed talks with NV on our proposed CERCLA NPL deferral agreement (in draft) and our draft administrative consent order. We're making progress in addressing this complex mine site, particularly with regard to groundwater cleanup by Atlantic Richfield/BP. Of several agreements to be forged (with tribes, etc), the deferral agreement and our AO are our current priority and focus.

Excelsior Copper Mine (AZ): we're preparing to begin public comment in midOctober on our draft UIC permit for a full-scale copper recovery and production mine, expected to operate for about 20 years. Our UIC permit requires an aquifer exemption, to be released concurrently for public review. This proposed mine, which has received a state-issued aquifer protection permit, would be situated in a remote area of Cochise County, 62 miles east of Tucson, AZ.

Hawaii State Revolving Fund: we'll issue our annual review of Hawaii's SRF, following our earlier notice of noncompliance. The state has been unsuccessful to date in addressing key deficiencies, such as filling management positions, creating a loan-tracking system, and in accumulating $90+million in SRF funds which need to be moved to on-the-ground projects.

External Engagement:

Navajo Nation: our Regional Counsel, Sylvia Quast, and Superfund Director, Enrique Manzanilla, will meet with NN President Begaye, NN Vice-President Nez, NN Attorney General Branch and other key Tribal officials next Tuesday and Wednesday to tour the abandoned uranium mines of the Cove Chapter, and meet with residents. In the past year, EPA conducted removal actions at 17 uranium mine sites, replaced 3 contaminated residences, and secured $600 million in PRP agreements to continue clean-up of NN abandoned uranium mines. We assessed 32 mines in the Cove Chapter and Red valley, including 24 miles of roads and trails and their condition, as well as waste piles, to inform upcoming removals.

San Francisco National Estuary Program: I'll address the 13the biennial San Francisco Estuary Conference, at which I'll present awards and announce $5.2 million in EPA restoration grants, NEP and wetland grant funding for Bay-Area projects. Over 800 participants from local and state government, NGOs and other involved organizations are registered to attend.

Emission Reduction Partnerships: next Wednesday, I'll join San Joaquin Valley (CA) agencies and businesses to celebrate the successful demonstration of California's first zero-emission transport refrigeration unit, which are mounted on trucks and traditionally powered by high-polluting small diesel engines. To transport chilled products, this zero-emission solar and electric-powered unit, was tested successfully by Challenge Dairy for delivery of butter and milk. In addition to showing a dramatic reduction in emissions of nitrogen oxides, particulates, and carbon dioxide (over traditional small diesel), this unit also shows a 90% reduction in operation and maintenance costs. The project was co-funded by EPA, our state air-quality partners and three

participating businesses. At this event I'll also be announcing our Targeted Airshed Grants, to fund replacement of 2,500 residential wood burning stoves.

Brownfields: we'll join local partners at a Brownfields groundbreaking in Emeryville, CA (San Francisco Bay Area) October 11, where EPA's $200K grant was the catalyst for development of an affordable housing complex and ground-floor businesses, close to public transit and other assets. See images immediately below:

AFTER: Rendering, Affordable Housing

Past week's highlights:

Nevada CAA Notice of Intent to Sue: the Nevada Division of Environmental Protection sent the EPA Administrator a Notice of Intent (NOI) to sue the EPA for failure to promulgate designations for the 2015 ozone standard. NDEP filed the NOI to ensure their participation in any future deliberations regarding deadlines for designations within areas in Nevada.

Acute Lead (Pb) Exposure: Hawaii DOH sought our assistance in addressing acute lead poisoning of a toddler with a blood lead level of >20 micrograms/deciliter. The child's family lives in a rural valley northwest of Honolulu. The father, a welder, may have been dismantling batteries on the property, as over 100,000 ppm lead was measured outside, where the child plays in the dirt. Our OSCs placed a base layer of rock on the bare soil and found in the home's interior, carpets highly contaminated with lead and arsenic. Working with the County public-health nurse, the family accepted temporary relocation to a hotel. We are encouraging our State partners to take the lead role in addressing this situation.

Revitalize Land: we concurred on a "Finding of Suitability to Transfer" 70% of the former 5,038-acre Concord Naval Weapons Station to residential, commercial and conservation/open-space uses. Located in a densely urban part of the San Francisco Bay area, this base closed in 2008.

Region 10

Hot Issues - None this week.

Upcoming Public Events

Region 10 and Office of Water Host Pebble Mine/Bristol Bay Public Hearings (Alaska): From October 10 – 12, Office of Water and Region 10 leadership will be conducting tribal consultations and hosting public hearings in Alaska on the proposed withdrawal of EPA's 404(c) Proposed Determination regarding the Pebble Mine/Bristol Bay. On September 21, EPA published Public Notices in Alaska newspapers and the Federal Register to announce the public hearings. The public comment and tribal consultation periods end on October 17. We are in close coordination with the Office of Public Affairs regarding the hearings.

Pending Decisions

Upcoming Approval of Oregon's Recreational Water Quality Criteria: Oregon's Department of Environmental Quality submitted revisions to its water quality standards for bacteria in September 2016, with additional clarifications submitted in early 2017. The revisions included updates to its recreational water quality criteria in marine waters, designated use maps that clarify where marine and freshwater recreation occur, and a new designated recreational shellfish harvesting map. Region 10 hopes to approve the state's water quality standards revisions in the next week or two.

Last Week Highlights

Draft Update to NW Arctic Subarea Contingency Plan Out for Comment (Alaska): The Northwest Arctic Subarea Committee, lead jointly by On-Scene Coordinators from USEPA, US Coast Guard, and Alaska Department of Environmental Conservation, guides the actions of all three agencies in responding to spills of oil or hazardous substances. The Committee drafted a proposed update to its Subarea Contingency Plan and is currently seeking comments on the plan.

Major Progress During 2nd Year of Cleanup at Midnite Mine Superfund Site (Washington): Region 10 concluded a successful second year of cleanup work at the Midnite Mine site on the Spokane Tribal Reservation. This year approximately 57 contractors were employed during cleanup, including 36 tribal workers. Over the past year cleanup included: remediation, revegetation, stabilization and cleanup levels achieved in two areas; a new access road constructed and stabilized; sediment removal and construction of the groundwater collection system. During construction, all stormwater was collected and treated prior to off-site discharge.

Region 10 Attends Coast Salish Vessel Traffic Summit (Washington): On September 29th Region 10 staff and management attended the Vessel Traffic Summit hosted by the Swinomish and Tulalip Tribes. Speakers included representatives from several state and federal agencies, Tribal leaders and attorneys. Tribal leaders expressed concerns about the cumulative effects of vessel traffic and its infrastructure on tribal Usual and

Accustomed harvest areas. Agency presentations provided insights into efforts to reduce the risks of oil spills from vessels. The tribes seemed pleased with the discussions and meeting outcome, and a future gathering is planned for later in the year to solidify the concepts generated.

Office of Administration and Resources Management

Hot Issues

Emergency Response Volunteers

To date, the volunteer response is as follows:

Applications Submitted to **FEMA**	Deployed	Deployed Pending Check-in	Eligible for Deployment *(difference)*
111	12	31	47

* 21 additional applications sent on 10/4 (reflected in the total but not status columns).

Applications Submitted to **SBA**	Deployed	Deployed Pending Check-in	Eligible for Deployment *(difference)*
12	0	0	0

NOTE:

- EPA volunteers have also being deployed to Puerto Rico.
- Second deployment wave occurred October 4, 2017.
- FEMA Mission Statement doubled the number of volunteers requested, increasing the reimbursable amount to the Agency from $700,000 to $1,400,000.
- As volunteer assignments are determined, EPA will finalize an interagency agreement with SBA, a requirement before employees are deployed.

Designation of National Security Positions

Title 5, Code of Federal Regulations, Part 1400 mandates that agencies evaluate every employee's position to determine its sensitivity in relationship to the potential impact it could have on national security. To meet this requirement OARM has submitted a corrective action plan to the Office of the Director of National Intelligence and the Office of Personnel Management. In addition, managers have been trained and began the process of documenting risk and sensitivity designations for EPA employees.

Upcoming Public Events

Memorandum of Understanding

On Thursday, October 12, 2017, OARM will sign an MOU to continue a long standing relationship with North Carolina Central University, a local (to RTP) Minority Servicing Institution, established in 1994. The MOU is intended to promote equal opportunity in higher education, contribute to its capacity to provide high-quality education, encourage participation of the students and faculty in EPA programs, and assist EPA in expanding the conversation on environmentalism and working for environmental justice.

Upcoming Major Decisions

None

Last Week's Highlights

None

Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

- **Tracking SIP Actions:** (Note this week we are presenting a summary of FY 2017. Beginning next week, we will start tracking actions for FY 2018)
    - Total Number of SIPs submitted to Regions in FY 2017: 305
    - Total Number of SIP Submittals with Final Action taken by the Regions in FY 2017: 382 (This total includes final actions by the Regions on both backlogged and non-backlogged SIPs as well as State withdrawals of outdated SIPs)
    - Total Number of Backlogged and Non-backlogged SIPs at the end of FY 2017: 638
        - Backlogged: 487
        - Non-backlogged: 151
- **Title V Petition Responses:** We have three pending Title V petition responses, two with near-term deadlines:
    - Wheelabrator Frackville Energy, Inc. (Mahanoy Township, Pennsylvania): Goal is signature by October 6, 2017, as the petition is tied to litigation for which we have an October 13th response due to the court.
    - Linn/Berry Oilfield (Kern County, California): No hard deadline, though the goal is to have it signed at the same time as Wheelabrator.
    - PacifiCorp Hunter (Emery County, Utah): We have an October 16, 2017, consent decree deadline to respond.
- **National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works Residual Risk and Technology Review ("POTW RTR"):** We have a court-ordered deadline for signature of October 16, 2017, to finalize the POTW RTR. The package is with OP for review.
- **National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines: Direct Final Rule Withdrawal.** This withdrawal action needs to be signed and published prior to October 25, 2017, which is the date the direct final rule will take effect. We are withdrawing the direct final rule due to an adverse comment we received on August 25, 2017. The package is with OP for review.
- **OAR actions under review at OMB:**
    - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG) – Stay Notices
    - Review of the Clean Power Plan – Proposed rule
    - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach – Supplemental Proposal
    - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month and Two Year Stay of Certain Requirements - Notices of Data Availability (NODAs)

State Implementation Plan (SIP)-Related Actions

- The Regions report that the following 19 SIP-related actions were signed this week:
  - **Region 2:** Proposed Rule - Single Source SIP Revision for Roseton Generating Station
  - **Region 3:** Proposed and Direct Final Rule - District of Columbia - Revision for Interstate Transport for the 2010 Sulfur Dioxide NAAQS
  - **Region 4:** Final Rule - KY-196 Louisville NOx RACT, CTGs-Flexography/Rotogravure, Rmvl of Bubble Rule
  - **Region 4:** Withdrawal Notice and Final Rule - AL-99 PSD, PALs, GHGs, and VOCs and Transportation Conformity
  - **Region 4:** Final Rule - AL-108 CSPAR NOx Ozone Updates
  - **Region 4:** Final Rule - KY-237 Louisville NOx RACT Plan
  - **Region 4:** Withdrawal Notice and Final Rule - AL-107 VOC Definitions
  - **Region 4:** Final Rule - KY-232 Louisville Texas Gas Transmission NOx RACT Board Order Amendment
  - **Region 4:** Final Rule - AL - 96-99-103-104-105; AL Regional Haze Prong
  - **Region 4:** Withdrawal Notice - NC-110-117-133 Air Curtain Burners
  - **Region 4**: Final Rule - AL-103-2 CSAPR SIP Revision
  - **Region 4:** Partial Withdrawal Notice and Final Rule - GA-115-134-136 NSR and Permitting Updates
  - **Region 4**: Final Rule - KY-218 Louisville NOx RACT-Medical Center
  - **Region 4**: Withdrawal Notice - AL-93 Chapter 4 -PSD Replacement Units
  - **Region 4**: Final Rule - FL-81 Permits
  - **Region 5:** Proposed and Direct Final Rule - Ohio 2008 Lead (Pb) Redesignation and Maintenance Plan for the Partial Fulton County Area
  - **Region 6:** Proposed Rule - DFW VOC RACT
  - **Region 6:** Final Rule - Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan
  - **Region 10:** Final Rule - OR Permitting Revisions and Rule Cleanup

Upcoming Meetings, Public Events, or Other Public Releases

- **Green Power Leadership Awards:** On October 23, the recipients of the Green Power Leadership awards will be recognized at the Renewable Energy Markets Conference in New York City, New York.
- **SmartWay Excellence Awards:** On October 23, the recipients of the SmartWay Excellence awards will be recognized at the American Truckers' Association Conference in Orlando, Florida.
- **ENERGY STAR Partner Meetings Products, Homes, & Commercial Buildings:** On October 23-25, ENERGY STAR will host the ENERGY STAR Partner Meetings for Products, Homes, & Commercial Buildings in Chicago, Illinois.
- **Natural Gas STAR Annual Implementation Workshop:** On October 24-26, Natural Gas STAR will host their annual implementation workshop in Houston, Texas.

Upcoming Decisions

- **For Administrator's Signature – Advance Notice of Proposed Rulemaking: Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units:** The package is with OP for review prior to submitting it to OMB.
- **For Administrator's Signature – Final Approval of Rescission of Nevada Visibility Protection Federal Implementation Plan (FIP) for the Mohave Generating Station (MGS):** This action finalizes the

withdrawal of the visibility protection FIP for the MGS in response to a Nevada Division of Environmental Protection's (NDEP) request. NDEP requested this rescission because MGS has not operated in over a decade and has been decommissioned and demolished. The package is in OP for review.

- **For Administrator's Signature – Revisions to Testing Regulations for Air Emission Sources:** In this rule we are proposing editorial and technical corrections to regulations that require source testing of emissions. (This is a routine "clean-up" action that we have done several times in the past – most recently in August 2016). The package is with OP for review.

Recap of Past Week

- **Actions signed recently:**
  - Nutritional Yeast Manufacturing Risk and Technology Review (Final Rule)
  - Pulp and Paper Risk and Technology Review (Final Rule)
  - Approval of Texas Regional Haze and Interstate Visibility Transport (Final Rule)
- **Release of Greenhouse Gas Reporting Program 2016 Data:** EPA's GHGRP released its seventh consecutive year of facility-level greenhouse gas data.
- **Release of Diesel Emissions Reduction Act (DERA) Request for Tribal Proposals:** The solicitation will remain open until January 18, 2018.

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

TSCA New Chemicals Determinations			
Determination Type	**Pending on 10/3/2017**	**Determinations Completed[1] as of 10/3/2017**	**Determinations Posted on the Website as of 10/3/2017**
# of "not likely" determinations	**1**	**103[4]**	**102[4]**
# of §5(e) Orders signed by both EPA and the submitter	-	**277**	**260**
# of §5(e) Orders signed by EPA and awaiting submitter signature	**73**	-	-
# of cases in post-FOCUS final determination development[6]	**237[3]**	-	-
# of cases flagged for in-depth review	**48**	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**67**	-	-
# of LVE/LOREX exemption grants	-	**457**	**452[5]**
# of LVE/LOREX exemption denials	-	**100**	**89[5]**
Total number of cases	**426**	**937**	-
Normal active workload for the New Chemicals Program	**300**	-	-
Number of cases undergoing testing or data development by submitter	**79**	-	-
Backlog[2]	**47**	-	-

Note: The backlog increased by 47 because 47 submissions were received from two companies in the last week. This backlog may continue for some period of time as these submissions are reviewed.

[1] "Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).
[2] (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog
[3] Of these cases, approximately 73 are "active" lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.
[4] "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.
[5] Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations completed" and "determinations posted." These have now been standardized.
[6] These cases are those for which interim section 5(a)(3) determinations were made at the FOCUS Meeting. Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURS coupled with not likely determinations; or section 5(e) or 5(f) Orders.

HOT ISSUES

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

Dicamba. EPA has reached an agreement with Monsanto and BASF on label revisions designed to provide protections against off-target damage for use of dicamba in the 2018 growing season. Efforts to finalize label language are ongoing and have involved discussions with state lead agencies, extension services, and the registrants. EPA expects to finalize label changes and issue a press release announcing the agreement next week (week of October 10)

Hurricane Relief Efforts. OPP is working on an emergency exemption (*i.e.*, Section 18) to legally permit the use of unregistered water purification tablets in Puerto Rico. The World Food Programme donated the water purification tablets, which have not been previously approved for use in the United States. The WFP is initially providing 280,000 tablets, which will provide 5 liters of clean water per day to 800,000 people for a week. Currently the entire island of Puerto Rico is on a Boil Water Advisory, which is complicated by that fact that only 5.4% of power company customers have electricity.

UPCOMING DECISIONS

UPCOMING MEETINGS AND PUBLIC EVENTS

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

Biological Products Industry Alliance Symposium. On October 11, 2017, Rick Keigwin, Director of the OPP, will be the Closing Keynote Speaker at the BPIA Symposium in Orlando, Florida. OPP has seen a significant and steady increase in the registration of new biopesticide products as well as growing demand from farmers, growers, retailers and consumers. EPA anticipates continued industry growth and is committed to encouraging the development and use of low-risk biopesticides as alternatives to conventional chemical pesticides.

Inventory Reporting Webinars. EPA has scheduled three webinars to assist the regulated community with reporting under the TSCA Inventory Notification (Active-Inactive) Rule, published in the Federal Register on August 11, 2017. This rule requires industry to report chemicals manufactured or imported in the U.S. over the past 10 years. Each identical webinar will include an overview of reporting requirements, a demo of the electronic reporting application (Central Data Exchange (CDX)), and will provide time for questions and answers. The first webinar occurred on September 27, 2017. The remaining webinars are scheduled for 1-3 PM EDT on October 25, 2017 and November 29, 2017.

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

LAST WEEK HIGHLIGHTS

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

Office of the Chief Financial Officer

Hot Issues

- OCFO loaded funding available through December 8 provided by the FY 2018 Continuing Resolution. OCFO's CR Guidance memorandum will be issued to the agency next week.
- The Senate Appropriations Subcommittee has delayed markup of its version of the FY 2018 appropriations bill again.
- All FY 2018 Budget Hearing Questions for the Record (QFRs) were submitted to SAC, which will insert into the public Senate hearing record.
- OCFO met with the Chief of Staff who approved an approach regarding FY 2018 FTE ceilings. The next step is to engage Senior Leaders on methodology options.
- OCFO continues to work with NPMs and the Policy Team to respond to OMB's follow-up questions from the FY 2019 OMB Submission hearings.
- OCFO met with the Chief of Operations to review FY 2017 risk assessment results and an approach to rank enterprise risks. Next step is to share analysis with Acting DAAs/DRAs.
- OCFO continues to work with the relevant headquarters and regional offices on the financial aspects supporting the EPA's responses to Hurricanes Harvey, Irma, and Maria. To date, EPA has received 32 mission assignments for a total of $71.5 million to support Hurricane Harvey, Irma and Maria responses. This is in addition to funding from within EPA's base appropriated funding. OCFO also continues to work with headquarters and regional offices to refine estimates for the hurricanes' environmental damage costs. The intent is to have needs outlined that can be part of a future supplemental. Before engaging with OMB on possible supplemental funding, OCFO will coordinate with the Policy Team for approval.

Upcoming Public Events

- The draft *FY 2018-2022 EPA Strategic Plan* is available for public comment October 5 through October 31 via the Federal Register Notice and Regulations.gov website. (OCFO provided a copy of the draft Plan to Senior Leaders on October 2 and the Administrator shared with all employees on October 4.) To meet the legal Congressional consult requirement, letters to key Congressional Committee members notifying them of the availability of the draft Plan and public comment process will be mailed October 6.
- ECOS plans to launch the ECOS Results website on October 24. Alex Dunne has requested to schedule a brief meeting with the Chief of Operations and OCFO and OCIR leadership shortly before the launch.

Upcoming Major Decisions

- N/A

Last Week Highlights

- OCFO worked with OARM and agency programs and regions to complete FY 2017 year-end close out activities. In addition, OCFO obligated and processed more than 1,700 approved grant award documents representing 29% of all FY 2017 grant awards during the month of September – with nearly half the last week alone -- for a total of more than $1.4 billion.
- OCFO's upgrade of PeoplePlus, the agency's time and attendance system, was launched October 5. In addition to OCFO's regular Help Desk, a Command Center will be activated October 6 to provide support to the agency during the change period and address technical issues that may arise. OCFO/OARM issued a joint memo October 5 formally announcing the removal of the telework request feature from the upgraded software. OCFO will issue a memo to the agency soon that that will summarize the launch, next steps (including continuing work to address union concerns), and other important information regarding recording time and attendance.

Office of Congressional and Intergovernmental Relations

- ***Upcoming Hot Issues and Important Deadlines***

  - **Anticipated October 12, 2017** - Responses to Questions for the Record due to the Senate Environment and Public Works from the confirmation hearing held Wednesday, October 4, 2017 for the nominees for OCSPP, OGC, OW, and OAR.

- ***Upcoming Events***

  - **Week of October 9** – Notification of NAPA report on clean water affordability
  - **Week of October 9** – Notification of Dicamba label changes w/OCSPP
  - **October 11** – SEPW staff briefing on TSCA New Chemicals program w/OCSPP
  - **October 11 –** Steve Fine, Acting AA, Action CIO, OEI, scheduled to testify at the House Committee on Small Business hearing on examining the Paperwork Reduction Act
  - **October 13** - Roundtable with House Energy and Commerce Committee, Subcommittee on Environment on State and Federal Hurricane Response Efforts. EPA participants: Regions 2, 4, 6
  - **October 18** – Sen. Coons (DE) staff briefing on green chemistry w/OCSPP
  - **October 19** – OCIR and OW will meet with representatives of the North Bay Waster Reuse Authority (NBWRA) to receive updates on work the NBWRA has done in Northern California's Marin, Sonoma and Napa Counties to generate a sustainable, drought proof water supply for agriculture, environmental restoration and municipal purposes.

- ***Past week accomplishments***

  - **October 2 -** OW staff will join OIR and Region 5 for a meeting with local Ft. Wayne officials to discuss the City's concerns with past EPA policies governing how water quality revisions made on the basis of Use Attainability Analyses (UAA) are integrated with enforcement of Combined Sewer Overflow (CSO) Long-Term Control Plans (LTCPs).
  - **October 3** - The ECOS P&P Co-Chairs held their monthly call. States reported out on the ECOS 2017 Fall meeting and heard an update from OCFO on the newly formed E-Enterprise Regional Coordinators (EERC) group. The Planning Committee gave an overview of ECOS' efforts on oversight of state-delegated programs. OCFO gave an update on the NPM Guidances and Strategic Plan
  - **October 4** – Senate Environment and Public Works Committee Confirmation hearing for nominees Michael Dourson, OCSPP; David Ross, OW; Matt Leopold, OGC; Bill Wehrum, OAR at 10am
  - **October 4 & 5** – Coordinated the announcements Regional Administrators Cosmo Servidio, Region 3 and Doug Benevento, Region 8, respectively, with OPA and the regions.
  - **October 6** - Lee Forsgren, Deputy Assistant Administrator for Water, Office of Water, Region X,

and OIR staff will meet with Mayor David Condon on the city's priorities. Mayor Condon will discuss the Water Quality Standard for the Spokane River, and his continuing concerns with EPA's Corresponding Federal Rule Promulgating Human Health Criteria for the State of Washington.

- ***Ongoing activities***

  - Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 33 letters during the previous two weeks. We received 1 new FOIA this week.

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

  - VW: The Court has approved the Trust Agreement. The Trust Effective Date will be October 3, 2017. Our colleagues in OCIR's Intergovernmental Relations office will be working with our colleagues in OECA to ensure the word gets out to the governors' staffs.

Office of Enforcement and Compliance Assurance

Hot Issues

Hurricane Response: OECA, together with OAR, issued a fuel waiver for Puerto Rico to allow the use of high sulfur heating oil and marine fuel in power generators or pumps used for emergency purposes. OECA also revised an earlier No Action Assurance (NAA) to broaden the categories of power generators and equipment for emergency importation into Puerto Rico, and also issued an NAA for the same purpose in the Virgin Islands. Q&A documents on both NAAs, in both English and Spanish, were posted to the Agency's "Hurricane Response" website, as well as a Spanish translation of the NAA for emergency generator importation to Puerto Rico. Finally, an NAA was issued providing flexibility for the Merck company in Puerto Rico to operate power generators for a longer period of time than allowed under its Title V permit, which will help provide additional power on the island. OECA continues to monitor and work with officials in Puerto Rico and the Virgin Islands on response issues, and is prepared to take any additional actions necessary to facilitate response and recovery efforts.

Upcoming Events

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

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

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

Upcoming Major Decisions

None.

Last Week's Highlights

Enforcement and Compliance History Online Website: OECA's Office of Compliance recently hosted a live, public webinar about the Enforcement and Compliance History Online (ECHO) website, OECA's transparency tool. The webinar focused on using the various water discharge data tools available on ECHO, including the Water Facility Search, Effluent Charts, Detailed Facility Report, and DMR Pollutant Loading Tool. This webinar was the fifth regular ECHO training, with more than 1,200 attendees from the public, EPA, states and other government agencies. Initiated to address common user requests for more frequent training, the webinars are offered on a quarterly basis and alternate between introductory and advanced training (http://echo.epa.gov/help/training). Usage of ECHO continues to increase, to almost 4 million views in FY17.

Court Enters Tar Creek Superfund Settlement: On September 26th, the Oklahoma District Court entered a CERCLA Consent Decree (CD) between the United States and NL Industries, Doe Run Resources Corp., and the Department of Interior for the Tar Creek Superfund Site, Oklahoma. The Site includes approximately 40 square miles in northeastern Oklahoma contaminated by lead from historic mining operations. Under the CD, the settling parties are paying over $15 million to EPA to address claims for Operable Unit (OU) 2 (residential yards), OU 4 (waste piles and streams) and OU5 (sediment) at the Site. The CD also provides for the payment of $287,000 to the State of Oklahoma. The funds will be used by EPA for the ongoing OU4 work, particularly to address stream contamination. This CD was lodged in 2016, but was held up by Asarco LLC, an intervenor in the case (who previously entered into a $38.5 million bankruptcy settlement with the United States at the Site) that filed a motion in opposition to the CD. The District Court's opinion and order entering the CD found the CD to be fair, reasonable, and consistent with the goals of CERCLA and the strong policy that favors settlements.

Office of Environmental Information

Hot Issues

Acting Assistant Administrator to Testify in Congressional Hearing: "Evaluating the Paperwork Reduction Act: Are Burdens Being Reduced?"

- **Brief description:** On October 11, Acting Assistant Administrator, Steve Fine, will testify in a hearing held by the House Committee on Small Business.
- **Who benefits or cares:** The public, small businesses, federal agencies
- **Why this is important:** The purpose of the hearing is to help determine the effectiveness of the Paperwork Reduction Act (PRA).
- **Additional information:**
    - The PRA was enacted to minimize the paperwork burden for individuals; small businesses; educational and nonprofit institutions; Federal contractors; State, local and tribal governments; and other persons resulting from the collection of information by or for the federal government.
    - Chief Information Officers of federal agencies are responsible for ensuring that their agencies are in compliance with the PRA.
    - *A hearing was held in March 2017 where small business representatives testified about their concerns with the PRA. Concerns are that the PRA has not been successful in minimizing the amount of federal paperwork on individuals and small businesses.*

Upcoming Public Events - NA

Upcoming Major Decisions - NA

Last Week's Highlights

Information Technology Vulnerability Management Processes Effective October 2, 2017

- **Brief description:** Effective October 2, the EPA's Continuous Diagnostics and Mitigation (CDM) Phase 1 vulnerability management processes became operational. Scans will run every 72-hours on all networked devices. The EPA's Information Security Officers (ISO) will receive vulnerability reports on the Agency's security posture based on the scans.
- **Who benefits or cares:** Agency ISOs, the U.S. Department of Homeland Security (DHS), the Office of Management and Budget (OMB), and all EPA employees.
- **Why this is important:** The scans allow the EPA to meet its continuous monitoring goals and DHS and OMB direction. This is part of the Continuous Diagnostics and Monitoring effort mandated for all federal agencies.
- **Additional information:** NA

Office of General Counsel

New Judicial Decisions

- On October 3rd, the Third Circuit granted EPA's unopposed motion for remand of its Unconventional Oil and Gas (UOG) pretreatment standard rule, which prohibits the discharge of UOG wastewater to Publicly Owned Treatment Works (POTWs). The Pennsylvania Grade Crude Oil Coalition (PGCC) had challenged this rule, asserting that EPA failed to consider costs and availability of zero discharge options with respect to certain operators in Pennsylvania who were discharging wastewater to POTWs during the time of rulemaking. The Court granted EPA's request for remand without vacatur, meaning that the rule remains in effect while EPA considers the new information with respect to these Pennsylvania operators and takes any appropriate action with regard to the rule. Note that EPA extended the compliance deadline for these operators (those that were sending wastewater to POTWs at the time of rulemaking) until August 2019; all other operators are currently required to meet the zero discharge requirements. Per PGCC's request, the Court retained jurisdiction over the matter, and could reopen the petition if EPA fails to take further final action on remand. (*Pennsylvania Grade Crude Oil Coalition v. EPA*, No. 16-4064)

- On September 27, 2017, The D.C. Circuit ruled on EPA's motion in *Utility Solid Waste Activities Group* (USWAG) *v EPA*. The motion requested the court to continue the oral argument currently scheduled for October 17, 2017, and to otherwise hold the proceedings in abeyance. The Court granted a continuance of the oral argument from Oct. 17 until Nov. 20. The Court also dismissed the two challenges to the structural stability requirements that the Parties had requested be dismissed. The Court also ordered EPA to submit two additional filings: (a) we must file supplemental briefs by Oct. 11, addressing the relevance and implications of the intervening legislation (WIIN Act); and (b) we must file a status report by Nov. 15 specifying the provisions of the rule "that are likely to be subject to reconsideration by the agency and setting forth with specificity the timeline for reconsideration." The Court also issued two rulings pertaining to the oral argument now scheduled for Nov. 20: first, the parties must be prepared to address at oral argument whether an additional abeyance period should be granted. Second, the order establishes an argument structure as the parties generally requested, adding an extra 5 minutes to address the "additional abeyance" issue. (*Utility Solid Waste Activities Group v. EPA*, No. 15-1219)

New Complaints Filed

- NRDC filed a complaint in U.S. District Court for D.C. against Administrator Pruitt and the EPA under the Endangered Species Act (ESA). The complaint asserts that EPA has violated the ESA by failing to consult with FWS on the effects to numerous listed species of roughly 100 acetamiprid, dinotefuran and imidacloprid (all neonicotinoids) products. They seek an order requiring EPA to initiate and complete consultation and they seek vacatur of the subject products or other interim relief pending consultation. (*NRDC v. Pruitt*, 1:17-cv-02034)

- The Center for Biological Diversity (CBD) has filed a deadline suite in the U.S. District Court for D.C. CBD is alleging that the EPA failed to issue a FIP for Alabama and Mississippi to address conflicts of interest for state boards under CAA section 128. (*Center for Biological Diversity, et al. v. Pruitt*, No. 1:17cv2002)

- On September 22nd, industry and environmental intervenors filed petitions in the D.C. Cir. for panel

rehearing and rehearing *en banc* in *Mexichem v. EPA*. The petitions assert that the panel exceeded its subject matter jurisdiction by invalidating a use prohibition contained in the 1994 rule that established the SNAP program. The petitions further assert that EPA did not exceed its statutory authority in promulgating the 2015 SNAP rule that was challenged in this litigation. Since that date, two groups have asked the court for leave to file amicus briefs in support of the rehearing petitions: a group of administrative law professors and a group of states. The court issued an order on October 3rd directing the companies that challenged the 2015 SNAP rule (Arkema and Mexichem) to submit a response to the rehearing petitions no later than October 18th. (*Mexichem v. EPA*, No. 14-1328)

New Petitions that OGC is Aware Of

- None that OGC is aware of.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- Kevin Minoli, Acting General Counsel, will be attending the Out and Equal Workplace Summit in Philadelphia from October 10-12.
- Kevin Minoli will be speaking at the ABA Section of Environment, Energy, and Resources Fall Conference on Thursday, October 19.

Upcoming Major Deadlines in the Next Two Weeks

10/06 Status Report to notify the Court when a proposed TMDL (or TMDLs) will be submitted for the remaining stream segments in Alaska's 1992 impaired waters list for which a TMDL has not yet been prepared nor water delisted due as required by 1992 court order in *Alaska Center for the Environment v. Pruitt*.

10/06 Deadline for filing dispositive motions (motion to dismiss on mootness grounds/motion to transfer to Fifth Circuit) due in *Clean Water Action v. EPA*, a protective petition for review of EPA's action postponing certain compliance deadlines in the 2015 steam electric rule pursuant to APA section 705.

10/06 Motion for Reconsideration due in *NWEA v. Commerce, et al.*, litigation challenging EPA and NOAA actions and inactions regarding Washington CZARA and CWA 319 nonpoint source programs; EPA intends to file motion for reconsideration of the district court's recent order denying EPA's motion to dismiss of two claims related to CWA section 319 on mootness and standing grounds.

10/10 Motion to Govern Further Proceedings due in *American Petroleum Institute v. EPA*, Petitions for review of EPA's 2012 oil and gas NESHAP revision based on residual risk and technology review.

10/10 Motion to Dismiss due in *NRDC v. EPA*, a case involving policy or guidance for removing information or webpages from an EPA website.

10/10 First production of documents in *PANNA v. EPA*, a lawsuit arising from two FOIA requests related to chlorpyrifos.

10/10 Production of documents due in *PEER v. EPA*, a FOIA case pertaining to OW's response to multiple FOIA requests seeking records related to a draft Protective Action Guide for Drinking Water.

10/11 EPA's Brief is due in *CLF v. EPA*, an appeal from district court decisions in MA and RI regarding whether statements in TMDL documents constitute residual designation of stormwater sources for NPDES permitting.

10/11 Oral Argument in *National Association of Manufacturers v. Department of Defense, et al.*, a challenge to 6th Circuit's decision that it has exclusive jurisdiction over the Clean Water Rule litigation under Section 509 of the CWA.

10/12 Oral Argument in *Hawaii Wildlife Fund v. County of Maui*, litigation on whether discharges to ocean waters through a direct hydrological connection to groundwater is subject to permitting.

10/12 EPA's Reply in Support of Motion to Dismiss on mootness grounds is due in *Clean Water Action v. EPA*, a challenge to 705 stay of the 2015 steam electric rule pursuant to APA section 705.

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

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

10/16 Answer is due in *Center for Biological Diversity, et al. v. EPA*, where plaintiffs allege the EPA failed to make findings of failure to submit for 2008 ozone NAAQS nonattainment areas state implementation plans.

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

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

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

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

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

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

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

10/19 EPA Combined Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for

Summary Judgment is due in *Sierra Club v. EPA*, litigation concerning CAA deadlines related to Commercial and Industrial Solid Waste Incinerators and other categories of Solid Waste Incinerators.

10/19 Possible Opposition to Motion to Amend Complaint due in *Clean Water Action, et al. v. EPA*, a challenge of certain compliance deadlines in the steam electric rule pursuant to APA section 705, should EPA choose to oppose.

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

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

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

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

Office of International and Tribal Affairs

Hot Issues:

Minamata Convention on Mercury - EPA (AO, OITA, OAR, OCSPP, OGC) and the State Department represented the U.S. at the first Conference of the Parties (COP1) of the Minamata Convention on Mercury. The Convention entered into force in August of this year and has been joined by 83 countries to date. EPA was successful in achieving all negotiating objectives, including approval of core guidance documents on air emissions control, development of artisanal and small-scale gold mining National Action Plans, and identification of stocks and supplies of mercury. EPA also negotiated practical procedures for intersessional work on waste thresholds, contaminated sites, and mercury storage.

Upcoming Engagements:

October 11 - National Tribal Operations Committee (NTOC) meeting with EPA Senior Leadership and the National Tribal Caucus (NTC).
October 12 - Environment Climate Change Canada (ECCC) meeting to discuss bilateral areas of cooperation.
October 13 - Commission for Environmental Cooperation (CEC) Alternative Representative meeting to discuss future direction and 2018 Council Session.
October 11-15 - Fourth round of NAFTA 2 trilateral negotiations in Washington.

Highlights from Past Week:

Arctic Environment Ministers Meeting - EPA (OITA), State Department, Canada, Denmark and the Arctic Council Secretariat held a conference call with Finland on their proposal to hold an Arctic Environment Ministers meeting Oct. 8-9, 2018, in Rovaniemi, Finland.

- Finland is the current Chair of the Arctic Council and wants to hold the meeting to facilitate Ministerial dialogue and sharing of best practices/technologies that can advance sustainable development and environmental protection in the Arctic.
- The notional agenda will be aligned with the themes of Finland's Arctic Council Chairmanship program, which are biodiversity conservation, pollution prevention, and climate adaptation and mitigation.
- Finland anticipates that the meeting would conclude with a Chair's Summary to be incorporated into the Arctic Council's 2019 Ministerial meeting.

China's Ban on Solid Waste Imports - EPA (OLEM and OITA) met with representatives from Solid Waste Association of North American (SWANA) to hear the growing concerns from environmental industry stakeholders and local governments about China's recent notification to the World Trade Organization (WTO) to ban commodity grade recovered materials, including plastics and paper, by the end of 2017.

- SWANA shared with EPA that the expected "market disruption" is already causing anxiety among U.S. municipalities and states over how to dispose of their waste and keep recyclables out of the waste stream. Prices for recyclables have fallen by half since their peak of earlier this year, which is a threat to municipal recycling programs.
- SWANA and OLEM discussed coordinating messaging to help calm the anxieties of local and state stakeholders.
- SWANA has also met with Commerce and USTR to express similar concerns and to seek more clarity on the issue.

Office of Land and Emergency Management

Hot Issues

1. **Hurricanes.** We are in support of the Region 6 response to Hurricane Harvey, the Region 2 and 4 responses to Hurricane Irma, and the Region 2 response to Hurricane Maria. We are monitoring Tropical Storm Nate for potential impact on October 8 – 9.

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

3. **Mississippi Phosphates Corp. Site (Pascagoula, MS).**

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

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

6. **Hanford Record of Decision (ROD).**

7. **San Jacinto ROD.**

8. **Other ongoing major Superfund sites (for example, East Chicago, West Lake, Gold King Mine/Bonita Peak, Hudson River, Portland Harbor).**

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

Upcoming Public Events

1. **Recycling Press Event.** On October 5, OLEM participated in a District of Columbia press event to announce the expansion of its recycling program to include food service packaging.

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

Upcoming Major Decisions

1. **Hanford ROD.** We are working with Region 10 and the AO in preparation to brief the Administrator, and regarding DOE's tribal consultation.

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

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

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

Last Week Highlights

1. **Meeting with Farm Bureau.** On October 3, OLEM met with representatives from the American Farm Bureau Federation related to farms reporting under CERCLA section 103 and EPCRA section 304. The discussion included the difficulty farmers face in estimating emissions from animal waste, privacy concerns associated with personally identifiable information that may be included in reports, and concerns pertaining to citizen lawsuits.

Office of Policy

Documents Sent to the OFR September 28 - October 5, 2017

FRL	Title	Date Submitted to OFR
9968-90-Region 4	Alabama: Prevention of Significant Deterioration Updates	10/3/2017
9963-66-OCSPP	Florpyrauxifen-benzyl; Pesticide Tolerances	10/3/2017
9969-05-Region 8	Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to Air Pollution Control Rules	10/3/2017
9968-27-OEI	Clean Water Act Section 404 State-Assumed Programs (Renewal)	10/3/2017
9968-96-OAR	Proposed Information Collection Request; Comment Request; Regulation of Fuels and Fuel Additives: Detergent Gasoline (Renewal)	10/3/2017
9968-97-Region 9	Approval and Promulgation of Air Quality Implementation Plans; Arizona; Regional Haze State and Federal Implementation Plans	10/3/2017
9968-99-OECA	Production of Confidential Business Information in Pending Enforcement Litigation; Transfer of Information Claimed as Confidential Business Information to the United States Department of Justice and Party to Certain Litigation	10/3/2017
9969-02-Region 9	Approval and Promulgation of Implementation Plans; California; South Coast Moderate Area Plan for the 2006 PM2.5 Standards; Correction of Deficiency	10/3/2017
9969-03-Region 9	Interim Final Determination to Defer Sanctions; California; Los Angeles-South Coast Air Basin	10/3/2017
9969-04-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Utah; General Burning Rule Revisions	10/3/2017
9966-71-OCSPP	Environmental Modeling Public Meeting; Notice of Public Meeting	10/2/2017
9968-21-Region 6	Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for Volatile Organic Compound Emissions in the Dallas-Fort Worth Ozone Nonattainment Area	10/2/2017
9968-28-Region 6	Oklahoma: Final Approval of State Underground Storage Tank Program Revision	10/2/2017
9968-29-Region 6	Oklahoma: Final Approval of State Underground Storage Tank Program Revision	10/2/2017
9968-79-Region 7	Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard	10/2/2017

9968-80-Region 7	Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard	10/2/2017
9968-81-Region 7	Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard	10/2/2017
9968-82-Region 7	Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard	10/2/2017
9968-85-Region 9	Arizona: Authorization of State Hazardous Waste Management Program Revisions	10/2/2017
9968-87-OAR	Notice of Intent to Establish Voluntary Criteria for Radon Credentialing Organizations; Extension of the Comment Period	10/2/2017
9968-91-Region 2	Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Enhanced Inspection and Maintenance Program	10/2/2017
9968-92-Region 4	Air Plan Approval; Florida; Permitting Revisions	10/2/2017
9968-93-Region 4	Air Plan Approval; Alabama; Cross-State Air Pollution Rule	10/2/2017
9969-00-Region 8	Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 2010 SO2 and 2012 PM2.5 National Ambient Air Quality Standards; North Dakota	10/2/2017
9968-84-Region 5	Air Plan Approval; Illinois; Nonattainment Plans for the Lemont and Pekin SO2 Nonattainment Areas	9/29/2017
9968-89-Region 9	Approval of Arizona Air Plan Revision; San Manuel, Arizona; Second 10-Year Sulfur Dioxide Maintenance Plan	9/29/2017
9968-35-Region 9	Approval of California Air Plan Revisions, Antelope Valley Air Quality Management District	9/29/2017
9968-86-OCSPP	Pesticides; Draft Guidance for Pesticide Registrants on Notifications, Non-Notifications and Minor Formulation Amendments; Extension of Comment Period	9/29/2017
9968-75-Region 7	Approval of Nebraska Air Quality Implementation Plans; Adoption of a New Chapter under the Nebraska Administrative Code	9/29/2017
9968-76-Region 7	Approval of Nebraska Air Quality Implementation Plans; Adoption of a New Chapter under the Nebraska Administrative Code	9/29/2017
9968-77-Region 7	Approval of Nebraska's Air Quality Implementation Plan, Operating Permits Program, and 112(l) program; Revision to Nebraska Administrative Code	9/29/2017

9968-78-Region 7	Approval of Nebraska's Air Quality Implementation Plan, Operating Permits Program, and 112(l) program; Revision to Nebraska Administrative Code	9/29/2017
9966-84-OCSPP	Significant New Use Rule on Certain Chemical Substances	9/28/2017
9966-85-OCSPP	Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations to Terminate Certain Uses-30-Day Comment Period	9/28/2017
9966-87-OCSPP	Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations to Terminate Certain Uses-180-Day Comment Period	9/28/2017
9967-34-OCSPP	Pesticide Product Registration; Receipt of Applications for New Uses	9/28/2017
9968-71-Region 4	Air Plan Approval; Georgia; Regional Haze Progress Report	9/28/2017
9968-72-Region 4	Air Plan Approval; North Carolina; Interstate Transport	9/28/2017
9968-36-OCFO	Draft FY 2018-2022 Environmental Protection Agency Strategic Plan	9/28/2017

Office of Research and Development

I am pleased to have Jennifer Orme-Zavaleta join us in the ORD Front Office this week to start the ORD leadership transition.

Hot issues

TSCA Support

ORD continues to provide support to OPPT for the successful implementation of the revised TSCA. This week ORD provided an update on chemical prioritization efforts to OPPT management. ORD is assisting OPPT with the development of several options for pre-prioritization activities. Materials describing these options are being prepared during October and will be made publicly available in early November in support of a public stakeholder meeting to be held in early December. Also in support of the agency's implementation of TSCA, ORD is involved in a series of discussions to improve exposure estimates used in TSCA related activities. A workshop focused on chemical exposure from consumer products was held in September. A workshop focused on occupational exposure is scheduled on October 12 and an additional workshop on ambient exposure is scheduled on October 31

Upcoming Events

US-German Bilateral Working Group. Today ORD, OLEM and OITA met with German Colleagues as part of the US-German Bilateral Working Group. The goal of the meetings is for our German Colleagues to provide background on a new DE-US.net initiative and discuss potential projects and activities of mutual interest building on a 25-year relationship under the US German Bilateral Working Group.

Accelerating the Pace of Chemical Risk Assessment Workshop

October 8-12 several EPA scientists will participate in the 2nd Accelerating the Pace of Chemical Risk Assessment Workshop, hosted by the European Chemicals Agency (ECHA) in Helsinki. EPA hosted a workshop last year with US and international governmental organizations to develop case studies for determining ways to use new approaches to evaluate chemical safety. During the meeting, the progress on these case studies will be presented and there will be discussions about applying new approach methods for different regulatory decisions such as prioritization and screening level assessments. ORD will present four joint case studies involving EPA, ECHA, European Food Safety Agency (EFSA), Health Canada, Singapore Agency for Science, Technology, and Research (A*STAR), and INERIS on topics from the evaluation of the utility of using high-throughput toxicity data to provide a conservative estimate of doses causing adverse effects in traditional animal models, to advancing exposure models for lead, and using new approach methods to better understand the toxicity of PFAS chemicals.

Beta testing CyAN Mobile App

ORD has started to beta testing the CyAN mobile application and near-real time Sentinel-3 satellite data for the contiguous U.S. Satellite data acquired through the European Space Agency are processed by NASA before being transmitted by EPA through the app to the stakeholders. At this time, ORD, Office of Water, several EPA Regions, US Army Corps of Engineers, Ohio EPA, California Water Board, and South Florida Water Management Division are testing the app and providing review comments.

Tour of the EPA Experimental Stream Facility (ESF), Milford, OH

On October 9, Ohio State Representative Doug Green will tour ESF. ESF is shared with Clermont County, OH, which maintains its own testing labs for samples related to county wastewater facilities. It is common for county officials to arrange informal tours to showcase their programs that are operated out of the facility, as well as collaborative research between the county and EPA. A key example of this is the East Fork Watershed Cooperative which involves ORD, U.S. Department of Agriculture, Army Corps of Engineers, U.S. Geological Survey, Ohio EPA, Ohio Department of Agriculture, Clermont County Soil and Water Conservation District, and local farmers.

Prescribed Burn Research in Southern Oregon

On October 10 ORD will participate in a prescribed burn with the U.S. Forest Service. The objective of this effort is to use aerial and ground-based plume sampling technology to characterize emissions from prescribed burns of grass and Ponderosa Pine plots located in the Sycan Marsh in southern Oregon. The work will calculate more accurate and condition-specific emission factors for this ecosystem type, which includes representative species commonly found in western wildfires. Data from these experiments will contribute to the validation of the current Fire Emission Production Simulator model and to speciation profiles used in smoke emission inventory development and air quality modeling.

State and Superfund Support: Field studies to support remediation at Sylvester Superfund site, Nashua, NH, October 17

Region 1 has requested support in evaluating the continued effectiveness of remedial actions at the Sylvester Superfund site as part of their upcoming five-year review. ORD will assist Region 1 and New Hampshire Department of Environmental Services in identifying and evaluating potential implications of any changes in hydraulic gradients since the remediation system (a subsurface slurry wall surrounding the site with a low-permeability cap on top) was implemented. They will conduct field research to provide performance verification for groundwater containment and facilitate evaluation of new monitoring tools to measure groundwater seepage flux. The Sylvester site is a former solvents storage and disposal site with groundwater and soil contamination from compounds that include arsenic, benzene, trichloroethane, metals, volatile organic compounds and others.

Last week Highlights

Idaho Congressman learns more about ORD's Water Security Test Bed

Last week Greg Sayles and I, and our colleagues at Idaho National Lab (INL) were invited to meet with Idaho Congressman Mike Simpson and his staff to discuss ORD's Water Security Test Bed (WSTB) and other ORD research conducted at INL. This gathering was a follow up to Congressman Simpson's visit to the WSTB in August. With the backdrop of numerous, high-impact water system incidents across the U.S. over the past few years, the meeting gave us the opportunity to highlight the great need for applied water infrastructure research, how current efforts at the WSTB are providing water utilities proven techniques to deal with water emergencies, and our visions to expand the capabilities of the facility in the future.

ORD Support for the City of Flint's water system model

ORD representatives delivered and installed EPANET-RTX hardware and software in the City of Flint's water system that allows utility managers and operators to access system data via a smart phone. EPANET-RTX also

helps to integrate utility SCADA data with a hydraulic network model for real-time prediction of system wide flows, pressures, and water quality. Accuracy of real-time predictions was established through an extensive model calibration process, leading to improvements in the Flint model and enhanced confidence in its use. Real-time predictions of hydraulics and water quality were also instrumental in identifying issues that led to longer storage times and degradation in water quality. ORD continues to work to transition these technologies to the City of Flint.

Organization for Economic Cooperation and Development (OECD) Validation Management Group

Last week ORD attended a meeting hosted by the OECD Validation Management Group- Non-Animal and Endocrine Disruptors Testing and Assessment Advisory Group. The OECD works with member countries and stakeholders to cooperatively assess the hazards of industrial chemicals. ORD is providing scientific technical advice and sharing expertise on validation of in vitro assays for evaluating the toxicity of chemicals and using high-throughput in vitro screening to identify potential endocrine disruptors. EPA's participation in these OECD meetings builds international collaborations which helps to leverage global expertise and resources to develop faster and better approaches for assessing chemicals for potential health effects.

Superfund Support to Region 3

Today, ORD presented an overview webinar of technical support and research activities for contaminated sites to Region 3 Remedial Program Managers and technical staff. The presentation addressed plans, activities and research that directly relates to Superfund site analysis or clean-up.

Air Division Directors Meeting

ORD attended the Fall Air Division Director's meeting (9/27-29 in Seattle, WA) and presented an overview of the Air Research program along with future program directions. The presentation stimulated considerable discussion and further confirmed interest by EPA Regions in wildland fire research. During face-to-face discussions with Region 10 staff, they strongly emphasized the critical importance of better tools, data, and understanding of the health and environmental impacts of wildland fires. They pointed to the severe air (and water) quality problems caused by wildland fire this summer.

Tribal Research

STAR grantee, the Yurok Tribe Environmental Program, has completed development of their Yurok Local Environmental Observer as a hub of the Alaska Native Tribal Health Consortium (ANTHC) Local Environmental Observer Network (LEO). A functioning app is now available for download to both Apple and Android products. The LEO network was developed through support by EPA to the ANTHC, and is "a tool that allows local practitioners of traditional knowledge to capture and share environmental observations and changes." These observations help remote Arctic communities communicate with one another and with experts in universities and governments, and can also be used by industry and other stakeholders to understand the current weather and climatic situation in areas where monitoring data is sparse.

Superfund

ORD provided technical comments to Region 9 on the site evaluation work plan for the El Paso Natural Gas Mines near Cameron, AZ. The review focused on the sampling methodology in the work plan, which is important for ensuring that the large rural area is adequately evaluated for radium-226 concentrations.

Office of Water

Hot Issues

Perchlorate Comment Period Extension: EPA has extended the public comment period for the scientific materials that will undergo independent peer review to help inform the Agency's decision making on perchlorate under the Safe Drinking Water Act. At the request of stakeholders, the agency has extended the comment deadline for the draft report "*Proposed Approaches to Inform the Derivation of a Maximum Contaminant Level Goal for Perchlorate in Drinking Water*" from October 30, 2017, to November 20, 2017.

Hurricane Maria Update – Puerto Rico and US Virgin Islands

The humanitarian crisis – particularly in Puerto Rico – is severe. Residents in more remote areas are still lacking food, water and medicine. Distribution of these supplies remains a major difficulty. There are reports that the incidence of diseases is increasing, including gastro-intestinal problems and conjunctivitis (particularly in crowded shelters). Drinking water systems have been compromised on all the islands – particularly distribution of finished water. Much of the distribution network relies on electric-powered pump stations and is thus affected by the power outages and lack of fuel for generators. In PR, less than half the population is receiving drinking water through the system; comparable data for the USVI is not available.

Sewage systems were damaged. In PR, half the sewage treatment plants are not operational because of damage to the plants themselves, damage to the trunk lines that bring the sewage to the plants, and/or damage to or lack of electric power at pump stations. Raw sewage discharges are ubiquitous; some discharges enter waterways upstream of drinking water intakes. Residents are using surface waters (rivers, streams, lakes, coastal waters) for washing, potentially exposing them to harmful pathogens from the sewage discharges. EPA, CDC and PR DOH are advising residents not to bathe in surface waters.

EPA Region 2 response efforts are ramping up for Hurricane Maria in both Puerto Rico and the U.S. Virgin Islands. The 'Great American West' back-up region group (Regions 8, 9 and 10) has been assigned to support the R2 response. Response efforts for Harvey and Irma have ramped down. EPA Region 2 has established 3 geographic branches in Puerto Rico – north, south and west branches. Regions 8,9, &10 have been assigned to support the west branch with the central staging area being the town of Mayaguez on the west coast. It is anticipated that R8, 9, &10 deployments to Puerto Rico and the U.S. Virgin Islands will begin in earnest on 10/16 and will ramp up for the next two months.

Bristol Bay Update: Lee Forsgren, along with EPA personnel from OW and Region 10, will be in Alaska next week for a series of tribal consultation meetings and public hearings related to EPA's proposal to withdraw its 2014 Clean Water Act Section 404(c) Proposed Determination regarding mining the Pebble deposit, located in the Bristol Bay watershed in southwest Alaska. Consultation meetings are scheduled with tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations in Anchorage on October 10. Additional consultation meetings with tribes and ANCSA Corporations as well as public hearings are also scheduled for two locations in the Bristol Bay watershed, the villages of Dillingham and Iliamna on October 11 and 12, respectively. The tribal consultation and public comment periods on the proposal to withdraw are set to close on October 17.

Waters of the U.S.: The public comment period closed on the proposed Step 1 rule on September 27. To date, the docket has received approximately 295,000 comments, and 44,000 emails to the Administrator are being transferred to the docket. In support of the Step 2 rule, OW led the third of ten stakeholder outreach webinars on October 3 focused on the conservation community. Next week's webinar will focus on the construction and transportation community. OW continues to hold pre-proposal tribal consultations on the Step 2 rule and will meet with the Coquille tribe on October 5.

NAPA Affordability Report: This week EPA submitted final comments on the National Academy of Public Administration (NAPA) final study on community affordability. Senate Report 114–70, which accompanied the 2016 Consolidated Appropriations Act, directed EPA to contract with NAPA to conduct this independent study to create a definition and framework for "community affordability" and determine how different localities can effectively fund municipal projects. NAPA met with OW and OECA last week to discuss this report. The NAPA Study Team may brief Congress on their report and anticipates releasing it by the end of October. The report acknowledges and reflects the complex nature of assuring clean water that is affordable to communities while acknowledging some of the initiatives and efforts made by EPA to address the complexities. NAPA concluded that EPA should improve its community affordability framework for determining the financial capability of permittees to provide clean and affordability water services. The majority of NAPA's recommendations focus on how EPA can provide greater support for integrated planning and building greater utility financial and managerial capacity to address affordability challenges

WaterSense: On 10/8 WaterSense and ENERGY STAR are updating the ENERGY STAR Portfolio Manager platform to allow multifamily properties to calculate a 0-100 water score that they can use to benchmark themselves against other properties. This the first water score for Portfolio Manager.

Steam Electric FOIA**:** On 9/28, environmental groups represented by Earthjustice filed a lawsuit against the Agency asserting violations of the Freedom of Information Act (FOIA) for improperly withholding requested Agency records concerning the Agency's reconsideration of the Steam Electric ELGs. OW has been working with OGC's FOIA Expert Assistance Team to respond to this request. At this time, we have been instructed to cease communications with the requestor until we receive further direction from OGC and the U.S. Attorney. OW is still reviewing thousands potentially responsive emails for this FOIA and has also received a second, similar FOIA from this requestor.

Upcoming Public Events

39th Meeting of the London Convention: The first two weeks of October OW and OGC will be participating in the 39th meeting of the London Convention /12th meeting of the London Protocol at the International Maritime Organization in London, as a member of the United States Delegation and as a co-chair of the meeting. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972, known as the London Convention, is one of the first international agreements for the protection of the marine environment from human activities. The London Convention (and the London Protocol which is an updated treaty) applies to the deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms and other man-made structures at sea, as well as to the deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures themselves. The London Convention requires that Contracting Parties, such as the United States, issue a permit for the dumping of wastes and other matter at sea, and generally prohibits the dumping of certain hazardous materials. The agenda for this year's meeting includes development of guidance for evaluating the suitability of certain materials for dumping, consideration of amendments to the Treaty, discussions regarding the interpretation of the Treaty to specific types of wastes, and consideration of possible actions the Parties can take to assist one another (particularly new members and developing countries) to protect the marine environment from dumping.

WIFIA Outreach: The WIFIA program announced its schedule for Fall 2017 information sessions. The program will host three outreach sessions across the country (Denver on 11/8; Nashville on 11/16; Lenexa, KS on 11/29). The same information will be presented via webinar in December.