Region 1

Hot Issues

Order on Consent Entered into to Resolve NPDES Permit Appeal/Violations (town of Marion, MA)

- The Town of Marion, Massachusetts has entered into an Order with EPA to resolve an appeal of an NPDES permit and to allow the Town to explore the possibility of treatment plant regionalization while also addressing compliance with copper, phosphorus and nitrogen limits.
- The Region recently re-issued the Town's NPDES permit containing copper, phosphorus and nitrogen limits, as well as restrictions on the operation of lagoons that the treatment plant was not able to meet based on its current configuration and operation procedures. Both the Town and the Buzzard's Bay Coalition (BBC) appealed the NPDES permit.
- The Region, the Town and BBC engaged in Alternative Dispute Resolution overseen by a neutral Environmental Appeals Board judge, resulting in an order on consent between EPA and the Town, and dismissal of the two appeals.
- The Order, entered into on October 20, 2017, establishes a schedule to allow the Town to evaluate and implement remediation options for achieving compliance with the permit limits related to copper, phosphorus, and nitrogen, as well as lagoon controls, in the context of ongoing consideration of Regionalization.
- Although the NPDES program is implemented by EPA in Massachusetts, the Commonwealth co-signs NPDES permits. MassDEP supports this settlement.

Order on Consent Entered into to Resolve Unauthorized Sewage Discharges (borough of Naugatuck, CT)

- The borough of Naugatuck has entered into an Order with EPA to address discharges of untreated sewage from various components of its Collection System to the Naugatuck River.
- On at least nine occasions between February 1, 2012, and October 1, 2016, the borough discharged untreated sewage from its collection system to surface waters in Connecticut. These discharges were not authorized by an NPDES permit and are commonly referred to as Sanitary Sewer Overflows.
- The Order, entered into on October 20, 2017, requires the Town to minimize the occurrence of SSOs, and to develop and implement an updated Capacity, Management, Operations, and Maintenance (CMOM) program.
- The Connecticut Department of Energy and Environment joined EPA on the SSO audit of the borough, and participated in discussions leading to this settlement.

Maine 2016 303(d) list and Integrated Water Quality Report

- EPA Region 1 has completed its review of Maine's 2016 §303(d) list and Integrated Water Quality Report and plans to approve the list in the near future. The Region worked closely with Maine DEP during the preparation of both the Draft and Final versions of the 2016 list. A section on the EPA 303 (d) Vision is included in the report.
- Assessments for all waters that are part of Maine's implementation of the vision were reviewed and updated as necessary. Several comments were received on the Draft list and were adequately addressed in the response to comments portion of the Final list.

Upcoming Public Events

Ammonia Table Top Exercise, South Portland, ME – November 1, 2017

- Region 1 and the Maine State Emergency Response Commission, Maine Emergency Management Agency will be conducting a table top exercise in South Portland ME to support participants' emergency response preparedness and ability to manage incidents involving the accidental release of ammonia.
- We anticipate 50 participants, including personnel from ammonia refrigeration businesses and federal,

state and local agencies.

Green Infrastructure Workforce Webinar – November 15, 2017

- Region 1 will host a webinar entitled *Exploring the Green Infrastructure Workforce: Jobs, Training and Certification for Installation, Maintenance and Monitoring*.
- The program will share information on key occupations involved in installation, maintenance and monitoring of urban green infrastructure, highlight findings from *Exploring the Green Infrastructure Workforce* (a national study by Jobs for the Future), and offer examples of existing and emerging job training and certification programs related to green infrastructure projects.

Upcoming Major Decisions

None

Highlights from last week

Chemical Safety Workshop

- On October 18 the Massachusetts Office of Technology Assistance, the Merrimack Valley Planning Commission and Region 1 conducted a workshop for emergency responders, municipal facility managers and users of hazardous chemicals called "Chemical Safety and Community Resilience. The workshop emphasized pollution prevention and toxics' use reduction as a common sense approach to emergency planning. The workshop took place at Northern Essex Community College in Haverhill, MA.

Region 2

Hot Issues:

Hurricanes Irma & Maria: EPA now has about 180 personnel on the ground in Puerto Rico and the US Virgin Islands; that number is expected to increase to 400 by early December. We have nearly completed our assessment of smaller (non-utility) drinking water systems in PR; and we are continuing that assessment work in the USVI. We have completed assessment of all Superfund, RCRA and oil sites. We have begun field work on our debris mission assignment in PR, where we have secured access to the first several sites for collection and management sites; we continue to work on finalizing other sites for this mission. We are prepared to begin similar field operations in the USVI once we receive final decisions from the USVI government on the selection of sites on all three islands. We await decisions from both the PR and USVI governments on whether to permit mass "air curtain" burning of vegetative debris. Based on discussions between RA Pete Lopez and senior PR and USVI officials during his visit last week, we have identified improvements we can make in our communications and interactions with PR and USVI representatives. This engagement is being supplemented with "hands on" problem solving on/troubleshooting of specific needs identified by said representatives. The RA has also had several media interviews about our hurricane response activities, with more anticipated.

Hudson River PCBs Superfund Site: The public comment period on the proposed Second Five Year Review for this site closed on September 1; we received over 2000 comments. We have reviewed the comments, and are preparing a Responsiveness Summary and a final Five Year Review report. We expect that the final report will include some revisions from the proposed document, but will articulate the same fundamental conclusion as was in the proposed report. We expect to be ready to issue the final report by late November. Earlier this week, NY Senator Gillibrand and several House members wrote to Administrator Pruitt criticizing EPA's proposed Five Year Review and urging that additional dredging of the Hudson be required. State and local officials, NGOs and other stakeholders have previously expressed similar views.

Past Week:

EPA Solar Farm is Activated: On 10/25 RA Pete Lopez participated in a "Flip the Switch" event to showcase the new photovoltaic field at EPA's Edison, NJ campus. The 4,788 photovoltaic panels will generate sufficient electricity to provide 45% of the annual power needs for the campus. The new system is rated at a peak capacity of 1.5 megawatts and is expected to produce a total of two million kilowatt hours of electricity in its first year of operation.

Motion for Summary Judgment Filed in Wetlands Case: On 10/16 the Justice Department filed on EPA's behalf a Motion for Summary Judgment on Liability in the civil case against Acquest Transit LLC, Acquest Development LLC, and William L. Huntress. The case involves a major wetlands violation in the Town of Amherst, Erie County, NY, that was first discovered by the Army Corps of Engineers in April 2007 and referred to EPA as a "repeat violator" case. EPA investigated the site with a search warrant in 2008. The case involves more than 13 acres of illegal fill by an entity that was in active negotiations with EPA for settlement of another violation, also in Amherst, at the time that this violation was discovered. The Acquest Transit case was referred for criminal prosecution, which ended in a plea agreement. The civil case has continued in litigation. Efforts to settle the case have been unsuccessful. DOJ is seeking to obtain pre-trial rulings for as much of the case as possible. The Motion for Summary Judgment seeks to establish that the wetlands are under federal jurisdiction and a violation occurred.

Long Island Sound Conference: The Congressional Long Island Sound Caucus sponsored this conference on 10/20/17, titled *Orchestrating Both Coasts for a Better Sound – II*. NYSDEC Commissioner Seggos attended, and Senior Region 2 water program officials represented Region 2 at the conference. Discussions included summaries of dramatic successes over the past 20 years, and identification of significant challenges still ahead. The conference was covered by the local CBS television news station: LIS conference news story

Upcoming:

Danskammer Generation Station Rulemaking Action: A final action approving a source-specific State Implementation Plan revision for NY that establishes Best Available Retrofit Technology (BART) emission limits for the Danskammer Generating Station Unit 4 in Newburgh, NY will soon be forwarded to the Administrator. The action replaces requirements originally issued by EPA under a Federal Implementation Plan with requirements issued by NY State under a State Implementation Plan. The final action notice must be signed by the Administrator, as the authority to sign this type of actions has not been re-delegated to the Regions.

Region 3

Hot Issues

Region 3 Facilitates the Expedition of a PADEP Order to PWSA

Regional Administrator Cosmo Servidio, DRA Cecil Rodrigues and his staff worked with Secretary McDonnell and his staff to ensure an Administrative Order was issued to the Pittsburgh Water and Sewer Authority (PWSA) on Thursday, October 26, 2017. The Order includes several immediate measures designed to correct some issues of concern that are needed to ensure clean and safe drinking water for PWSA customers. EPA will continue its work with Pennsylvania going forward, including conducting a comprehensive performance evaluation (CPE). This CPE will include a thorough review and analysis of PWSA's distribution system intended to achieve optimized performance and an increased level of public health protection.

Pennsylvania Department of Agriculture Hosts 2017 EPA Region 3 State Pesticide Inspectors Workshop

On October 16-20, 2017, the Pennsylvania Department of Agriculture hosted the 2017 EPA Region III State Pesticide Inspectors Workshop in Carroll Valley, PA. The 26th annual workshop was attended by approximately 75 pesticide program managers and inspectors from all Region III states, as well as members of LCD's Pesticide and Asbestos Programs Branch. Workshop topics included a "back-to-basics" approach to conducting pesticide producer establishment inspections, case development, evidence collection, internet pesticide sales, and an update on the pest control industry. Also provided was an overview of recent pesticide spray drift incidents involving genetically modified crops. One day was also dedicated to Health & Safety training that included vehicle safety, hazard communication, personal protective equipment, confined space awareness, field sampling, and basic toxicology. States also provided 2017 State Reports on their individual program and enforcement activities. Included in the workshop was a field trip to the nearby Gettysburg National Military Park and a presentation by the National Park Service on their integrated pest management approaches to pest control around the park. During the 2017 Region III Inspector Awards Banquet, Pennsylvania Department of Agriculture Secretary Russell Redding provided opening remarks and Region 3 Deputy Regional Administrator Cecil Rodrigues presented awards to Anton Goodwyn of the Virginia Department of Agriculture and Consumer Services as the 2017 Inspector of the Year, and to Nicole Wood of the Pennsylvania Department of Agriculture for the 2017 Investigation of the Year. Region III is the only EPA Region to present such awards. These workshops are hosted by a Region III state on a rotating basis.

Warehouse Fire, Parkersburg, WV

The National Response Center contacted EPA Region 3's duty officer on Saturday evening, October 21, regarding a warehouse fire at the old Ames Tool Plant in Parkersburg, WV. The local Fire Departments and WVDEP were on-scene trying to put out the fire. WVDEP requested that EPA provide air monitoring support and EPA's contractor deployed four air monitors, data rams, in the middle of the night, Sunday morning. EPA at WVDEP's request has provided additional air monitoring equipment, including equipment from ERT, through the week. In addition, Wood County, the lead for the incident, has also hired an environmental contractor to conduct air monitoring. EPA and WVDEP have discussed with the County's contractor a system that has combined the available

resources into one air monitoring plan. EPA Region 3 has two on scene coordinators and a congressional liaison on site with additional support in the Regional office. Region 3 will have staff onsite through the weekend into next week until the incident ends. The fire is expected to be extinguished in approximately four days.

Taiwanese Delegation Visits Philadelphia Regional Office
In September, Administrator Pruitt, Taiwan Environmental Protection Administration Minister Lee Ying-yuan, American Institute in Taiwan Managing Director John Norris, and Taipei Economic and Cultural Representative Office Deputy Representative James Lee renewed the US-Taiwan bilateral environmental agreement. The purpose of the agreement was to build relationships between the U.S. and Taiwan for protecting human health and the environment. On October 23, 2017, the Region 3 Hazardous Site Cleanup Division, Office of Preparedness and Response (OPR) hosted a networking and learning opportunity for 30 individuals from the country of Taiwan. This was also an opportunity for OPR to gain an international perspective on emergency response. OPR and a representative from the EPA Fort Lab Meade Lab gave presentations on EPA's emergency response mission and capabilities when responding to emergency incidents involving oil, hazardous substances, pollutants, and/or contaminants which actually or potentially threaten public health and the environment.

Upcoming Public Events

No public events to report at this time.

Past Events

National Fish and Wildlife Foundation (NFWF) Agriculture Event
DRA Cecil Rodrigues is participating in an event on October 20, 2017 to acknowledge and recognize the Pennsylvania grantees, totaling 5.8 million dollars directed towards 16 projects in PA. The EPA portion of the NFWF grants for this year directed 10 million of the 12 million dollars throughout the Chesapeake Bay watershed. Those projects include stormwater management and agriculture management practices. It is being held a farm with Secretary McDonnell and Secretary Redding. The media has been invited.

Ports Workshop Brings Together Mid-Atlantic Port Stakeholders
Regional Administrator Servidio welcomed everyone to an EPA sponsored one-day Ports Workshop, "Vibrant Ports – Healthy Ports", held on October 24, 2017 in partnership with the Delaware Valley Regional Planning Commission. This event brought together ports stakeholders from across the Mid-Atlantic Region to discuss issues of important related to the economic success and environmental sustainability of port facilities. Topics included funding opportunities, emissions inventories and other environmental planning tools, success stories, and the EPA's Ports Initiative. Management and staff from Region 3 and EPA's Office of Transportation and Air Quality were also in attendance.

Region 4

Hot Issues

Administrator's Emphasis List

Key Message: The Region is working diligently to identify remedy options and seek public participation for the two Region 4 sites on the Administrator's Emphasis List, B.F. Goodrich (Calvert City, KY) and Mississippi Phosphates (Pascagoula, MS). We have spoken with our state partners for each of the sites and anticipate a productive and proactive approach to cleaning up these sites. Regarding the B.F. Goodrich site, the Region is preparing to brief the Administrator, possibly within the next week.

Oak Ridge Reservation CERCLA Site (Oak Ridge, TN)

Key Message: Region 4, in coordination with the Tennessee Department of Environment and Conservation, anticipates finalizing the Position Statement addressing the formal dispute regarding the approval of the Remedial Investigation/Feasibility Study for the disposal of toxic and low level radiation waste.

ERP Compliant Coke Facility (formerly Walter Coke, Birmingham, AL)

Key Message: On November 2nd, Region 4 will hold a public meeting to discuss the proposed remedies at the Former Chemical Plant and Former Pig Iron Foundry at the ERP Compliant Coke facility. The public comment period closes on November 14th. The Region anticipates significant interest from elected officials, media and other stakeholders due to the facility's relationship to the 35th Avenue Superfund Site.

Prom Chem Stop, Sale, Use or Removal Order (SSURO)

Key Message: On October 20th, Region 4 issued an amended SSURO to Prom Chem for imports into the ports of Charleston, SC and Wilmington, NC, allowing the company to come into compliance.

Sanitation District – 1 (SD-1, Kentucky)

Key Message: Regional Administrator Glenn met with the Director of the Kentucky Department of Environmental Protection to discuss next steps on SD-1. EPA and the State will draft a formal letter outlining information needed from SD-1 to identify the technical explanations, priority projects, watersheds, and timelines.

Upcoming Travel for the RA

- None

Region 5

HOT ISSUES:

Federal District Court Judge Orders Flint to Choose Long-Term Drinking Water Source
Key Message: The district judge ordered the city to make a water source selection that complies with EPA's emergency order.

On October 17, a federal district judge ordered the city of Flint to choose a long-term drinking water source by no later than October 23, 2017. On October 22, the City Council filed an emergency motion asking the court for more time to respond to the court's order – at least 75 days. In response, the judge ordered the state of Michigan to respond to the City Council's request to stay the deadline by October 24.

The option supported by the mayor of Flint, Governor Snyder, EPA, and MDEQ is for the city to enter into a 30-year contract with the city's current water source, the Great Lakes Water Authority (GLWA). The Flint City Council opposes this option and wants to look at other alternatives. The City Council is seeking approval to hire a consultant to analyze three water options. Meanwhile, the council voted on October 23 to extend its current contract with the GLWA for an additional two years.

Worker in Chicago Ridge, Illinois Dies from Pesticide Exposure
Key Message: During a release at a pest management company in Chicago Ridge, Illinois, a worker was exposed to the pesticide methyl bromide and later died.

According to the Chicago Ridge fire department, the release was caused by equipment failure and has since been secured. The fire chief determined that the release was contained to a small warehouse and the public was not exposed.

The release was reported to EPA on October 24, 2017. At EPA's request, the Illinois Department of Public Health (IDPH) sent an inspector to the site to determine whether there were any violations of the Federal Insecticide, Fungicide and Rodenticide Act. EPA will continue to work closely with IDPH until the matter is resolved.

EPA Releases Final Michigan Drinking Water Program Review Report
Key Message: On October 25, 2017, EPA released the report identifying key steps that the Michigan Department of Environmental Quality should take to ensure that the state provides safe and clean drinking water to all of its residents.

EPA recognizes the improvements that the state has recently made to its drinking water program, such as upgrading the non-community data management system, hiring staff to enhance technical capability, revising lead and copper sampling protocol, and establishing a peer review process that reviews any water system's significant changes in source water or treatment.

EPA reviews state drinking water programs in states that have primary enforcement responsibility. In October 2015, EPA committed to undertake a review of Michigan's program. This review looked at files from October 2013 to September 2015 and focused on MDEQ's implementation of the national primary drinking water

regulations throughout the state, including in Flint. Press coverage can be viewed here.

EPA has engaged with the state throughout the report writing process and finalized the report in the summer of 2017. A courtesy copy of the final report was shared with MDEQ on October 17, 2017 and EPA notified MDEQ of the final report's intended release date of October 25, 2017.

Response to Oil Sheen on Chicago River

Key Message: EPA is responding to an oil spill located on a portion of the Chicago River known for its historic contamination.

On October 26, EPA began an oil spill cleanup along a one-mile section of the South Fork Chicago River, locally known as Bubbly Creek. The dark oily, tar-like material has been sampled and taken to the lab for analysis. Containment boom has secured the oil in place. The source of the oil is currently unknown.

EPA anticipates continued cleanup activities through at least the end of next week. The U.S. Coast Guard has closed off access to that portion of the river. The Chicago Metropolitan Water Reclamation District and the U.S. Coast Guard are also on-scene. The U.S. Fish and Wildlife Service is addressing the issue of oil-covered Canada Geese. Press coverage can be viewed here and here.

UPCOMING EVENTS:

Fox River, Green Bay, Wisconsin Site Tour to Take Place on November 2, 2017

Key Message: The site tour will showcase EPA's largest environmental dredging project to date.

The site tour will be attended by Acting Regional Administrator Robert Kaplan and Senior Advisor to the Administrator Albert "Kell" Kelly, other EPA staff and Wisconsin Department of Environmental Quality. During the tour, Wisconsin DNR will give a presentation and provide a tour of the state of the art sediment processing plant. Weather permitting, attendees may be able to board one of the dredgers while in operation.

The Fox River sediment site, with PCB contaminated sediment over 39 river miles from Little Lake Butte des Morts to Green Bay, is nearing completion. This project is EPA's largest environmental sediment cleanup project to date. By the end of the project in late 2018, or early 2019, nearly 6 million cubic yards of sediment will have been dredged. The total volume of sediment dredged at the Fox River would fill Lambeau Field over seven times. In its ninth year of dredging, three hydraulic dredges will be used to remove about 565,000 cubic yards of PCB-contaminated sediment. In addition, about one acre of sediment will be capped and 179 acres will be covered with sand.

While EPA is the enforcement lead, the Wisconsin DNR is the technical lead. The Fox River project has been an exemplary example of collaboration between the federal government, state government and responsible parties.

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS/HIGHLIGHTS:

Veolia Settlement Agreement reached on October 23, 2017

Key Message: EPA and Veolia have reached a proposed settlement agreement to resolve the company's appeal of the January 2017 Clean Air Act Title V operating permit for the company's hazardous waste incinerator in Sauget, Illinois.

On October 23, 2017, EPA and Veolia reached a proposed settlement agreement to resolve the company's appeal. The draft permit attached to the proposed agreement removes from the January 2017 permit the requirement to install continuous multi-metals emissions monitors and inserts a requirement to install mercury emissions controls on two incinerators. The draft permit also includes improvements to Veolia's procedures for analyzing hazardous wastes burned in the incinerators. EPA has posted a copy of the proposed settlement agreement on the Agency's website. EPA will publish a notice in the Federal Register, inviting public comment on the settlement agreement. If the agreement is finalized after public comment, EPA will propose a revised permit for Veolia's facility to replace the company's current permit, and again provide an opportunity for public comment.

On January 18, 2017, EPA renewed, a Clean Air Act Title V permit for Veolia, a hazardous waste incinerator located in Sauget, Illinois. Veolia filed a Petition for Review with the Environmental Appeals Board (EAB) on February 15, 2017. The primary bases for the Petition are the temporary installation/operation of continuous metals emissions monitors and the feedstream analysis plan requirements in the permit. At the request of EPA and Veolia, the EAB stayed all Petition proceedings until November 22, 2017, while EPA and Veolia negotiate the terms of a settlement agreement.

Region 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

San Jacinto Waste Pits Superfund Site, Houston, Texas
On October 24, 2017, EPA issued an invitation to the potentially responsible parties for the San Jacinto Waste Pits Superfund Site to start negotiations for the remedy for the site. The remedy selected by Administrator Pruitt on October 11, 2017 entails the excavation and off-site disposal of 212,000 dioxin contaminated sludges at an estimated cost of $115 million.

World Series 2017, Houston, Texas
While EPA Region 6 response assets have not been activated to support the 2017 World Series, EPA Region 6 Emergency Response Branch has coordinated with federal, state, and local partners to verify the availability of response assets in preparation for games 3, 4 and 5 of the event from Friday, October 27 through Sunday, October 29, 2017, in Houston, Texas. In addition, an on-scene coordinator will be on stand-by in Houston.

Louisiana Gasoline Reid Vapor Pressure (RVP) revision
On October 23, 2017, the Region received a draft Technical Support Document in support of a planned revision to the Baton Rouge ozone maintenance plan SIP to allow the repeal of the low RVP requirement. On October 25, EPA provided feedback on the Technical Support Document. The States goal is to have this requirement removed before next summer's fuel blending season, which starts in April 2018.

Arkema Inc., Crosby, Texas
EPA received the additional information requested from Arkema by the October 17th deadline and we are reviewing the information to determine the completeness of the response.

Takata, Eagle Pass, Texas

TCEQ inspectors from the Laredo Regional Office conducted a site visit of the Eagle Pass Takata Storage facility on October 20, 2017. TCEQ also confirmed that the Fire Marshal for the City of Eagle Pass inspected the storage facility. No issues were reported. No further updates are available on the status of potential inflator disposal at Clean Harbors Deer Park.

Tar Creek Superfund Site, Miami, Oklahoma (Collaborative Federalism)
Sampling will continue in Operable Unit 5 during the week of October 30 through November 3, 2017, in order to collect data related to characterization of and potential risk related to sediment and surface water within the Tristate Watershed investigation area. This field event is being accomplished through joint coordination and cooperation with Region 7, three states (Oklahoma, Missouri, Kansas), eight Tribes (Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee), and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife). The project area consists of seven watersheds and covers approximately 437 square miles and 119 river miles.

Evangeline Training Center, Carencro, Lafayette Parish, Louisiana
The Department of Justice filed a complaint on October 19, 2017, in the Western District of Louisiana, alleging violations of the Clean Water Act (CWA) resulting from unauthorized discharges of pollutants

into water of the United States. Evangeline Training Center is a large concentrated animal feeding operation (CAFO) located in Carencro, Louisiana that stables or confines about 500 horses for at least 45 days in any 12-month period. This facility has been discharging process waste water, including horse wash water and contaminated storm water runoff, to waters of the U.S. without a permit in violation of Section 301 of the CWA. The discharge flows through ditches and drainage ways that exit the facility at three different outfalls into the Francois Coulee or one of two unnamed tributaries, and then into the Vermillion River, a traditionally navigable water. Pollutants associated with CAFO discharges include nutrients, bacteria, and organic enrichment, which can contribute to water quality impairment in U.S. waters. In January 2016, EPA referred this civil action against Evangeline to DOJ, seeking injunctive relief and a penalty. LDEQ is a co-plaintiff. The facility has a history of recalcitrance.

Texas Water Quality Standards, Triennial Review
EPA intends to meet with representatives of the Texas Commission on Environmental Quality on October 31, 2017 to discuss an action on specific items in the Texas 2014 triennial submittal of standards for surface waters. EPA's action is pending consultation with EPA HQ and TCEQ. Previously, EPA has approved approximately 70% of the 2014 Texas Surface Water Quality Standards. This proposed action includes revised standards for Resley Creek, South Leon River, Indian Creek and the primary contact recreation 2 use (PCR2).

Arkansas Regional Haze State Implementation
The Arkansas Department of Environmental Quality (ADEQ) shared their DRAFT State Implementation Plan (SIP) regarding Arkansas Regional Haze with EPA on October 10, 2017. EPA and ADEQ staff met on October 16 – 17 to discuss the draft and recommend revisions. We anticipate ADEQ starting the Public Comment Period on 30 October.

Bird Creek, Osage County, Oklahoma
All three respondents provided testimony and believe the contamination is a one-time occurrence, disputing EPA's contention that the Mississippi Chat is over-pressurized. Warren American Oil Company also testified that they would like to pump out the contamination from Bird Creek and are communicating with the landowner for permission. EPA is not approving this approach but will be observing this pump out event during the week of 13 Nov. The Osage Nation Environmental Department was contacted and invited to observe as well.

Wilcox Oil Company Superfund Site, Bristow, Oklahoma

EPA and the Oklahoma Department of Environmental Quality (ODEQ) recently conducted remedial investigation activities at the site. During this field event, the team collected site surface water, sediment and subsurface data to delineate contamination. Work under this field event is expected to complete in early November 2017. In addition, ODEQ and EPA, along with contractor, will meet with property owners and local officials to discuss future use planning, future use expectations, and potential reuse opportunities.

Valero Refining – Texas, L.P. (TPDES Permit No. TX0063355, WQ0001909000)
EPA will issue a Withdrawal of Interim Objection letter to the TCEQ regarding the revised permit and fact sheet submitted in response to the EPA's previous comments in a letter dated July 16, 2010. The applicant operates the Valero Refining (a petroleum refinery plant) located in Corpus Christi, Texas. The TCEQ addressed the pending issues, and thus the TCEQ, as the permitting authority may proceed

with permit issuance.

Renewal of EPA's Storm Water Collaborative Pilot with TCEQ and the Texas Association of Builders [TAB]
Following an October 24th meeting between the National Association of Homebuilders, senior EPA officials and the Administrator, over a myriad of issues and the request for changes to [Federal] storm water enforcement practices, a call was made to TAB to determine their support to "renew/refresh" the 2008 agreement. TAB said they would be very interested, particularly with the resurgence of building and expected construction following Hurricane Harvey. It is hoped that any such agreement will help to develop best practices in other parts of the county.

Altec Petroleum Group Public - Notice of Proposed Administrative Order
During the week of October 30, a *public notice* will be posted soliciting comments on a proposed Administrative Order against Respondent, Altec Petroleum Group, Inc. US EPA Docket No. SDWA-06-2018-1101, which requires the Respondent to submit annual operations reports for an injection well known as SWD 1 located on the Osage Mineral Reserve in Osage County, Oklahoma, for the reporting periods April 2015 through March 2016 and April 2016 through March 2017. Comments will be solicited for 30 days from the date of the notice.

NEPA

Houma Navigation Canal Deepening Project, Terrebonne Parish, Louisiana
The Louisiana Department of Transportation and Development (LADOTD) prepared a Final Integrated Feasibility Report and Environmental Impact Statement (IFR/EIS) for the Houma Navigation Canal Deepening Project, located in Terrebonne Parish, Louisiana. LADOTD is proposing to deepen waterways to reduce future waterborne transportation costs and allow the efficient passage of large oil and gas sector barges, new vessels built at the Houma shipyards, and vessels working in the Gulf. EPA will support LADOTD by meeting our basic statutory requirements for participating in the environmental review process.

UPCOMING PUBLIC EVENTS

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

November 7 or 14 – The House Energy and Commerce Committee Hearing will hold a follow-up hearing on Hurricane Response activities.

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

UPCOMING DECISIONS

Oklahoma Corporation Commission UST Program Approval
EPA intends to issue a direct final approval for the OCC application to operate the Oklahoma State UST regulations in lieu of the Federal UST regulations in Oklahoma. The Acting Regional Administrator is expected to approve this action by November 1, 2017.

PAST WEEK ACCOMPLISHMENTS

Citizen Potawatomi Nation of Oklahoma
EPA sent the final concurrence package to Headquarters, on October 18, 2017, for the approval of treatment in a similar manner as a state (TAS) for Citizen Potawatomi of Oklahoma to administer water quality standards and certification program under the federal Clean Water Act.

Oklahoma Coal Combustion Residual Permit Program
EPA is engaging the tribes in consultation and coordination regarding the Coal Combustion Residuals (CCR) Permit Program Application from the State of Oklahoma. On August 3, 2017, EPA Region 6 received the Application. The Oklahoma Department of Environmental Quality has requested review and approval of the program consistent with the 40 CFR 257, Subpart D pertaining to coal combustion residual units. EPA began the government-to-government consultation by holding a conference call on October 19, 2017. The consultation is not anticipated to impact the timeline for approval by the Administrator.

PENDING ACTIONS (Pending Federal Register Publication)

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Rule FRL 9969-73-Region 6

Oklahoma: Final Approval of State Underground Storage Tank Program Revision FRL 9968-28-Region 6 and 9968-29-Region 6

Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Infrastructure State Implementation Plan Requirements for the National Ambient Air Quality Standards, FRL 9970-19-Region 6

Region 7

Hot Issues

R7 Puerto Rico Recovery Support

Key Message: R7 continues to partner with R6 to staff multiple positions in the South Branch in Ponce, Puerto Rico (PR) to support R2 with the response to Hurricanes Irma and Maria. To date, R7 has deployed three CICs and six OSCs to PR and one RESL to the Edison EOC. This week, R7 is also planning to deploy an Assistant Situation Unit Leader to the Edison EOC, an Assistant Safety Officer to the JFO in San Juan, and backfills for three OSCs. On Nov 1, the original six R7 OSCs and one CIC will demobilize. The R7 Water Division has also been engaged by R2 to determine availability for a WERG team to deploy to PR and will develop a list of available personnel by the end of the week.

Last Week's Highlights

West Lake Listening Sessions and Stakeholder Meetings (Bridgeton, MO)

Key Message: On October 19, 2017, EPA held a series listening sessions and stakeholder meetings to discuss the West Lake Landfill Superfund Site in Bridgeton, Missouri.

- Attendees included EPA HQ senior leadership, EPA Region 7 Superfund and Public Affairs management and staff, Congressional office representatives, the Mayor of Bridgeton, school district superintendent, local hospital representatives, and other stakeholders.
- The community listening session had over 300 members of the public in attendance.
- Following the meetings and listening sessions, EPA is evaluating options for additional testing at the West Lake landfill.
- While EPA remains confident that the data collected to date allows the agency to make a proposed remedy decision, the agency is proactively responding to community concerns.

Sporlan Valve Site Governor Letter (Washington, MO)

Key Message: EPA R7 is in the process of finalizing a letter from the Regional Administrator to the Governor of Missouri requesting formal support for listing the Sporlan Valve site in Washington, MO on the National Priorities List (NPL).

- The site has elevated concentrations of PCE, TCE, DCE, and VC in groundwater, residential sub-slab, and residential indoor air and a VOC groundwater plume that has migrated beyond the property boundaries, threatening public groundwater wells and private drinking water wells.
- The state, through MDNR, has verbally expressed support to list the site on the NPL and has requested EPA coordinate transmitting the letter to the Governor with MDNR to ensure the Department has sufficient time to brief local and state representatives on the proposed action prior to the State's receipt of the letter.

This Week's Highlights

Nebraska Request for Assistance at Hamilton County Drum Site (Aurora, NE)

Key Message: On October 25, 2017, the NDEQ sent a request to EPA R7 for assistance with three hazardous drum sites in Hamilton County near Aurora, NE.

- EPA OSC and CID representatives met with NDEQ and Hamilton County Sheriff's Office representatives to investigate the three separate drum areas identified by local officials.
- One of the areas contained four containers of propionic acid as well as approximately 12 containers of Orthene and Dowpon.

- These containers will be staged at the county maintenance yard pending ultimate disposal. Two other areas will be visited on October 26 for similar analysis and action.

Madison County Public Meetings (Fredericktown, MO)

Key Message: On October 24, 2017, EPA R7 held a meeting with the Little Saint Francis River Watershed Technical Advisory Committee (TAC) in Fredericktown, MO to discuss comments on the Watershed Master Plan and related data needs.

- Attendees included a City Alderman, the city water plant superintendent, Madison County Health Department representatives, US Fish and Wildlife NRD staff, and representatives from the MDNR and EPA.
- EPA intends to undertake a comprehensive inventory of geophysical and geochemical character in the watershed above the Fredericktown City Lake, but will likely wait for the new contracting venue in 2018 to compile existing and pending watershed data and develop a data gaps sampling strategy.
- The Watershed Master Plan schedule will be modified until the additional data needed to guide the plan and future RI/FS sampling in the watershed is available.
- A Madison County Environmental Round Table meeting was also held to discuss updates on site cleanup and PRP searches, child blood lead screening activities and results, lead outreach and education activities, soil sampling and disposal activities, and residential property sampling and access activities.
- Attendees included the same group as the TAC meeting as well as representatives from Missouri Department of Health and Senior Services, ATSDR and EPA ECO.
- On average, about 22% of properties sampled by the Madison County Health Department (MCHD) have exceeded EPA's remediation goal.
- Almost 600 properties have been sampled to date by the County under the current grant and MCHD is going to start a door-to-door campaign to contact the ~500 properties that have never responded to the EPA or Madison County.
- EPA also discussed the upcoming Superfund Job Training initiative to kick off in January/February 2018 to train up to 15 local residents to work on the three-year residential cleanup contract.
- The MCHD trustee gave a statement of support for EPA's efforts and the benefits to community health as well as the economy of Madison County.

EPA Region 7 Joins Topeka, KS and KDHE in Brownfield News Conference

Region 7 Principal Deputy Regional Administrator Cathy Stepp joined Topeka, Kansas Mayor, Interim City Manager, and the Brownfields Coordinator for Kansas Department of Health and Environment for a news conference recognizing the city's award of an EPA Brownfield Assessment Grant. The city received a $300,000 EPA Brownfields Assessment Grant to support initial steps for a Riverfront Redevelopment Project near the Kansas River.

Region 8

REGION 8 WEEKLY REPORT – October 26, 2017

Hot Issues –

Visits with Montana Officials and Butte Trip October 30-Nov. 1

Key Message: Region 8 Regional Administrator Doug Benevento plans to meet with MT Governor Steve Bullock, MT Attorney General Tim Fox, Montana Department of Environmental Quality, Butte Silver Bow County Commissioners, and community stakeholders in Butte.

- A site visit with Montana Department of Environmental Quality to the Butte Superfund Site is planned for 11/1.
- Governor's meeting on 10/30 will include discussion of path forward on Butte Superfund Site.
- MTDEQ meetings will include discussions on coordination of oil & gas compliance and enforcement activities.

Upcoming Public Events – None

Upcoming Major Decisions –

Montana Nutrient Variances

Key Message: EPA is taking action on Montana's 2017 Water Quality Standards Nutrient Variances on October 31.

- On February 26, 2015, EPA approved Montana's (MT) numeric nutrient criteria (NNC) for total nitrogen (TN) and total phosphorus (TP) and a 20-year general variance for public and private dischargers with a July 1, 2017 expiration date.
- On May 31, 2016, the Upper Missouri Waterkeeper (UMW) challenged EPA's 2015 approval of MT's general variance. EPA argued that the case is currently moot because the old variance expired in July 2017. The Court has not issued a decision to date.
- On June 27, 2017, MT submitted a new variance for nutrients that supersedes the previous one.
- R8 is planning to approve MT's 2017 general variance in a manner to address the most significant policy issues and legal vulnerabilities.
- For the general authorizing provision variance, of the 60 facilities that MDEQ identified as possibly needing a variance, EPA will approve 37 facilities and consider 23 facilities to be outside the scope of EPA's 303(c) action.
- For the individual variance authorizing provision, EPA will take no action and will work with MDEQ to revise this provision when MDEQ initiates rulemaking in November.
- We anticipate stakeholders (e.g., UMW or private dischargers) may challenge EPA's new action. It is also possible the State may challenge the action due our decision to consider 23 of the proposed facilities outside the scope of our action.
- This action was closely coordinated with OW and OGC.

Last Week Highlights –

Lead Education at Three Denver Health Clinics During Lead Poisoning Prevention Week (LPPW)

Key Message: During LPPW, October 23-27, 2017, the Region 8 Lead Program promoted lead poisoning prevention education in conjunction with the Colorado Department of Public Health and Environment Lead Program and the Denver Environmental Quality Lead Program at three Denver Health Clinics in the metro area.

- The outreach education activities at the Denver Health Westside Women, Infants and Children (WIC) clinic, Eastside WIC clinic and the Lowry WIC clinic reached several environmental justice communities and Denver Lead Place-based Communities.
- The outreach efforts encourage families with young children to have their children tested for elevated blood-lead levels; educated families about lead hazards and methods to prevent lead exposure where children live, learn and play; and increased awareness of compliance requirements for Lead-Safe Work Practices under EPA's Lead Renovation, Repair and Painting Rule.

Fountain, Colorado City Council Meeting with Peterson Air Force Base and Region 8 Representatives to Discuss Local Groundwater Contamination

Key Message: The council expressed that there has been a lack of communication with the Fountain City Council about PFCs contamination impacting their water supply, and requested more regular updates from the Air Force.

- EPA received feedback that we need to do a better job rolling out new drinking water health advisories. In response, Region 8 explained that the EPA Office of Water has been working with the Local Government Advisory Committee and the Association of State Drinking Water Administrators to get specific feedback from local and state governments on how we can make improvements with this process. We are also evaluating our overall risk communication strategies to ensure they are understandable and effective.
- Peterson AFB committed to work with the community, Federal, State, and local agencies as a team to further resolve these issues, and to be transparent.
- The Air Force is also drafting written agreements with each water district that will cover future expenses, and is coordinating within DOD to determine what they can and cannot pay for.

Lake Koocanusa Bi-National Water Quality Meetings in Montana October 16-18

Key Message: Region 8 participated in meetings among state, provincial, federal and tribal representatives to address transboundary water quality concerns in the Lake Koocanusa, a bi-national reservoir on the Montana-Canadian border.

- Region 8 has participated for several years in the Lake Koocanusa Monitoring and Research Working Group, formed by Montana and British Columbia (BC) to develop site-specific criteria for selenium and other pollutants in the Lake.
- Levels of selenium, a toxic bioaccumulative metal, have been increasing sharply in water and fish tissue in the US portion of Lake Koocanusa over the past decade. The selenium comes from runoff from coal mines in BC.
- Once the working group reaches agreement on scientifically defensible selenium criteria for the Lake, the expectation is that BC and Montana will adopt those values through their respective rulemaking processes. Montana's selenium criteria would then be submitted to EPA for review and approval/disapproval under the Clean Water Act. BC's selenium objectives would be

incorporated into the discharge permit for the mines.

- The Confederated Salish and Kootenai Tribes in Montana and the Kootenai Tribe of Idaho have, in concert with Kootenai Tribes in Canada, repeatedly raised concerns with the US Secretary of State, the Canadian Foreign Minister, the Premier of BC and the Governor of Montana about the long term impacts of pollution coming from the mines. The Tribes have hunting and fishing treaty rights in and around the lake.
- Region 8 coordinated with the Office of Public Affairs and the Office of International and Tribal Affairs on our participation and messages.

San Juan and Animas Rivers Watershed Long-Term Monitoring Program Planning Meeting in Albuquerque, NM on October 18-19, 2017

Key Message: At this meeting, Region 8, 6, 9, HQ and jurisdictions potentially impacted by the Gold King Mine release developed a draft approach for a watershed-wide, long-term water quality monitoring program identifying monitoring activities for funding under the Water Infrastructure Improvements for the Nation Act (WIIN Act). During this meeting, the participants achieved the following outcomes:

- Identified the questions that the water quality monitoring plan and activities will be designed to address.
- Formed a workgroup to develop a watershed-wide monitoring plan and determine how jurisdiction-specific monitoring plans will align with the proposed plan.
- Came to consensus on the proposed recommendations for jurisdiction-specific projects to be funded under the WIIN Act.
- Specified next steps and associated milestones/deadlines for EPA, jurisdictions, and the contractor necessary for finalizing funding decisions and developing a draft monitoring plan.
- Participants included: Colorado, New Mexico, Utah, Southern Ute, Navajo Nation, and representatives from EPA Regions 6, 8, 9, OW, and ORD.

Region 9

Important/urgent matters:

No. California fire response: on Saturday, FEMA gave us a very extensive mission assignment to remove all household and commercial hazardous waste associated with the 7,000 burned structures in Sonoma and Napa counties before Christmas. On Monday, the FEMA RA asked me to triple our capacity, from clearing l00 parcels per day to 300 per day, to enable the Corps of Engineers to follow us in removing all solid waste/nonhazardous debris. See attached photo. With strong support from Regions 8, l0, and OLEM, we scaled up rapidly, and began on-the-ground screening of properties (for asbestos, paints, etc) which informs the EPA removals to follow. We are pushing FEMA and GSA to help us establish a local command post, so we can better deliver this enormous responsibility and meet FEMA's expectations. On Saturday, we'll join elected officials at community meetings in Sonoma and Napa. The regional and national media coverage has been very favorable in noting EPA already at work. We are working closely with the State on small drinking water systems damaged/destroyed, some of which are on boil-water or do-not-drink orders.

External Engagement:

Annual Tribal Conference: next Monday afternoon through Thursday, we'll cohost our 25th annual tribal conference inland of San Diego, at the Viejas tribe's facilities. Given Region 9's relationship with 148 tribes, this meeting typically draws several hundred participants, and features an agenda of 60 different sessions and four field trips. I will also meet with elected Tribal leaders to address any new issues of concern.

So. California manufacturers: next Monday in San Diego, I'll address the Industrial Environmental Assn.'s 33rd annual meeting, and discuss our priorities, challenges, and opportunities for collaboration.

Biosolids: Nov. 1-2, we'll cohost the 12th annual California Biosolids Alliance Symposium in Sacramento with state, local and academic partners to focus on biosolids reuse, permitting, soil health and infrastructure needs.

Past week's highlights:

Children's Environmental Health: this week we cohosted a well-attended research-oriented national meeting of EPA/NIEHS children's health partners, with robust participation from the Pediatric Environmental Specialty Units (PEHSU), academic researchers, and state partners. From 1999 to 2014, PEHSU reached over 700,000 individuals with 8,000 consultations and educational outreach.

CA SIP Action: I proposed approval of a rule to reduce particulate emissions from wood combustion in a Sierra Nevada PM2.5 nonattainment area. The rule is part of the local area's strategy to reduce wood smoke from the residences and businesses that rely on wood for heat. Over the last two years, we provided a $2.5 million targeted air shed grant and assisted the local district in developing a voluntary program to replace old wood stoves with cleaner, EPA-certified ones. The rule is part of a broader

strategy that incentivizes more stove replacements through real estate transactions and use restrictions based on ambient air quality.

Water Reuse: we hosted a national workshop on institutional barriers to potable reuse of wastewater in Racine, WI. The meeting was cosponsored by the ReNUWIt research consortium, the Johnson Foundation, and OW.

Region 10

Hot Issues

None this week.

Upcoming Public Events

Region 10 Participates in Stakeholder Meeting on Oregon's Changing Aquatic Resource Mitigation Framework: On November 9, Region 10 wetlands program staff will make a presentation at a stakeholder meeting hosted by the Oregon Department of State Lands for invited representatives of industry associations, conservation organizations, local government associations, and environmental consulting businesses. The purpose of the meeting is to frame the new aquatic resource mitigation program that Oregon is planning to adopt.

Region 10 Hosts Columbia River Cold Water Refuge Project Public Workshop (Oregon): Region 10's Office of Water and Watersheds will host a public workshop in Portland, Oregon on November 8th. The purpose of the workshop is to provide an update on the Columbia Cold Water Refuges Project, share preliminary analyses and results, and gather stakeholder feedback. Cold Water Refuges are areas that are colder than the main river temperature. When the Columbia River is too warm to support salmon and steelhead (during the summer), the fish make use of the cold water to migrate up the Columbia River to spawning grounds. Protecting and restoring these CWR is important for the survival of migrating salmon and the recovery of future salmon populations. The Project is a Reasonable Prudent Alternative resulting from a Jeopardy Decision by the National Marine Fisheries Service on parts of Oregon's water quality standard for temperature.

Pending Decisions

Region 10 Agrees to Deadline Extension for Fairbanks PM 2.5 Attainment: In coordination with the HQ Office of Air Quality Planning and Standards and General Council, Region 10 finalized the response to the Alaska Department of Environmental Conservation's September 15, 2017 notice of their intent to seek an extension of the attainment date for the Fairbanks PM2.5 Serious nonattainment area because it is impracticable for them to attain the standard by the December 31, 2019 deadline. The Clean Air Act allows states to apply for an extension of no more than five years. If the deadline extension is granted, the Serious attainment date for Fairbanks would be December 31, 2024. A new attainment date would also change the deadline for submission of the Serious area attainment plan. Based on ADEC's commitment to taking necessary actions for an extension request, and consistent with CAA section 189(b)(2), our response to ADEC agrees that it is reasonable for the Serious area SIP submission date to be December 9, 2018. The response letter is routing for review/signature and we hope to have it signed by the Acting RA and sent to ADEC by October 31, 2017.

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.

Oregon DEQ Seeks Region 10 Assistance with its Cleaner Air Oregon Rule: Oregon Department of Environmental Quality contacted EPA on October 20th with a request for feedback on their recently released draft Cleaner Air Oregon Rule. Public comments are due on the draft rule in 60 days and Oregon needs to finalize the rule by March or April 2018. Oregon is hoping that in early January, EPA could help consider the rule and the public comments and provide informal assistance on their rule. Though there will be some SIP changes as part of the rule (permit applications will now need additional info), the bulk of the rule is not subject to the SIP, so any rule writing assistance would be for the purpose of general state support, and not required oversight. The state would like to tap into our EPA regional expertise to ensure their rule is as well written as it can be. The Region's participation would be beneficial for the state relationship and help improve the quality of a new a complicated rule.

Jordan Cove Energy LNG/Pacific Connector Gas Pipeline (Oregon): The EPA has been invited by FERC (the lead federal agency for the NEPA process) to serve as a cooperating agency on the Jordan Cove project. The proposed project would construct and operate a liquefied natural gas export terminal on the North Spit of Coos Bay off the Oregon coast. The terminal would be designed to liquefy approximately 1.04 billion cubic feet of LNG per day for export to foreign markets and be visited by approximately 120 LNG carriers per year. The associated Pacific Connector pipeline would be approx. 235 miles long, extending from connections with other interstate pipelines near Malin, Oregon to the Jordan Cove LNG terminal at Coos Bay. Two previous projects at this site were canceled due to market changes and/or FERC denial. The EPA served as a cooperating agency on the previous iterations of this project as well. While the EPA does not have a direct permitting role for this project, we bring NEPA program and other related expertise to the project. It is anticipated that EPA will accept the offer to cooperate on the JCPC project.

Hilcorp Exploration Permits in Cook Inlet: In June 2017, the Bureau of Ocean Energy Management held a lease sale in federal waters of lower Cook Inlet, the first federal lease sale since 2008. BOEM received more than $3 million in high bids from Hilcorp Alaska for 14 tracts, covering approximately 76,600 acres. Hilcorp's consultant has contacted Region 10 to discuss air permitting requirements for potential exploration in Cook Inlet. The meeting may happen as early as the week of November 6. Region 10 is the air and water permitting authority for the Cook Inlet Outer Continental Shelf. In 2015, Region 10 issued a NPDES general permit for discharges from exploration activities to federal waters of Cook Inlet; the permit is effective from September 2016 to August 2021. Hilcorp has indicated that they will submit an exploration plan for multiple lease blocks to BOEM in early 2018.

Last Week Highlights

Region 10 Supports Oregon's Brownfields Programs: On October 26, Region 10 Brownfields staff met with the City of Portland Brownfields Program and Multnomah County Environmental Health regarding potential assessment and cleanup sites in Portland. They also attended a design charrette for the Beaverton Public Safety Center which will be constructed on a Brownfield site for which the City plans to apply for an FY18 EPA Brownfields Cleanup Grant. On October 27, staff will meet with Oregon DEQ, the Cities of Eugene, Springfield, and Lane County to kick-off the new Eugene-Springfield-Lane County Brownfields Coalition assessment grant which was awarded in FY17.

Brownfields Presentation at Infrastructure Conference in Washington: October 24-26, Region 10

Brownfields staff attended the Infrastructure Assistance Coordinating Council (IACC) in Wenatchee to deliver a joint Brownfields session with representatives from the Washington Departments of Commerce and Ecology. EPA will discuss Brownfields resources available to address contaminated sites in communities throughout Washington, highlighting several successful projects. Staff will also participate in a Tech Team Workshop for attendees who have specific projects for which Brownfield funding or technical assistance may be available.

Region 10 Participates in Arctic Oil Spill Workshop: The Arctic Domain Awareness Center (ADAC) at the University of Alaska, a Department of Homeland Security Center of Excellence, hosted a two-day workshop October 23-25 in Anchorage, under the theme of "Coping with the unthinkable…an Arctic maritime oil spill." EPA Region 10's Alaska Operations Office attended this Incidents of National Significance (Arctic IoNS) oil-spill focused workshop, intended to bring U.S. and Canada Coast Guard members, select researchers, operators and government officials together to gain a better understanding of current areas of concern in coping with an Arctic oil spill, in order to identify under-researched gaps and shortfalls in science and technology for addressing such a spill.

Region 10 Provides Basic Inspection Training for State of Idaho Staff: EPA Region 10 hosted formal Basic Inspection Training (BIT) for the Idaho Departments of Agriculture and Environmental Quality in Boise on October 17-19. This class is one of the courses required as part of the credentialing process for inspectors. More than 60 attendees representing EPA, ISDA, IDEQ and various Idaho Department of Health and Welfare district health departments enrolled in the class. Feedback received was very positive. Additional NPDES training will be offered later this year.

Office of Administration and Resources Management

Hot Issues

Emergency Response Volunteers
Both FEMA and SBA numbers/status remain unchanged. The deployment of FEMA volunteers has slowed.

Emergency Leave Transfer Program Policy
The U.S. Office of Personnel Management established Emergency Leave Transfer Programs for federal employees adversely affected by Hurricanes Harvey, Irma, and Maria. On October 17, 2017, OARM issued a policy bulletin (HR Bulletin 18-001B) which establishes EPA's ELTP. The bulletin program policy provides for the transfer of annual leave to employees adversely affected by disasters or emergencies as declared by the President. Employees are encouraged to visit the ELTP Intranet site to access the policy, procedures and answers to frequently asked questions. An emergency leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from the ELTP for each disaster or emergency.

2017 "Use or Lose" Deadline
The deadline to schedule "use or lose" leave for restoration eligibility and obtain supervisor approval is November 25, 2017. The 2017 leave year ends on January 6, 2018.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week's Highlights

Suspension and Debarment
On Friday, October 20, 2017, a notice of proposed debarment was issued by the EPA Suspension and Debarment Official to a Volkswagen engineer and former Leader of Diesel Competence at Volkswagen Group of America who was convicted in the U.S. District Court for the Eastern District of Michigan of conspiracy to defraud the United States, to commit wire fraud, and to violate the Clean Air Act.

Earthquake Drill
On Thursday, October 19, 2017, OARM coordinated EPA headquarters' "Great American Shakeout Earthquake Drill". Upon hearing the public address announcement, participants were encouraged to 1) drop to the ground, 2) take cover, and 3) hold on to something sturdy. More information can be found in the building's occupant emergency plan.

Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

- **Tracking SIP Actions:**
  - Total Number of SIPs submitted to Regions in FY 2018: 9_
  - Total Number of SIP Submittals with Final Action taken by the Regions in FY 2018: 6
  - Total Number of Backlogged and Non-backlogged SIPs: 659
    - Backlogged: 495
    - Non-backlogged: 164
- **Response to December 9, 2013, Clean Air Act Section 176A Petition from CT, DE, MD, MA, NH, NY, PA, RI, and VT:** We have an October 27, 2017, consent decree deadline to respond to a petition under Clean Air Act Section 176A regarding expansion of the ozone transport region. The package is with OP for review.
- **Title V Order for Big River Steel (Arkansas):** We have a court-promised deadline of October 31, 2017, for the Administrator to sign this order. The package is with OEX for review.
- **OAR actions under review at OMB:**
  - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG) – Stay Notices
  - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach – Supplemental Proposal
  - Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (Advance Notice of Proposed Rulemaking)
  - Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits (Proposed Rulemaking)
- **Wildfires and Air Monitoring –** AirNow.gov is continuing to provide a valuable resource to the wildfire-impacted western U.S. and areas downwind with air quality forecasts, real-time air quality conditions, and health recommendations as smoke from the fires causes unhealthy to hazardous levels of particulate matter. This Fall, AirNow.gov has experienced its highest usage in its 20-year history, as heavy smoke from wildfires raised people's interest in air quality and health – first in the Pacific Northwest, then later in California. In the last week, traffic to the site has reached over 2 million visits, and AirNow.gov continues to issue social media to keep the public informed of steps they can take to protect themselves.

State Implementation Plan (SIP)-Related Actions

- The Regions report that the following SIP-related action was signed this week:
  - **Region 1: Withdrawal Notice -** New Hampshire incinerators, open burning, and fugitive dust regulations

Upcoming Meetings, Public Events, or Other Public Releases

- **Participation on the U.S. Delegation for the Framework Convention on Climate Change - 23rd Conference of the Parties (COP):** EPA staff plan to participate on the U.S. delegation to the upcoming COP in Bonn, Germany. (The COP runs from November 6-17).
- **Annual Meeting of the U.S.- Canada Air Quality Committee:** On November 2, 2017, the U.S.-Canada Air Quality Committee will meet here in Washington, D.C. to review

implementation of the U.S.-Canada Air Quality Agreement. The U.S. and Canada entered into this agreement in 1991 to address transboundary air pollution.

Upcoming Decisions

- **For Administrator's Signature – 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):** This week OMB concluded its review of the NODAs. The package is being routed for signature.
- **For Administrator's Signature – Revisions to Testing Regulations for Air Emission Sources:** In this rule we are proposing editorial and technical corrections to regulations that require source testing of emissions. (This is a routine "clean-up" action that we have done several times in the past – most recently in August 2016). The package is with OP for review.
- **For Administrator's Signature –Protection of Stratospheric Ozone: Revision to References for Refrigeration and Air Conditioning Sector to Incorporate Latest Edition of Certain Industry, Consensus-based Standards:** This direct final rule and parallel proposal will modify the use conditions required for use of three flammable refrigerants: isobutane (R-600a), propane (R-290), and R-441A in new household refrigerators, freezers, and combination refrigerators and freezers under the Significant New Alternatives Policy (SNAP) program. The use conditions, which address safe use of flammable refrigerants, are being revised to reflect an updated standard from Underwriters Laboratories (UL) that is incorporated by reference.

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

TSCA New Chemicals Determinations			
Determination Type	**Pending on 10/24/2017**	**Determinations Completed[1] as of 10/24/2017**	**Determinations Posted on the Website as of 10/24/2017**
# of "not likely" determinations	**1**	**103[4]**	**103[4]**
# of §5(e) Orders signed by both EPA and the submitter	-	**284**	**280**
# of §5(e) Orders signed by EPA and awaiting submitter signature	**75**	-	-
# of non-Order SNURs/"not likely" determinations	**0**	**0**	**0**
# of cases in post-FOCUS final determination development[5]	**227[3]**	-	-
# of cases flagged for in-depth review	**53**	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**80**	-	-
# of LVE/LOREX exemption grants	-	**466**	**460[5]**
# of LVE/LOREX exemption denials	-	**101**	**93[5]**
Total number of cases	**436**	**954**	-
Normal active workload for the New Chemicals Program	**300**	-	-
Number of cases undergoing	**79**	-	-

testing or data development by submitter			
Backlog[2]	**57**	-	-

[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 signed determination document is prepared and has been shared with submitter.
[5] These cases are those for which 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. When the OPPT Office Director decides which of these regulatory paths to follow, the case is moved to: Row 3 when the section 5(e) or 5(f) Order is sent to the submitter for signature; Row 4 when the SNUR is published; and Row 1 when the determination document is sent to the OPPT OD for signature.

HOT ISSUES

Alternative Test Methods and Strategies to Reduce Vertebrate Animal Testing: November 2nd Public Meeting. The Frank R. Lautenberg Chemical Safety for the 21st Century Act amended Section 4(h) of the Toxic Substances Control Act (TSCA) to require EPA to develop a Strategic Plan by June 22, 2018 to promote the development and implementation of alternative test methods and strategies to reduce, refine or replace vertebrate animal testing. OCSPP announced a public meeting which will occur on November 2nd, 2017 from 9:00 am to 4:45 pm to obtain input from interested parties and the public on the Agency's development of the Strategic Plan. OCSPP believes this early feedback will be important in developing a strong Strategic Plan.

UPCOMING DECISIONS

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

UPCOMING MEETINGS AND PUBLIC EVENTS

Pesticide Program Dialogue Committee Meeting November 1-2. EPA's Office of Pesticide

Programs will hold a public meeting of the Pesticide Program Dialogue Committee (PPDC) in the first floor conference center at One Potomac Yard South. The PPDC is a federal advisory committee, chartered under the Federal Advisory Committee Act (FACA), Public Law 92-463, representing sectors from pesticide industry and trade associations, pesticide users, growers, commodity groups, environmental/public interest and animal rights groups, federal and state/local/tribal governments, academia, public health organizations and the general public. EPA established the PPDC in September 1995 to provide advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risk from use of pesticides. Topics that will be discussed at the meeting include: metrics for state pollinator protection plans, dicamba formulations, pesticide synergy, the Pesticide Registration Improvement Act (PRIA), Worker Protection Standard (WPS), and certification of pesticide applicators.

Non-Governmental Organizations Stakeholder Meeting, November 2. Following the PPDC, EPA will hold its annual meeting with NGOs. Topics for discussion include EPA Regulatory Reform and the OPP budget, Worker Protection Standard, and Endangered Species Act Consultations. Participating NGOs will include the American Bird Conservancy, Beyond Pesticides, Center for Food Safety, Farmworker Justice, Natural Resources Defense Council, and Northwest Center for Alternatives to Pesticides.

Technical Working Group on Pesticides, November 7-9. The meeting of the Technical Working Group on Pesticides (TWG) is being hosted by Mexico this year and is scheduled to take place November 7-9, 2017, in Guanajuato, Mexico. Rick Keigwin, Director, Office of Pesticide Programs, is the U.S. representative to the Executive Board of the TWG and is the head of the U.S. delegation to the meeting. The TWG serves as a focal point for addressing pesticide issues arising in the context of liberalized trade among Canada, Mexico and the United States, while recognizing environmental, ecological and human health objectives. Its goal is to align the North American registration and maximum residue limit (MRLs) systems for pesticides and products treated with pesticides and make work-sharing a way of doing business. The TWG 5-year initiative commits the EPA to certain types of work including: joint reviews, risk assessments, and joint and coordinated development of harmonized risk assessment methods.

Inventory Reporting Webinar, November 29. EPA 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 webinars occurred on September 27 and October 25, 2017. The remaining webinars is scheduled for 1-3 PM EDT on November 29, 2017.

LAST WEEK HIGHLIGHTS

Federal Chemical Reform California Panel Discussion. On October 20, 2017, Jeff Morris, Director, Office of Pollution Prevention and Toxics, participated in a panel discussion on "Federal Chemical Reform as Seen Through the California Lens" during the 2017 Environmental Law Conference at Yosemite. The Conference was sponsored by the State Bar of California Environmental Law Section.

Formaldehyde Voluntary Consensus Standards. On October 25, OCSPP published 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.

Mercury Reporting Rule. On October 26, OCSPP published a proposed rule to require reporting from persons who manufacture (including import) mercury or mercury-added products, or otherwise intentionally use mercury in a manufacturing process. EPA is required by amended TSCA to carry out and publish in the Federal Register no later than April 1, 2017, and every three years thereafter, an inventory of mercury supply, use, and trade in the United States. OCSPP published its initial inventory report in March 2017. The proposed rule, when finalized, would support future, triennial publications of the inventory. Based on the information collected, the agency is directed to identify any manufacturing processes or products that intentionally add mercury and recommend actions to achieve further reductions in mercury use.

Chemical Review Committee of the Rotterdam Convention, October 22-27. OPP scientist, Monique Perron, attended the Chemical Review Committee (CRC) meeting, a subsidiary body of the Rotterdam Convention. The CRC meetings are held every year to consider notifications from countries who have banned or severely restricted chemicals and determine if the chemicals should be included on a Prior Informed Consent (PIC) list, which is intended to promote shared responsibility and cooperative efforts in the international trade of chemicals. During the meeting, the committee considered notifications for 13 chemicals and two pesticide formulations. Monique also serves as the OPP point of contact for the Persistent Organic Pollutants Review Committee (POPRC) of the Stockholm Convention, which met October 17-20. The POPRC evaluates proposed chemicals for listing, which would require parties to take measures to eliminate or reduce the release of persistent organic pollutants.

National Lead Poisoning Prevention Week, October 22-28. Each year National Lead Poisoning Prevention Week brings together individuals, organizations, industry, and state and local governments to help increase lead awareness by using their efforts and collaborations to reduce childhood exposure to lead. The theme for National Lead Poisoning Prevention Week is "Lead-Free Kids for a Healthy Future," and this year featured a focus on testing children for elevated blood lead levels. OCSPP, in support of activities led by the U.S. Department of Housing and Urban Development and the Centers for Disease Control and Prevention, provided information to the public to protect against lead poisoning.

Office of the Chief Financial Officer

Hot Issues

- The Senate Appropriations Subcommittee on Interior, Environment and related Agencies has delayed mark-up of its version of the FY 2018 appropriations bill.
- After Policy Team review, OCFO submitted estimates for potential hurricane supplemental funding to OMB, which OMB is reviewing October 26 and 27. The estimates include Hurricane Harvey and Irma needs and Puerto Rico and Virgin Island needs but not California fire needs. To date, EPA has received 41 mission assignments or agreements from other federal agencies for a total of $126.5 million to support disaster responses, including $51 million to support the California wildfires, all of which is in addition to EPA's base appropriated funding.

Upcoming Public Events

- Public comment underway through October 31 on draft *Strategic Plan* through the Federal Register Notice and Regulations.gov website. The pace of comment submissions is increasing, currently about 20 per day. Received 299 unique comments to date with about 80 percent on climate change/clean power plan/sound science.

Upcoming Major Decisions

- On October 26, Acting CFO requested Senior Leaders rank by November 3 the top three enterprise risks resulting from the risk assessments completed for the strategic objectives in the draft *FY 2018-2022 EPA Strategic Plan*.
- Preparing e-mail for Chief Operations Officer to send to Senior Leaders on approach to set ambitious targets for Strategic Measures and Agency Priority Goals that include meetings in November to discuss the targets and come to agreement by December 8. The targets will be included in the draft final *FY 2018-2022 Strategic Plan* due to OMB on December 22.
- Discussions continue regarding initial FTE ceilings for the FY 2018 budget. A meeting is scheduled with the Acting Deputy Administrator on October 31 and Chief of Staff on November 2.

Last Week Highlights

- Held final national conference call for tribes to discuss the draft *Strategic Plan*. Tribes raised several detailed operational/programmatic issues.
- OCFO continues to operate Command Centers to provide additional assistance to the agency to support the upgrade of the agency's time and attendance system, PeoplePlus, and new Payroll Cost Allocation functionality in Compass, the agency's core financial system.
- OCFO began drafting process guidance for the agency regarding when and how the FY 2019 budget and performance plans will be created, reviewed, and submitted to Congress by the early February deadline.

Other

- The FY 2017 Agency Financial Report, which will include the financial statement and a statement of assurance signed by the Administrator and other documents, is due to the President, Congress, and GAO on November 15. As required, the AFR also will be made available to the public at the same time on the agency's internet. OCFO will be routing the assurance statement and required Management Representation letters for the Administrator's signature soon.
- As requested, OCFO is scheduled to provide a demonstration of the agency Executive Resources Center and Unliquidated Obligations tool for the Chief Operations Officer on November 2. A Performance System demonstration is scheduled for the Performance Improvement Officer on November 1.

Office of Congressional and Intergovernmental Relations

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

  - **October 27**, Per court order, EPA will respond to a Clean Air Act 176a petition. EPA has determined that it will deny the petition to expand the list of states covered by the Ozone Transport Region (OTR).
  - **October 31** – Hill notifications re: PISCES Clean Water SRF innovative project award winners w/ OW

- ***Upcoming Events***

  - **October 30 -** City Manager Anthony Lyons will meet with EPA to discuss the Cabot-Koppers Superfund Site that is located in Gainesville. Staff from the Office of Superfund Remediation and Technology Innovation will join OIR and Region IV staff for the meeting.
  - **November 2** -the House Committee on Transportation and Infrastructure will have a committee meeting entitled, "Emergency Response and Recovery: Central Takeaways from the Unprecedented 2017 Hurricane Season.
  - **November 8** – Quarterly Outreach Meeting with Intergovernmental Associations and EPA's Office of Congressional and Intergovernmental Relations the featured presenter will be Lee Forsgren, Deputy Assistant Administrator for Water
  - **November 11** – House Energy and Commerce Committee, **Legislative Hearing on H.R. 848** - Rep. Newhouse (WA); "Farm Regulatory Certainty Act". The bill would amend the Solid Waste Disposal Act to incentivize efficient nutrient management practices and to clarify citizen suit provisions. EPA expects to provide written statement only for this hearing.

- ***Past week accomplishments***

  - **October 23** - representatives of the Monterey Peninsula Water Management District (MPWMD), and the Monterey Regional Water Pollution Control Agency (MRWPCA), will meet with EPA headquarters and Region IX staff to discuss partnerships with EPA
  - **October 23** – Ken Wagner went to the welcoming ceremony of newly appointed Region 7 Administrator Jim Guilford.
  - **Week of Oct 23/TBD –** Call/meeting with OMB and USCG on DHS S168 views letter w/ OW
  - **October 25** – The Air Team participated in a meeting with two companies involved in producing bear spray who are seeking a Clean Air Act exemption. Staff from Senators Daines and Tester, as well as Rep. Gianforte, were on the call.
  - **October 24** – Technical Assistance for Senate EPW minority on new VIDA bill for the Office of Water

- **October 25** –the Senate Committee on Environment and Public Works held a business meeting and confirmed the nominations of Michael Dourson to be Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, William Wehrum to be Assistant Administrator for the Office of Air and Radiation, Matthew Leopold to be Assistant Administrator for the Office of General Counsel, and David Ross to be Assistant Administrator for the Office of Water of the EPA
- **October 25-** Transmittal of 2017 Gulf Hypoxia Task Force Report to Congress w/OW
- **October 26**– Guidance for Farmers for Reporting Animal Waste. EPA released guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms.
- **October 26** - the Senate Subcommittee on Regulatory Affairs and Federal Management held a hearing entitled, "Improving Oversight of the Regulatory Process: Lessons Learned from State Legislatures
- **October 26** - the Office of Groundwater and Drinking Water, and the Office of Sustainable Communities will join OIR and Region IX in a meeting with Rick Herrick, Board Chairman and Mayor Pro Tem, City of Big Bear Lake, CA, to discuss the Big Bear Groundwater Sustainability Project.
- **October 26** – Ken Wagner visited Region 4 All States meeting in Charleston, SC.

- ***Ongoing activities***

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

    - HURRICANE AID PACKAGE RELEASED - The President signed a $36.5 billion disaster relief package yesterday (Oct 26) that includes nearly $5 billion to help shore up Puerto Rico's cash-strapped government. The package also includes an additional $14 billion for FEMA's disaster fund, $16 billion for the National Flood Insurance Program and $576 million to fight wildfires, Sarah Ferris reports.

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

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

Office of Enforcement and Compliance Assurance

Office of Enforcement and Compliance Assurance Weekly Report – Larry Starfield, Acting AA

Hot Issues

Hurricane Response: On October 20th, OECA issued an amended no action assurance to exercise its enforcement discretion for the Merck facility to provide for operation of an additional generator to help with access to power and clean water in Las Piedras, Puerto Rico.

Upcoming Events/Public Meetings

On October 28th, OECA Acting AA Larry Starfield will speak on a panel at the American College of Environmental Lawyers Annual Meeting in Charleston, South Carolina. Other panelists include Mary D. Nichols, Chair of the California Air Resources Board; Martha Rudolph, Director of Environmental Programs, Colorado Department of Public Health and Environment; David Flannery, Steptoe & Johnson PLLC; and James T. B. Tripp, Senior Counsel, Environmental Defense Fund. The panel will be moderated by James Morriss, Thompson & Knight LLP. Closed press.

On November 2nd, OECA Deputy AA Patrick Traylor will speak at the Baker Botts *Class of '85* Regulatory Response Group meeting. The Class of '85 group is comprised of electric generating companies from around the country.

In the coming weeks, OECA will be meeting with the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) and the Association of Clean Water Agencies (ACWA) to listen to feedback and recommendations regarding the next phase of the State Review Framework. This is a continuation of OECA's ongoing work with states to update the SRF metrics prior to initiating reviews in calendar year 2018.

Upcoming Major Decisions

None.

Last Week's Highlights

Administrative Hearing in the Matter of Taotao, et al.: Over the course of three days last week, OECA's Air Enforcement Division represented the EPA in a hearing on Taotao before EPA's Chief Administrative Law Judge, Susan L. Biro. The hearing was a major step in an administrative enforcement case against a foreign manufacturer and domestic affiliate who, together, imported and sold over 100,000 scooters and ATVs with illegal catalytic converters. The EPA succeeded in getting an accelerated decision in our favor on all matters of liability. Accordingly, the hearing only concerned the penalty.

Online Resource Center to Help States with Small Drinking Water Systems: OECA developed a resource center for states to share innovative practices to help drinking water systems in long-term noncompliance get on a path to compliance. The Potentially Intractable Resource Center (PIRC) is an interactive portal for sharing resources and lessons learned with fellow regulators. The PIRC was presented at the annual conference of the Association of State Drinking Water Administrators this month. State drinking water managers were interested in the question/answer feature that allows users to connect to other experienced state and EPA regulators. An upcoming voluntary one-year pilot will allow states to use the PIRC site to identify strategies to put specific systems on a path to compliance.

Meeting with Department of Defense (DoD) on Compliance Assistance: On October 20th, OECA's Office of Federal Facilities Enforcement met with representatives from the Office of the Deputy Assistant Secretary of

Defense (Environment, Safety and Occupational Health) to discuss opportunities for compliance assistance. OECA provided an FY11-17 enforcement and compliance trends analysis for DoD facilities that had a large number of RCRA and Clean Air Act violations, and suggested that those may be good areas for further compliance assistance. The DoD representatives are interested in learning how to use EPA's data systems, particularly ECHO, to help them analyze trends.

Man Pleads Guilty in Bio-Diesel Fraud Investigation in Ohio: On October 23rd, Greg Schnabel, the owner of a company that buys and sells renewable fuel and fuel credits, pled guilty in the Southern District of Ohio to conspiracy for his role in a scheme that generated over $47 million in fraudulent EPA renewable fuels credits, and over $12 million in fraudulent tax credits connected to the purported production of renewable fuel. Seven other defendants have already pled guilty for their role in the scheme.

National Historic Preservation Act Training: On October 24th, 2017, OECA's OFA, in partnership with Region 4, provided training on compliance with the National Historic Preservation Act, as well as other laws, regulations, policies, and executive orders. Participants learned about the nature of historic properties (buildings, archaeological sites, tribal cultural properties, and other assets) and how to determine a project's potential effect on such resources within the context of various EPA programs and regulations.

Assistance to CAFTA-DR on Environmental Impact Assessments: On October 25th, the United States hosted the annual Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) Environmental Program meeting. OECA's OFA, OITA, and USAID facilitated an all-day session on Environmental Impact Assessments, which included a panel discussion on how NEPA is implemented in the United States, the benefits and challenges of public participation, best practices, and lessons learned. On October 26th, OFA presented the project work plan to representatives from the CAFTA-DR countries' Ministry of Environment and Ministry of Economics at the Organization of American States.

Office of Environmental Information

Hot Issues

Information Quality Guideline Program Hosts Request for Correction "Technical Meeting"

- **Brief Description:** On October 30, OEI will host a meeting of representatives from Denka Performance Elastomers (DPE) who will present a Request for Correction (RFC #17002) under the EPA's Information Quality Guidelines (IQG). Although not typically part of the IQG process, this "listening session" will allow the requester's subject matter experts to present the RFC and share any new or applicable information in their challenge to the IRIS Toxicological Assessment of Chloroprene with EPA subject matter experts. EPA representatives from ORD (including Richard Yamada, Deputy AA for Science, and others), OGC and OEI will attend the meeting.
- **Who Benefits or Cares:** EPA; regulated entities; the general public.
- **Why this is important:** Supporting the Agency's quality assurance administrative mechanisms is critical to maintaining public confidence in the Agency's disseminated information.
- **Additional information:**
  - A coalition of the affected citizen community submitted an "Objection to Denka's Request for Correction" via The Lambert Firm on September 8, 2017.
  - An Inside EPA article published on September 7, 2017, provides an overview of related deliberations by the House Committee on Science, Space and Technology and describes DPE's RFC.
  - The House Committee on Science, Space and Technology sent a letter to Administrator Pruitt on October 12, 2017, requesting a briefing on ". . . how EPA intends to uphold scientific integrity and how it undertakes decisions to grant scientific and information quality requests with regard to IRIS assessments."

Office of General Counsel

New Judicial Decisions

- The D.C. Circuit issued its decision in Sierra Club's challenge to EPA's 2015 update of its transportation conformity PM hot spot guidance. The court dismissed the petition for lack of jurisdiction. The court found that petitioners lacked standing to challenge the revision to the revised PM2.5 methodology in the guidance. Of the three projects to which petitioners pointed as their basis for standing, only one was in a PM2.5 nonattainment area (the I-710 project in Southern California). The court found that petitioners had demonstrated neither that the project analysis would use the revised guidance nor that, if it did so, petitioners would be harmed. The court further held that the PM10 guidance revision was not final agency action subject to judicial review. The court distinguished our guidance from other cases in which the court concluded that EPA would not be open to considering approaches other than those described in the guidance, and that EPA had in fact demonstrated flexibility in applying the previous version of the hot spot guidance. Additionally, the court held that EPA's issuance of the previous version of the guidance through notice and comment procedures did not convert the guidance into a legislative rule. (*Sierra Club v. EPA*, No. 16-1097)

New Complaints Filed

- None to report.

Hot Topics

- Notice of Intent to Sue (NOI):
    - The Center for Biological Diversity notified EPA and the Departments of the Interior and Commerce that it intends to sue the EPA for allegedly violating the Endangered Species Act in connection with its September 2017 Steam Electric Effluent Guideline (ELG) "Delay Rule," which postpones certain compliance dates in the 2015 Steam Electric ELG Rule by two years. Although EPA has taken the position in responses to comments on the Delay Rule that it lacks discretion under the technology-based provisions of the Clean Water Act to consider potential impacts to threatened or endangered (T&E) species in promulgating rules like the Delay Rule, the Center alleges that EPA was not required to delay implementation of the 2015 ELG Rule in the first place, so the Agency has the discretion to consider potential impacts to T&E species as a result of delaying environmental protections that would otherwise occur under the 2015 Rule.
- Two NPDES permit appeals have been filed with the Environmental Appeals Board (EAB) challenging the insufficient nutrient limits for POTWs: *City of Ruidoso Downs* (No. 17-03) and *City of Sandpoint Wastewater Treatment Plant* (No. 17-06).
- OGC is pleased to be co-leading the FOIA Backlog Elimination Project with OEI (and defer to their summary of that effort in their weekly report).

New Petitions that OGC is Aware Of

- None that OGC is aware of.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- On November 8, OGC will be hosting its annual award ceremony.

Upcoming Major Deadlines in the Next Two Weeks

10/27 Motion to Govern Further Proceedings due in *Sierra Club, et al. v. EPA*, a challenge to the 2013 Round 1 designations under the 2010 SO2 NAAQS.

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

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

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

10/27 Objections due on Draft Protection Order in *National Family Farm Coalition, et al. v. EPA*, a Petition for Review of EPA Order granting registration under FIFRA section 3 of Monsanto's "Xtendimax with VaporGrip Technology," containing the herbicide Dicamba DGA salt, for use on genetically engineered (GE) cotton and soybean in 34 states. Petition for Review generally alleges violations of FIFRA and the ESA.

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

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

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

10/30 Motion to Govern Further Proceedings due in *API v. EPA*, a challenge to the Federal Implication Plan that allows existing minor oil and natural gas sources in Indian country to satisfy construction permitting requirements by complying with applicable emissions standards.

10/30 EPA's Brief is due in *Ergon-West Virginia, Inc. v. EPA*, a petition for review of EPA's final action: Denial of Request for Extension of Small Refinery Temporary Exemption Under the Renewable Fuel Standards Program for Ergon-West Virginia; Inc.'s Newell, WV Refinery.

10/30 EPA's Brief is due in *Hall & Associates v. EPA*, a FOIA matter appealed from the U.S. District Court regarding the denial of appellant's motion for attorney's fees and reconsideration of the Court's reasonable search and improper request decision.

10/30 Production of documents is due in *NRDC v. EPA*, a FOIA litigation arising from Plaintiff's request for communications between EPA staff and the Trump Presidential Transition Team(s).

10/30 EPA's Answer is due in *Waterkeeper All. v. EPA*, a FOIA litigation regarding a FOIA request that sought records related to a possible change in course regarding EPA's Steam Electric Effluent Limitations Guidelines Rule.

10/30 Deadline for seeking an extension of stay of the mandate in *Waterkeeper Alliance, et al. v. EPA*. The D.C. Circuit vacated the "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms" rule. On August 16, 2017, the court granted EPA's motion to stay the mandate until November 14, 2017. The court order noted that, if necessary, EPA may request an extension of the stay no later than 75 days from the date of the order, and any request should include a status update on EPA's efforts to develop guidance.

10/31 Consent Decree deadline to take action to respond to petition on title V permit in *Nucor Steel-Arkansas v. EPA*, a failure to grant or deny Nucor petition for objection to Title V Operating Permit issued to Big River Steel by Arkansas DEQ for a steel manufacturing facility in Osceola, Arkansas.

10/31 Production of documents is due in *NRDC v. EPA*, a FOIA matter related to the "ascension" of the EPA Administrator.

10/31 Reply to Motion to Opposition to Motion to Dismiss due in *LULAC v. Pruitt*, a challenge to the chlorpyrifos denial.

10/31 Response to Plaintiffs' Motion for Summary Judgment due in *Pineros v. Pruitt*, an action challenging 4 rules deferring the effective date of the pesticide certification and training rule.

11/01 EPA's Response to Petition for Certiorari due in *DTE, et al. v. United States*, a petition for a writ of certiorari to the Sixth Circuit in PSD enforcement case.

11/01 Response due in *Murray Energy Corporation, et al. v. EPA*, a petition for writ of certiorari of a Fourth Circuit decision.

11/01 Consent Decree deadline to take action on the San Francisco Bay Area SIP regarding NSR permits in *CBD, et al. v. EPA*, litigation alleging the EPA failed to take final action and failure to make findings of failure to submit for 2006 PM2.5 NAAQS nonattainment areas state implementation plans.

11/02 Joint Motion To Govern Further Proceedings due in several cases against EPA by CBD, each involving a different pesticide/substance: Flupyradifurone, Bicylcopyrone, Benzovindiflupyr, Cuprous Iodide, and Halauxifen-methyl.

11/02 Optional Response to Objection due in *National Family Farm Coalition, et al. v. EPA*, consolidated with *NRDC v. EPA*, Petitions for Review of EPA Order granting registration under FIFRA section 3 of Dow AgroScience's "Enlist Duo" herbicide, containing the active ingredients 2,4-D and glyphosate, for use on genetically engineered (GE) corn, cotton and soybean in 34 states. Petition for Review generally alleges violations of FIFRA and the ESA.

11/03 Optional Response to Objections due in *National Family Farm Coalition, et al. v. EPA*, a Petition for Review of EPA Order granting registration under FIFRA section 3 of Monsanto's "Xtendimax with VaporGrip Technology," containing the herbicide dicamba DGA salt, for use on genetically engineered (GE) cotton and soybean in 34 states. Petition for Review generally alleges violations of FIFRA and

the ESA.

11/03 EPA's response to Plaintiffs' Motion for Summary Judgment and EPA's Cross Motion for Summary Judgment is due in *Columbia Riverkeeper v. Pruitt*, a claim of mandatory duty to disapprove constructive submission of temperature TMDL for Columbia and Lower Snake Rivers.

11/03 EPA's Summary Judgment Brief is due in *Anacostia Riverkeeper v. Pruitt*, a NGO challenge to EPA's revised approval of DC/MD TMDL for bacteria for the Potomac River.

11/06 Answer/Motion to Dismiss is due in *Small Retailers Coalition v. EPA*, where plaintiff alleges EPA did not comply with sections 603 and 604 of the RFA in issuing the 2017 RFS standards, and for failure to annually review the point of obligation of the RFS.

11/06 Response to Complaint due in *Humane Society of the United States, et al. v. EPA*, a claim of unreasonable delay in responding to a 2009 petition seeking the regulation of CAFOs under Section 111 of the Clean Air Act.

11/06 The Scheduling Conference is set in *Bd. of Comm'rs of Clermont Cty., Ohio v. EPA*, a FOIA litigation that pertains to a FOIA request that sought records regarding the CECOS facility in Williamsburg, Ohio.

11/06 Oral Argument in *U.S. v. CITGO Petroleum Corp.* The District Court awarded the U.S. an $81M civil penalty under CWA 311(b) for an oil discharge from CITGO's Lake Charles, LA refinery. CITGO has appealed the legal standard used to determine economic benefit, and the U.S. has appealed the assessment of a penalty lower than CITGO's economic benefit and failure to explain the basis for the penalty amount.

11/07 Oral Argument in *Environmental Integrity Project v. Pruitt*, where the State of North Dakota appealed the district court's decision to deny the State's intervention request and challenge to consent decree entered in December 2016 in a case involving the solid waste regulations applicable to oil and gas.

11/08 Motions to Govern are due in *American Lung Association v. EPA*, a petition for review of EPA's final action extending the deadline for promulgating initial area designations for the 2015 ozone national ambient air quality standards.

11/08 Reply in Support of Motion to Dismiss due in *Food & Water Watch v. EPA*, a challenge to denial of fluoride petition under section 21 of TSCA.

11/09 Oral Argument in *Sierra Club, et al. v. EPA*, a petition for review of EPA Final Rule entitled "NESHAP for Brick and Structural Clay Products Manufacturing, and NESHAP for Clay Ceramics Manufacturing."

11/09 Statement of Issues and Procedural Motions due in *EDF v. EPA*, a challenge to the TSCA inventory reporting rule.

Office of International and Tribal Affairs

Hot Issues

None

Upcoming Engagements

October 27 – White House Council for Native American Affairs meeting to discuss White House Tribal Nations Summit

Past Week Highlights

U.S.-Canada Bilateral Meeting – EPA (OITA) attended the semi-annual bilateral environmental meeting on October 26 in Ottawa, which was co-chaired by the State Department and Global Affairs Canada. The EPA issues that were discussed included Lake Champlain, Great Lakes, Lake of the Woods, transboundary mining, Niagara sewage, ballast water, Columbia River Treaty, and St. John's River. The meeting resulted in several follow action up items for EPA. Based on requests for Canadian federal involvement in addressing transboundary pollution from mines in British Columbia, EPA (Region 8 and 10) was asked to identify specific areas where federal intervention is needed. Given the upstream concerns from Niagara Falls Water Board sewerage spill in July, Canada requested information on the protocol/procedures regarding notification of sewerage spills in New York (Region 2). Given the large volume of vessel traffic in the Great Lakes, Canada requested to be included in the notification/consultation on the next Vessel General Permit (OW) on ballast water. OITA will follow up with the relevant regional/NPM staff on these action items.

Tribal Call on FY 2018-2022 Draft Strategic Plan: The second tribal conference call for the draft FY 2018-2022 Strategic Plan was held on October 24th and about twenty tribal representatives from Regions 1,6, 7, 8, 9, and 10 participated in the call. Their comments covered a range of topics including:

- Promoting the inclusion of tribes, just like states (where appropriate)
- Lack of mention regarding tribal treaty rights and UN Declaration of Rights for Indigenous Peoples
- Request for protection of water sources against oil and gas extraction
- Request for inclusion of tribes with water infrastructure issues (e.g. Flint area)
- Concern that no NEPA analysis is being done for the change in federal action
- Concern tribes should be considered a vulnerable population based upon their lifeways (e.g. fish consumption)
- Concern Alaska Native Villagers were not mentioned, particularly how they must operate with the State of Alaska for funding.

WHO Focus on Environment - On October 20th, the World Health Organization's (WHO) Global Conference on Non-Communicable Diseases (NCDs) agreed to a 2018-2030 Roadmap on NCD's that includes environmental risk factors, as the result of extensive EPA consultation with the US delegation to the conference.

- Non-Communicable Diseases such as cardio-pulmonary disease, cancer, heart disease, and diabetes account for about 40 million, or 70%, of premature deaths globally, dwarfing the numbers associated with communicable diseases like AIDS, malaria and tuberculosis.

- Environmental risk factors such as air pollution are some of the largest components of the NCD's global burden of disease, underscoring the need for more awareness within the public health community on the need for cooperation with environmental authorities.
- EPA will continue its collaboration with the Department of Health and Human Services and others to capture the linkages between environment and health in upcoming meetings including the 3rd UN Environment Assembly in Nairobi next month.

Office of Land and Emergency Management

Hot Issues

1. **Emergency Response to hurricanes and wildfires.** We are in support of the Region 2 and 4 responses to Hurricane Irma, the Region 2 response to Hurricane Maria and the region 9 response to the California wildfires. The Region 6 response to Hurricane Harvey has largely moved in to the recovery phase.

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

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

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

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

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

Upcoming Public Events

1. **RCRA Division Director Meeting (not a public meeting.)** On November 15-16, RCRA Division Directors will meet in Boston. Agenda topics include: e-Manifest, wasted food, corrective action, and CCR. Tribal and state representatives have been invited to attend the first day.

2. **America Recycles Day.** On November 15, OLEM will participate in a Recycling Forum hosted by Keep America Beautiful in partnership with the Institute of Scrap Recyclers.

Upcoming Major Decisions

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

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

3. **Casmalia Resources Superfund Site.** The Agency is proposing an updated schedule for producing the Proposed Plan and Record of Decision (ROD) for the Casmalia site in California. The preferred alternative is expected to cost more than $50M and be signed by the Administrator. The ROD is expected to be completed by June 2018.

Last Week Highlights

1. **Association of State and Territorial Solid Waste Management Officials (ASTSWMO)**.

OLEM participated in the ASTSWMO annual meeting in Arlington, Virginia.

2. **CERCLA-EPCRA AFO-CAFO Rule.** We posted the announcements on the website, with thanks to OGC, OP, OPA, OCIR, and others.

Office of Policy

FRL	Title	Date Submitted to OFR
9968-42-Region 3	Air Quality Plans; Pennsylvania; Lebanon County 2012 Fine Particulate Matter Standard Determination of Attainment	10/25/2017
9970-13-OW	Information Session; Implementation of the Water Infrastructure Finance and Innovation Act of 2014	10/25/2017
9970-21-OW	Notice of a Public Meeting of the National Drinking Water Advisory Council	10/25/2017
9968-40-OCSPP	Bacillus amyloliquefaciens strain F727; Exemption from the Requirement of a Tolerance	10/24/2017
9969-65-Region 5	Air Plan Approval; Michigan Minor New Source Review	10/24/2017
9968-12-OCSPP	Hexythiazox; Pesticide Tolerances	10/24/2017
9968-47-OCSPP	Pesticide Product Registration; Receipt of Applications for New Uses	10/24/2017
9970-16-Region 5	Air Plan Approval; Illinois; Volatile Organic Compounds Definition	10/24/2017
9970-17-Region 5	Air Plan Approval; Illinois; Volatile Organic Compounds Definition	10/24/2017
9970-14-Region 5	Air Plan Approval; Minnesota; State Board Requirements	10/24/2017
9970-07-OCSPP	Mercury; Reporting Requirements for the TSCA Mercury Inventory	10/20/2017
9969-73-Region 6	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Rule	10/20/2017
9969-90-Region 1	2017 Fall Joint Meeting of the Ozone Transport Commission and the Mid-Atlantic Northeast Visibility Union	10/20/2017
9969-91-Region 3	Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions from Existing Sewage Sludge Incineration Units	10/20/2017
9969-92-Region 3	Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions from Existing Sewage Sludge Incineration Units	10/20/2017
9969-93-Region 3	Determination of Attainment by the Attainment Date for the 2008 Ozone Standard; Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE Nonattainment Area	10/20/2017

9969-84-OW	Clean Water Act; Contractor Access to Confidential Business Information	10/20/2017
9962-84-OCSPP	Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products	10/19/2017
9969-88-Region 5	Air Plan Approval; Wisconsin; 2017 Revisions to NR 400 and 406	10/19/2017
9969-89-Region 5	Air Plan Approval; Wisconsin; 2017 Revisions to NR 400 and 406	10/19/2017
9962-80-OCSPP	Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products	10/19/2017
9970-08-OAR	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing: Flame Attenuation Line Compliance Date Extension	10/19/2017
9969-95-OAR	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works Residual Risk and Technology Review	10/19/2017
9969-82-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pennsylvania's Adoption of Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings	10/18/2017
9969-83-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pennsylvania's Adoption of Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings	10/18/2017

Office of Research and Development

Administrator,

First let me offer a thank you to Ken Wagner and Henry Darwin for joining ORD senior managers on Wednesday to discuss EPA and ORD efforts to meet the science needs of states as well mission metrics and a lean management system. We much appreciated the time they spent with us.

Last week Richard Yamada and Bruce Rodan visited our Atlantic Ecology Division Lab in Narragansett, RI. The visit included tours of the lab facility, presentations from scientists about ongoing research, and meetings with management and staff, as well as state and local representatives from Rhode Island and Cape Cod, MA.

Hot issues

ORD Research Featured in a Story on Tracking Industrial Chemicals of Concern

On October 18 North Carolina Health News published an online article titled, *Local Scientists Uncovered Cape Fear River GenX Story*. The story outlines the efforts being made to detect and monitor GenX and other per- and polyfluoroalkyl substances (PFAS). It centers on the work done by ORD scientists in detecting PFAS in a variety of studies, including learning how to detect shorter-chained PFAS, such as GenX. The article goes on to mention that other researchers used these findings to detect GenX in waterways outside the U.S. and that ORD scientists, in collaboration with North Carolina State University, were able to detect GenX in drinking water in North Carolina. The article provides an overview of the series of events that have followed the publication of that work and the steps being taken by North Carolina and others as a result. ORD worked with OPA on this media inquiry.

Meeting with Denka Performance Elastomers

On October 30th, ORD will participate in a listening session with representatives of Denka Corporation to hear their perspectives and concerns with the Request for Correction (RfC) for chloroprene.

Response to a Ricin Incident - ORD Provides Technical Support to OEM/CMAD and Region 8

ORD is providing technical support to OEM's CMAD and Region 8's response to ricin contamination of a condominium unit in Boulder, CO where one man is hospitalized after ricin was manufactured in the unit. ORD provided technical assistance during discussions with Lawrence Livermore National Laboratory, the lab capable of analyzing the samples. ORD assisted in planning out how the post decontamination samples will be analyzed, including employing our recent protocol "Sample Processing Approach for Post Bleach-Decontamination Ricin Sample Analysis". ORD also provided decontamination advice based on surface decontamination research as well as advice related to waste management.

Upcoming public events

ECOS-EPA PFAS Call

On October 30, ORD is coordinating a teleconference with the Environmental Council of the States (ECOS), interested states and EPA scientists to discuss TSCA implications for PFAS, updates on Cape Fear River Basin activities and other ongoing state issues, and updates from EPA workgroups on methods and toxicity. These calls are held every other month for states and EPA to share information on PFAS methods, toxicity and treatment work.

Fort Campbell Net Zero Meeting
ORD will attend a meeting with Department of Defense representatives at Fort Campbell, Kentucky on November 1 and 2. The purpose of the meeting will be to initiate discussions on possible collaborative efforts to develop and enhance sustainability projects on the base as part of the NetZero Program.

Kansas City TRAQS Media Event
ORD and Region 7 recently launched the Kansas City Transportation and Local-Scale Air Quality Study (KC-TRAQS), to learn more about local community air quality in three neighborhoods in Kansas City, KS, that have multiple air pollution sources from highways, railways, and industry. The project will be conducted for one year and provide comprehensive air quality monitoring using three different air measurement approaches. ORD is supporting the project by providing scientific expertise and multiple stationary and mobile monitoring technologies. They have also provided an AirMapper, developed by ORD researchers, for a citizen science project and educational outreach for residents and students. Region 7 is planning an open house and media event on Friday, Oct. 27 from 12 - 2 p.m. at the Argentine Police Station, where a monitor is located. Karen Flournoy, EPA Region 7 Special Assistant to the Regional Administrator, and Angela Markley, Commissioner of Wyandotte County Unified Government will participate.

Remediation strategies for the Sonford Products Superfund Site, Pearl, MS, November 2-3
At the request of Region 4, ORD will attend a meeting in Pearl, MS, to discuss groundwater remediation strategies at the Sonford Products Superfund Site in Flowood, MS. The Sonford site was operated by companies producing wood preservative products containing pentachlorpophenol (PCP) as the primary ingredient. Operations on-site ceased after a 2,000-gallon spill of PCP into the marshland south of the property occurred in 1985, contaminating the soil, sediment, surface water, and ground water.

Remediation field studies at Chem-Dyne Superfund Site, Hamilton, OH, November 7
At the request of Region 5, ORD will assist in field studies to determine groundwater flow directions and rates in support of an evaluation of the ongoing monitored natural attenuation pilot remedy for groundwater at the Chem-Dyne site. ORD is providing technical assistance to Region 5 and the Ohio Environmental Protection Agency to investigate the impact of this remedial measure on groundwater flow and contaminant transport. The Chem-Dyne site is a former waste transfer, storage, and disposal facility with groundwater and soil contamination, including arsenic, asbestos, benzene, and polychlorinated biphenyls.

EPA STAR Water Quality Benefits Conference (Nov 2-3)
ORD is organizing a kickoff meeting for the grants awarded under the Water Quality Benefits RFA. Grantees will highlight their research projects and coordinate collaboration with EPA scientists. These grants support working with local communities to better understand the economic value of water quality. The research will help communities and environmental experts make more informed choices about the costs and benefits of actions that protect and improve the quality of their waterways.

Last week Highlights

EPA releases Children's Environmental Health and Disease Prevention Centers Impact Report
The *NIEHS/EPA Children's Environmental Health and Disease Prevention Centers Impact Report: Protecting children's health where they live, learn, and play,* highlights some of the important contributions the centers have made toward reducing the burden of environmentally induced or exacerbated diseases placed on children.

The report provides examples of community-based success in support of public health. The report is organized in three section: health outcomes, environmental exposures, and hallmark features. The Health Outcomes section presents scientific findings from the Children's Centers on diseases that sometimes affect children. The Environmental Exposures section presents research findings on chemicals and pollutants children are commonly exposed to through air, water and food. The Hallmark Features section highlights the unique features that have facilitated the work of the Children's Centers and advancements in the field.

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

Galesburg, IL. On October 20, the Region 5 laboratory sent ORD sequential sampling results from Galesburg that were collected in September, one of which had elevated lead levels. On that same day, ORD sent an email to the City of Galesburg and Illinois Environmental Protection Agency (with a copy to Region 5 and OW) notifying them of the high lead levels and informing them that they need to comply with the WIIN Act and share these results with residents immediately.

Office of Water

OW Weekly October 26, 2017

Hot Issues

Peer Review of Modeling of Lead in Drinking Water: Tomorrow, OW anticipates posting the peer review report of modeling of lead in drinking water. As a part of EPA's ongoing effort to understand and assess lead exposure to children, the agency conducted peer review of draft scientific modeling approaches to inform EPA's evaluation of potential health-based benchmarks for lead in drinking water. Input from the public and peer reviewers assures EPA has a robust scientific evaluation and is considering the best available science on how lead in drinking water can potentially impact the health of children, one of our most vulnerable populations. EPA will consider the comments from the peer reviewers and will update and incorporate changes to the model as necessary to inform decision-making.

Hypoxia Task Force Report to Congress: This week, OCIR will send forward the *Hypoxia Task Force Report to Congress* for Administrator's signature and transmittal to the House and Senate. As required by the 2014 amendments to the Harmful Algal Bloom and Hypoxia Research and Control Act, this is EPA's second report to Congress on the activities and progress of the Task Force.

Perchlorate Court Filing Action: On Monday, we will file a status report with the U.S. District Court – Southern District of New York describing the progress of the external peer review process for perchlorate. Under the 2016 consent decree, EPA had a milestone to complete peer reviews of two scientific analyses to inform the selection of the health based goal (MCLG) for a perchlorate regulation by October 18, 2017. EPA has not completed the second of two peer reviews and must file a status report with the court by October 30, 2017. EPA worked with DOJ to prepare a status report explaining the progress of the peer review, reasons for the delay, and an updated timeline for completion of peer review.

Voluntary transfer of Idaho's UIC Class II program to EPA: As early as next week, OW anticipates sending forward to OP for Administrator's signature, a *Federal Register Notice* proposal package for the voluntary transfer of Idaho's Class II program to EPA. On August 25, 2017, the EPA received a letter from the Idaho Department of Water Resources, formally requesting that EPA administer the Class II UIC program in Idaho. Class II injection wells are used for the disposal of fluids produced in the production of oil and gas, and can be an essential component of a company's waste management strategy. The state of Idaho received primacy for Class I, II, III, IV, and V injection wells under the SDWA, section 1422, on July 22, 1985. Idaho banned Class II wells at that time, and did not submit Class II regulations as part of the UIC program. While Idaho unbanned Class II wells in 2013, Idaho does not have approved regulations in-place to be able to permit these wells. This transfer will result in the EPA implementing the Class II UIC program in the state of Idaho, including permitting, compliance, and enforcement responsibilities.

Combined Sewer Overflow (CSO) Public Notice in the Great Lakes, Final Rule: As early as next week, OW anticipates transmitting to OP for OMB review the Great Lakes CSO Public Notice final rule. This effort is in response to Section 425 of the 2016 Consolidated Appropriations Act which requires EPA to work with affected states to implement these requirements by December 18, 2017. The final rule requirements closely follow the legislation and address signage, notification of local public health departments and other potentially affected public entities, notification to the public, and annual notice provisions and apply to NPDES permittees authorized to discharge from a CSO to the Great Lakes Basin.
Working with states, the rule requirements are modeled after various existing requirements for public notification in the different states' programs and the final rule makes several changes that will add flexibility and decrease burden on some communities.

Waters of the U.S.: With the comment period having closed on the Step 1 proposal on September 27, EPA has received nearly 700,000 comments and the docket is nearly finished with processing the comments. In support

of the Step 2 rulemaking, EPA and the Army held two meetings this week: an in-person meeting with small entities and the 6th in the 10-part webinar listening sessions with stakeholders. On October 23, the in-person session drew about 40 external attendees and 15 speakers provided 3-minute remarks. On October 24, the webinar with industry groups including the energy, chemicals and manufacturing sectors, drew in about 200 participants and 11 speakers providing 3-minute remarks. On October 31, the agencies will host a webinar with the mining and resource extraction sector. As of this report, the Agency has received 125 written recommendations on the Step 2 rulemaking.

Upcoming Public Events

Council of Infrastructure Financing Authorities (CIFA) Conference: Next week, OW will attend the 2017 CIFA State Revolving Fund (SRF) Workshop. Senior managers participating in the workshop will provide remarks during the plenary session, focusing on accomplishments during the last 20 years of the Drinking Water State Revolving Fund, and the last 30 years of the Clean Water State Revolving Fund respectively. At this conference, EPA will also be announcing the projects recognized in the reconstituted 2017 Performance and Innovation in the SRF Creating Environmental Success (PISCES) program. The 2017 SRF Workshop is an essential training opportunity for SRF managers and staff, covering key topics in State Revolving Fund policy, management and operations. CIFA's annual SRF Workshop offers a unique opportunity for SRF professionals to access the information they require, learn new approaches for improved program management, and share in the insights and experiences of their peers from across the country.

NPDES National Meeting: Next week, Lee will speak at the 2017 NPDES Program Managers' meeting. The meeting is intended to support states and EPA to identify challenges & barriers to NPDES program implementation, highlight opportunities for permitting authority program improvement & enhancement, showcase innovations, assist with analysis of training, guidance, tools, and other support material needs, and attempt to solve some of the most intractable NPDES Program issues. The Program Managers meeting is open to states and EPA.

Last Week Highlights

Animal Agriculture Discussion Group Meeting: This week, OW convened a meeting of the Animal Agriculture Discussion Group. Presentation topics included the Animal Agriculture Education project, industry sustainability initiatives, Smart Sectors, and NPDES CAFO permitting inspections.

Meeting with States and Tribes on a Long-term Monitoring Program for the Animas-San Juan Watershed: This week, OW participated in a face-to-face meeting with Regions 6, 8 and 9 and states and tribes to plan for the long-term monitoring program for the Animas-San Juan watershed authorized by the WIIN Act and funded in part by FY 17 appropriations. The group made good progress on identifying important elements for watershed-wide monitoring as well as additional monitoring priorities for the individual jurisdictions. The group is on target to complete planning for the program and distribute funding to appropriate entities (e.g., states, tribes, USGS) for the 2018 monitoring season.