Region 1

Hot Issues

Hurricane Harvey and Irma Response and Recovery Support

- The Region has activated the Regional Emergency Operation Center (REOC) in Boston to support response activities to Hurricanes Harvey in Region 6 and Irma in Region 2.
- The Response Support Corps (RSC) has been activated and REOC personnel are working to collate availability of the RSC's and address their needs.
- Several staff members have been deployed to Edison in Region 2 to assist with preparing their REOC and response structure for Hurricane Irma in USVI and Puerto Rico.
- Several staff members have been and will be deployed to various locations in Region 6 as part of the National Incident Management Assistance Team and National Data Team; additional community liaisons will be deployed in the next week.

Proposed rule to temporarily expand the Massachusetts Bays Dredge Material Disposal Site (MBDS)

- Within the next two weeks, R1 plans to issue a proposed rule (with a 30-day public comment period) to temporarily expand the boundaries of the MBDS to include an area of Massachusetts Bay known as the Industrial Waste Site (IWS). The IWS has formerly been used for the disposal of barrels of low-level radioactive, chemical, and hospital wastes, contaminated dredged material, ordnance, construction debris, derelict vessels, and other material.
- Including the IWS in the MBDS will allow the disposal of 12 million cubic yards of clean sediment in the IWS, creating a protective layer over the contaminated material. The clean sediment will be produced by dredging for the Boston Harbor Deep Draft Navigation Project scheduled for late 2017. This action will protect public health and will support the shipping economy, fishing, and recreation.
- This has been coordinated with the U.S. Army Corps of Engineers, and has received only positive feedback from state and federal agencies during project scoping. This will be one of the largest beneficial use projects in the tenure of Region 1.

EPA removes Shpack Landfill Site from the National Priorities List

- **The final deletion of the Shpack Landfill Superfund Site in Norton/Attleboro, MA from the NPL was effective September 5th.**
- The cleanup involved the excavation and off-site disposal of over 75,000 tons of contaminated soil and debris as well as the extension of a public water supply to nearby residences.
- A "Notice of Intent" to delete the site was published in the *Federal Register* on July 6th, kicking off a 30-day public comment period. One comment was received and addressed in the Responsiveness Summary.
- The Town of Norton plans to provide for passive recreational use of the property via walking trails.

Final NPDES Permit for Fairhaven, MA Water Pollution Control Facility

- **R1 is prepared to re-issue a final NPDES permit for the Fairhaven Water Pollution Control Facility. The final permit will allow for the discharge of treated sewage and industrial wastewater to the New Bedford Inner Harbor.**
- **Fairhaven shares the New Bedford Inner Harbor with the city of New Bedford. The inner harbor is impaired by nutrients and other pollutants, with discharges of nitrogen contributing to eutrophic conditions and degrading the aquatic habitat.**
- **Both Fairhaven and the Buzzards Bay Coalition commented on the nitrogen effluent limits in the draft permit. In response to the comments, R1 revised the nitrogen effluent limit from a year round limit to**

a seasonal limit stringent enough to meet water quality standards and the designated use as an aquatic habitat.

- **EPA is the NPDES permitting authority in Massachusetts. The Massachusetts Department of Environmental Protection (MassDEP) has co-signed the final permit, so it will operate as a separately enforceable state permit.**

Business Disaster Preparation & Pollution Prevention

- **R1 conducted a Chemical Safety and Emergency Preparedness workshop with the Massachusetts Office of Technical Assistance and the Pioneer Valley Planning Commission, providing technical assistance to western Massachusetts cities and towns.**
- **In addition to learning about regulatory requirements attendees were introduced to a host of mobile applications for municipal officials' and emergency responders' use for emergency planning and response.**

Upcoming Public Events

Methylene Chloride Workshop

- **On September 12 Region 1's Office of Pollution Prevention and Toxics will hold a public workshop with the Small Business Administration's Office of Advocacy on the use of the paint remover methylene chloride in furniture refinishing. (EPA's January 2017 proposed rule on methylene chloride deferred action on its use in commercial furniture refinishing.)**
- **Information from the workshop will help EPA better understand current work practices, alternatives available and potential economic impacts to commercial furniture refinishers.**

Upcoming Major Decisions

None this week.

Highlights from last week

Consolidation of Space and Reduction of Lease Costs in Boston

- **Region 1 moved employees off of two floors, which will save approximately $300,000 in annual lease costs starting October 1. Since 2016 the region has moved employees off of five of our 11 floors, resulting in a savings of over $1.5 million per year. The move has also facilitated collaboration by concentrating employees on fewer floors in close proximity with each other.**

Region 2

Hot Issues:

Hurricane Irma moved through the U.S. Virgin Islands and Puerto Rico on September 6. In the USVI, the islands of St. Thomas and St. John sustained serious and extensive damage. The VI Water & Power Authority and other sources report a complete collapse of power and communications systems on these two islands. At this writing we have not yet been able to communicate with one of the two EPA staff stationed on St. Thomas (the other one is safe). Puerto Rico was less severely affected; nevertheless, there is significant damage and disruption, especially in the northeast part of the island and the northernmost outlying island of Culebra. Over two-thirds of the PR population is without power; and at least one-third of the customers of the main water utility, the PR Aqueduct & Sewer Authority (PRASA), are reportedly without water. At this writing we have been in communication with nearly all of our CEPD staff stationed in PR, and are able to report that they are safe. Our offices in PR and St. Thomas are undamaged. We expect to reopen the PR office on Monday, 9/11. We expect that our office on St. Thomas in the USVI will remain closed into next week.

Region 2's emergency response operation is fully mobilized, and we continue to coordinate closely with FEMA and other response agencies. We are currently using phone inquiries for initial assessments of all Superfund and oil sites, and drinking water, wastewater and chemical facilities. EPA response staff is fully prepared to deploy, as soon as we receive our mission assignment and funding from FEMA. We expect to deploy one person on a military flight into the USVI on Friday, 9/8. Additional team members are expected to travel to PR starting 9/9 or 9/10 for further assessment and response activities. FEMA's current focus is on search-and-rescue, particularly in the USVI. USVI Gov. Mapp has scheduled a news conference for 5:00 p.m. today, 9/7, to provide updates on the conditions there.

Past Week

Passaic River Lower 8.3 Miles: On 9/7 Region 2 met with the Passaic Valley Sewerage Commission (PVSC) regarding its liability for this Superfund site. PVSC is the largest wastewater utility in NJ. At the meeting we discussed what PVSC can contribute to the lower 8.3-mile remedial action (which has an estimated cost of $1.4 billion).

Upcoming

ECOS Meeting: Acting RA Catherine McCabe and Division of Environmental Science & Assessment Director Anahita Williamson will attend the ECOS meeting in Wyoming starting 9/10.

Site Tour with Congressman Frelinghuysen: On September 19, 2017 Acting RA McCabe and Acting DRA Mugdan will accompany Congressman Rodney Frelinghuysen on his annual tour of Superfund sites in his district.

Region 3

Hot Issues

EPA Enters into Consent Agreement and Final Order with Nova Chemicals Inc. Over Alleged Hazardous Waste Violations at Monaca, PA Facility

On August 30, 2017, EPA Region III filed a Consent Agreement and Final Order (CAFO) regarding Nova Chemicals Inc. ("Nova") and its Facility located in Monaca, PA. Nova manufactures expandable resins which are used in the packaging, construction, and food container industries. Nova had an upset in reactors used to manufacture polystyrene, which impacted their onsite wastewater treatment system through the release of ignitable styrene monomer. The CAFO alleges that Nova did not sufficiently determine the waste released during the upset. Although no penalties were included with this CAFO, Nova has agreed to perform sweeping improvements to prevent any such occurrences in the future. Many tasks were already completed prior to the issuance of the CAFO, which requires additional tank upgrades, installation of a neutralization system, and sump upgrades, all of which are expected to cost over $1,600,000.

Wheelabrator Frackville Title V Petition Order

EPA Region 3 is coordinating with Office of General Counsel and Office of Air Quality Planning and Standards on an Order denying a petition to object to a proposed renewal Title V state operating permit, issued by the Pennsylvania Department of Environmental Protection (PADEP) to the Wheelabrator Frackville Energy Company for its facility in Frackville, Pennsylvania pursuant to the Clean Air Act. Due to related litigation deadlines, the Administrator is currently scheduled to sign the Order by September 15, 2017. The Order will respond to an October 15, 2016 petition (the Petition), submitted by the Sierra Club and Environmental Integrity Project (Petitioners). The Petition challenges a 2016 proposed renewal title V operating permit (the 2016 Proposed Renewal Permit) for the Facility on the grounds that the permit fails to include adequate testing and monitoring conditions necessary to assure compliance with the applicable particulate matter emissions limits for the Facility's coal-fire boiler. On September 1, 2017, PADEP submitted a revised proposed renewal title V operating permit (the 2017 Proposed Renewal Permit) to EPA for review, which, among other revisions, revised the terms and conditions challenged by the Petition. Due to the filing of the 2017 Proposed Renewal Permit for this facility, Petitioners may withdraw the Petition. In the event that Petitioners do not withdraw the Petition, the Order will deny the Petition on the grounds that the 2017 Proposed Renewal Permit supersedes the 2016 Proposed Renewal Permit and includes revised requirements for the portions of the permit at issue in the Petition, thereby making the Petitioners' challenges to the 2016 Proposed Renewal Permit moot.

Revised Consent Decree Requires Baltimore City to Address Sanitary Sewer Overflows

On September 6, 2017, EPA and the Maryland Department of the Environment announced the filing in federal court of a revised amended consent decree to eliminate sanitary sewer overflows (SSOs) in the City of Baltimore. In response to public comments, the proposed modification establishes additional control measures, provides greater public transparency, and addresses basement backups. While the modified consent decree extends the timeline for compliance, the work currently being performed under the initial phase will reduce the volume of Baltimore's current wet weather

SSOs by 83 percent by January 2021.

EPA Awards DWSRF to Virginia

The Virginia Department of Health (VDH) received its FY 2017 Drinking Water State Revolving Fund (DWSRF) award, which includes $13.6 million in federal funds and $2.7 million in state match. This grant further capitalizes VDH's DWSRF program and will be combined with repayments from prior loans, and interest earnings on Fund deposits, for a total of approximately $24.9 million in available funding this year. The DWSRF program provides low interest loans for the construction of drinking water treatment facilities and activities that protect public health.

West Virginia Receives PWSS Program Grant

On August 31, 2017 EPA Region 3 awarded a grant of $462,000 to the West Virginia Department of Health and Human Resources (WV DHHR) – the initial installment to fund WV DHHR's 2018 Public Water System Supervision (PWSS) grant. As required by the Safe Drinking Water Act (SDWA), the state will provide a 25% match. The annual WV PWSS grant provides support to the state of West Virginia for the implementation of a PWSS program adequate to enforce the requirements of the SDWA. WV DHHR will use the funds to implement drinking water regulations, provide technical assistance, inspect water systems, train operators, and enforce against water systems with violations.

Upcoming Public Events

Region 3 does not have any public events to comment on at this time.

Past Events

Region 3 has no past events to report on at this time.

Region 4

Hot Issues

Mississippi Phosphates Corporation Site (Pascagoula, MS)
Key Message: Due to Hurricane Irma, bypass operations are still ongoing. Sinkhole repair at the West Stack has been delayed by Hurricane Harvey.

Chemical Release to Cape Fear River (Chemours Facility) – ENFORCEMENT CONFIDENTIAL
Key Message: GenX was found in the Wilmington, NC, drinking water system. On September 5, 2017, NC State officials ordered Chemours to stop discharging and began legal action to suspend its NPDES discharge permit. On September 6, 2017, the State initiated enforcement action against Chemours after preliminary state test results detected GenX in violation of state groundwater standards in non-drinking water wells at the company's facility.

Hurricane Irma Florida Request for a No Action Assurance
Key Message: On September 6, 2017, Florida contacted Region 4 with a concern about the ability to maintain electric power supply to Monroe County which includes the Florida Keys.
Region 4, FDEP and OECA are working with the state to develop an appropriate No Action Assurance letter.

Hurricane Irma North Carolina Potential Request for a No Action Assurance
Key Message: On September 6, 2017, North Carolina notified EPA Region 4 that they are considering seeking a No Action Assurance (NAA) from EPA for landing roofs on gasoline storage vessels that would waive New Source Performance Standards requirements in the aftermath of Hurricane Irma. Last week EPA issued a NAA letter to Texas for the same issue.

Upcoming Public Events

On September 11 – 13, 2017, Deputy Regional Administrator Anne Heard and Acting Chief of Staff Mita Ghosh will attend the ECOS meeting in Jackson Hole, WY.

On September 8 Regional Administrator Trey Glenn will be in Tallahassee, Florida as the EPA liaison to the Governor's Office dealing with Hurricane Irma.

On September 12 – 14, 2017 the 2017 Southeast Diesel Collaborative Partners (SEDC) Meeting and Ports Workshop will be held in Atlanta, GA.

Upcoming Major Decisions

Oak Ridge Reservation (U.S. DOE, Oak Ridge, TN)

Key Message: SEC members agreed to jointly work on identifying the characterization needed, identifying ARARs, and completing waste acceptance criteria modeling.

Region 5

HOT ISSUES:

Region 5 is Coordinating with Region 4 and 6 in Response to Hurricane Harvey and in Preparation of Hurricane Irma

Key Message: The region has deployed personnel to assist in the Harvey response and is urgently preparing to support Region 4.

Given the extreme weather events and the amount of recovery work ahead of us, Region 5 is ready and able to offer assistance. On September 6, Acting RAs Bob Kaplan and Cecil Rodrigues and RA Trey Glenn held a call to discuss resource needs and availability. Region 5 has the largest Response Support Corp with 324 members. We have been actively communicating with our RSC members and have seen an overwhelming willingness to volunteer. Since August 28, we deployed eight staff members to Houston to assist with response activities and have 50 volunteers in the queue. Management has been directed to exercise maximum flexibility if staff express an interest in volunteering. We are delaying and/or stopping nonessential work to provide assistance when called upon.

Region 5 Developing Mobile Hydrogen Sulfide Calculator Application

Key Message: The region is working with the Mobile Application Review Committee and the Office of Research and Development to finalize and post an application to model emissions from construction and demolition debris.

The mobile application will be used by landfill owners/operators and state or local regulators to help anticipate and reduce hydrogen sulfide (H_2S) emissions from disposal sites that accept significant amounts of construction and demolition debris, including debris from natural disasters. Emissions of H_2S create odors and, can present public health threats, and is easily converted to sulfur dioxide. The application allows landfills to model their emissions and choose different best management practices to increase their efficiency of air control devices, and improve the neighborhood ambient air quality. There is no similar application on the market.

The application is a software mobile application and table top calculator that estimates the H_2S gas generated at construction and demolition debris landfills. The application also aids landfill owners and operators by providing best management practices for controlling H_2S production. The application was developed by Region 5 and ORD under a RARE grant.

Region 5 to Begin Time-Critical Removal at the Sandoval Zinc Site in Sandoval, Illinois

Key Message: Cleanup of lead, zinc, and arsenic soil contamination is set to begin on September 18, 2017.

EPA will address residential and commercial properties, including a preschool and elementary school, above the emergency cleanup action level. The region is continuing to coordinate with the mayor and the school superintendent. The cleanup will take about two months to complete.

In 2011, the government added the former zinc smelting facility to the National Priorities List, a list of the worst contaminated sites in the country. In June, U.S. EPA conducted additional soil sampling in Sandoval in response to new Agency guidance on lead pollution.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS/HIGHLIGHTS:

Successful Public Meeting for Beck's Lake Superfund Site Held on Sept. 6

Key Message: EPA hosted a public meeting for the Beck's Lake Superfund site in South Bend, Indiana, to inform residents about upcoming residential soil sampling near LaSalle Park.

Starting October 1, 2017, EPA will be conducting a residential soil sampling study in properties immediately next to LaSalle Park. Residents had questions about the soil sampling and whether groundwater and/or water from Beck's Lake had been sampled. Those in attendance reacted positively to EPA's presence and upcoming sampling efforts. Media coverage can be viewed here.

In summer and fall 2016, the city of South Bend and Honeywell took samples of the LaSalle Park Area as part of a focused Remedial Investigation (RI) of the Beck's Lake NPL Site. Sampling was done under EPA oversight and completed at the end of 2016. Preliminary review of the data shows that the park is safe for normal recreational activities. The residential sampling will provide necessary data to assess whether contaminants from the former landfill impacted properties outside of LaSalle Park.

Resident Hosts Picnic for 50+ Workers at Otsego Township Dam Area Time-Critical Removal Action in Otsego, Michigan

Key Message: A local resident hosted a picnic for field personnel working on the Otsego Township Dam Area time critical removal action on August 31.

Region 5 is overseeing a PRP-lead time critical removal action to remove PCB-contaminated soils and sediments on the Kalamazoo River in Otsego, Michigan. The project involves cleanup on private and public property and adjoining shoreline of the Kalamazoo River. Project neighbors and one homeowner in particular have been very receptive of the project. EPA, Michigan DEQ and Michigan DNR have conducted extensive public outreach/involvement throughout the project, including with the resident. The excavation is now complete on her property and to show her appreciation, the resident, her daughters and grandson prepared a home-made picnic lunch for 50+ site personnel on August 31. In addition to the general contractors, oversight personnel and a representative of the potentially responsible party attended the picnic.

Region 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

LaPlace, LA

EPA intends to issue a report describing the ambient air monitoring activities in LaPlace, Louisiana. The monitoring program was begun in May 2016 in response to the National Air Toxics Assessment to determine chloroprene concentrations in the ambient air in the neighborhoods surrounding the Denka Performance Elastomer LLC Facility. The Denka facility is the only place that makes chloroprene, which is designated as a likely carcinogen. The Region is expected to post the report to https://www.epa.gov/la/laplace-st-john-baptist-parish-louisiana.

Outer Continental Shelf Oil and Gas GMG290000 draft General Permit

EPA received information on Thursday, August 31, 2017, that Office of Management and Budget (OMB) will be reviewing the permit. Region 6 has submitted the draft final permit as well the Federal Register notice to HQs for OMB review. OW was briefed on the permit and OMB is being briefed as well. The permit is consistent with state requirements and therefore, EPA intends to sign the final permit by September 15, 2017 to avoid leaving offshore operators without the ability to obtain timely permit coverage.

Bird Creek, Osage County, Oklahoma

EPA collected additional data from 10 in-stream monitor stations the week of August 21st. This download included data from July 24, 2017, to current. Data analysis of the in-stream water monitors is ongoing. Proposed shut-in Orders have been issued to three companies; Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc., applicable to seven UIC wells. Comments under the public notification requirements of SDWA will be accepted through September 5th for Warren American and Novy and until September 15th for Jireh Resources. The companies have until 30 days after receipt of order to comment or request a hearing date; Novy has until September 6. On August 30, 2017, Jireh Resources submitted a request for a hearing. Warren American Oil submitted a request for a hearing on August 31.

An additional area has been identified out to three miles from the original Bird Creek site to determine the extent of possible impact to the USDW and Bird Creek from produced water injection in the new area. Mechanical integrity inspections of the additional 8 injection wells in the new area of review could not be conducted due to obstructions. One of the five wells will be tested later this week after obstructions have been removed. The other four wells are being evaluated for possible plugging. Data on the eight wells is also being collected to evaluate historic and recent performance.

Nambe Pueblo, and Bureau of Indian Affairs, Santa Fe County New Mexico

EPA issued an imminent and substantial endangerment order to the Pueblo of Nambe for significant uranium violations at its public water supply system. Sampling for the second quarter identified a concentration of 93 ug/l causing the system to exceed the running annual average of 30 ug/l (40 C.F.R. § 141.269(c)(3)(ii). Based on the reported concentration, exposure calculations indicate significant health risks are possible. The main health impacts of uranium are on the kidneys and the reproductive system. EPA recommended that the tribe provide alternative water to all of its

population as a precaution. The Emergency Order requires them to provide an alternative water source to at-risk populations including: children under age six, pregnant and nursing women, immunocompromised individuals, and the elderly. Consultation with the Nambe Pueblo Governor took place on August 29. The order also requires the Pueblo to notify residents of exceedances and health concerns, and to increase sampling at the source and in the distribution system. EPA will continue to monitor the situation.

NEPA

Beaver Lake Water Supply project
The United States Army Corps of Engineers (USACE) prepared a Draft Environmental Assessment and Finding of No Significant Impact for the Beaver Lake Water Supply Storage Reallocation Report project, located in northwest Arkansas. EPA Region 6 reviewed the project and submitted documentation stating we had no comments. Region 6 will continue to support the USACE by meeting our requirements for participating in the environmental review process.

Barton Springs/Edwards Aquifer Project
EPA completed its review of the U. S. Department of the Interior with the U. S. Fish and Wildlife Service Draft Environmental Impact Statement (Draft EIS) for the Authorization of Incidental Take (Permit) and Implementation of the Barton Springs/Edwards Aquifer Conservation District Habitat Conservation Plan. The purpose of the Plan is to assess potential impacts to the environment and two endangered species, should a recent application for an Incidental Take Permit be approved. The EPA review identified the need for the sponsoring agency to check for possible tribal archeological artifacts.

Gustavo Diaz Ordaz Wastewater Treatment and Collection Project
The Border Environment Cooperation Commission (BECC) submitted an Environmental Information Document (EID) to EPA Region 6 for the Gustavo Diaz Ordaz Wastewater Treatment and Collection Project located in Gustavo Diaz Ordaz, Tamaulipas, Mexico. The project will upgrade, repair, or replace the existing wastewater infrastructure which consists of inadequate or non-functioning latrines and septic systems. EPA will support BECC by contributing funds for construction and conducting an environmental review of the project.

UPCOMING PUBLIC EVENTS

September 11–13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest information on air quality forecasting and mapping.

September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

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

UPCOMING DECISIONS

Arkansas SIP for Revisions to Minor New Source Review Program
EPA is proposing approval of revisions to Arkansas minor NSR SIP submitted in July, 2010 and March, 2017 that increase the minor NSR permitting thresholds and *de minimis* levels. The permitting thresholds determine which stationary sources are required to obtain a minor NSR permit. There has been strong interest by industry. The Acting Regional Administrator is expected to sign the action on September 14, 2017.

PAST WEEK ACCOMPLISHMENTS

Texas Carbon Monoxide SIP for El Paso
EPA proposed approval through a final rule a Texas State Implementation Plan (SIP) revision that establishes a required second 10-year carbon monoxide (CO) maintenance plan for the El Paso, Texas CO maintenance area (El Paso Area). The final rule responds to relevant adverse comments received during the initial direct final rulemaking public comment period.

Arkansas Regional Haze
EPA proposed approval of the revision of the Arkansas Regional Haze State Implementation Plan (SIP) that was submitted to EPA for parallel processing on July 12, 2017. Arkansas' proposed SIP revision relies on the Cross State Air Pollution Rule (CSAPR) to address the nitrogen oxide (NO_X) requirements for nine electric generating units (EGUs) in Arkansas and proposing to withdraw federal implementation plan (FIP) emission limits for NO_X that currently apply to the nine aforementioned units.

PENDING ACTIONS (Pending Federal Register Publication)

Arkansas Hazardous Waste Incorporation by Reference, Proposed and Direct Final (9966-54-Region6 & 9966-55-Region6)

Region 7

Hot Issues

U.S. Awarded $11M in Litigation with Dico, Inc. and Titan Tire Corporation

Key Message: On September 5, 2017, Judge Robert Pratt, Senior Judge for the Southern District of Iowa, found that Dico, Inc. and Titan Tire Corporation arranged for disposal of hazardous substances at the Southern Iowa Mechanical (SIM) Site in Ottumwa, IA.

- The District Court found that Dico and Titan Tire arranged for disposal, are jointly and severally liable for the U.S.'s response costs (in excess of $5.4M), issued a declaratory judgment as to future response costs, and assessed punitive damages equal to the U.S.'s response costs, $5.4M.
- With the previously decided $1.6M in civil penalties, the U.S. was awarded approximately $11M.

Last Week's Highlights

EPA Region 7 to Publish Engineering Evaluation/Cost Analysis (EE/CA) for Building Demolition at the Des Moines TCE Site

Key Message: On September 7, 2017, an EE/CA to conduct a Non-time Critical Removal Action (NTCRA) at the Des Moines TCE site OU4 was published for public comment.

- The EE/CA addresses PCB, dioxin and pesticide contamination in onsite building materials and foundations, as well as soils underneath the building foundations that will be exposed after the foundations are removed.
- EPA's preferred remedy consists of building demolition with offsite disposal and includes demolishing buildings and slab foundations, disposing of any hazardous debris at an off-site landfill, and capping exposed soil with a vegetative cover, depending on potential unacceptable risk from site soils and redevelopment plans.
- The cost for this option is estimated to be between $11.1m and $12.8m depending on the amount of demolition debris determined to be hazardous and the need for the vegetative cover.

R7 Continues Response Support for Harvey Recovery

Key Message: Region 7's support for the Hurricane Harvey response continues to be a top priority for the Region. As the response backup for Region 6, we will have deployed 36 employees by this week to various locations in Texas to assist with the response.

- The Region plans on sending eight more community coordinators by September 8 and anticipates deploying additional personnel for ongoing rotations into the future as EPA continues to provide support for the response.
- The Region also continues to identify Response Support Corps employees that are interested/available for deployment and have current health and safety training.

Region 7 Settles CAA 112(r)(7) Matter with Fertilizer Distributor

Key Message: On August 30, 2017, EPA R7 entered a Consent Agreement and Final Order (CAFO) in the matter of Helena Chemical Company (Helena), in settlement of alleged CAA Section 112(r)(7) violations.

- Helena is a fertilizer distributor company with a facility located in Shenandoah, Iowa. A September 14, 2016 inspection revealed that Helena failed to submit an RMP for the anhydrous ammonia nurse tank storage location, inaccurately listed the longitude/latitude coordinates and address for the bulk tank

storage location in the previously submitted RMP and failed to implement Prevention Program Level 2 requirements in that the bulk tank lacked a date plate as required.

- Facilities that store and use extremely hazardous substances such as anhydrous ammonia can cause accidents such as explosions and fires, which can result in serious environmental harm, injuries, and fatalities. Noncompliance with the RMP regulations increases the risk posed by such facilities to surrounding communities.
- Helena has demonstrated compliance by correcting the previously submitted RMP for the bulk tank storage location, adding a data plate as required to the bulk storage tank, and submitting an RMP for the nurse tank storage location.
- The CAFO simultaneously commences and concludes the enforcement action and obligates Helena to comply with Section 112(r)(7) of the CAA. Further, the CAFO obligates Helena to pay a civil penalty in the amount of $55,104.

Region 7 Settles CAA 112(r)(7) Matter with Ammonia Refrigeration Facility

Key Message: On August 28, 2017, EPA R7 entered a Consent Agreement and Final Order (CAFO) in the matter of Iowa Premium, LLC, in settlement of alleged CAA Section 112(r)(7) violations.

- Iowa Premium owns and operates a beef slaughter and packaging facility located in Tama, Iowa. A September 9, 2015 inspection revealed the Respondent did not have a hazard assessment and off-site consequence analysis; did not develop a written mechanical integrity program; failed to compile written process safety information pertaining to the equipment in the covered process; failed to document that equipment in the covered process complies with recognized and generally accepted good engineering practices; failed to comply with the emergency response program requirements; failed to complete a registration form and to provide the Program 3 prevention information; and failed to develop and implement a management system.
- Such extensive noncompliance can affect first responders' ability to respond to accidental releases, increasing the risk posed by such facilities to surrounding communities.
- Iowa Premium has returned to compliance. The CAFO simultaneously commences and concludes the enforcement action and obligates Iowa Premium to pay a civil penalty in the amount of $49,890 and perform a SEP costing at least the same amount.
- The SEP involves the donation of an omni-directional siren to the City to improve emergency response to major events such as hazardous chemical releases.

Jim Dalinghaus Feedlot (Baileyville, Kansas)

Key Message: EPA intends to place a Consent Agreement and Final Order on public notice in the matter of Jim Dalinghaus, d/b/a, Jim Dalinghaus Feedlot, who owns a large concentrated animal feeding operation (CAFO) outside of Baileyville, Kansas.

- An EPA inspection on January 27, 2017 and subsequent sampling collection on March 29, 2017, revealed that the Facility, operating as an unpermitted large CAFO, was discharging pollutants into a water of the United States in violation of the CWA.
- Particularly, the facility is transmitting disease-causing bacteria (E. coli) associated with livestock beyond measurable amounts (>2,419,600 colonies/100mL). Such discharges from the Facility are impacting the water quality of the Black Vermillion River by causing risks to human health, threatening aquatic life and its habitat and impairing the use and enjoyment of the waterway.
- Respondent certifies in the Consent Agreement and Final Order that it is in compliance with all requirements of the Administrative Order for Compliance on Consent, effective June 14, 2017. Further, the Consent Agreement and Final Order obligates Respondent to pay a civil penalty in the amount of $77,970.
- Prior to the inspection of the Facility, Region 7 coordinated potential inspection targets with the State

and the State expressed that "this would be a good one for an EPA inspection." Further, prior to entering into the Administrative Order for Compliance on Consent, the case team received the State's support for enforcement of the matter and coordinated with the State concerning the Compliance Order and Facility specific compliance requirements.

Region 8

Hot Issues

Libby Superfund Site and West Fork Fire.

Key message: The West Fork wildfire started on August 30, 2017, and is currently 7 miles northwest of Libby, Montana. As of September 7, 2017 the areal extent of the fire is just over 7,000 acres. The fire is approximately 10 miles from the former vermiculite mine which is part of Operable Unit 3 of the Libby Superfund site.

- The former mine-site and surrounding forest contain high concentrations of residual asbestos and would present risk to on-the-ground fire fighters should they be required to enter the mine-site for fire suppression activities. Personal protective equipment would be required for any fire fighters in that area.
- Due to the large number and severity of wildfires in Montana and other parts of the Northwest, fire-fighting resources are spread thin. At this time, US Forest Service fire officials are performing limited fire suppression activities for this fire and coordinating with EPA, state, county, and city officials when implementing planned and possible future activities.
- Region 8 has sent two Remedial Project Managers, a senior toxicologist, and a communications specialist to Libby to assist with logistics pertaining to the Superfund site.
- The fire does not appear to be moving toward the mine site at this time.
- Due to multiple fires throughout the region and resultant smoke and airborne particulate matter, Lincoln County has characterized the local air quality as unhealthy. This characterization is not related to asbestos from the Superfund site.
- Libby Asbestos Response Plan (LARP): Lincoln County, with the assistance EPA, USFS, and State of Montana has formulated a communication and response plan in the event of a fire in OU3 of the Libby Superfund site. This plan involves conducting air sampling for asbestos to inform Lincoln County public health decision- making. The County has determined that air sampling will begin upon the fire entering the OU3 boundary. The USFS has determined that it will focus fire-fighting activities on limited property protection outside of OU3.

Denver 2008 Ozone National Ambient Air Quality Standard (NAAQS) Exceedances and Attainment Status

Key Message: On September 2 and September 4, 2017, the Denver metro nonattainment area recorded exceedances of the ozone standard. For the Denver metro nonattainment area, Colorado needs to show attainment of the 2008 eight-hour ozone NAAQS by July 20, 2018 (using 2015-2017 monitoring ozone data) or the area will be bumped up from a Moderate to a Serious nonattainment area.

- Ozone values in 2015 and 2016 were so high that Colorado will not be able to demonstrate attainment for the Denver area by the attainment date.
- Colorado is interested in requesting a one-year extension of the attainment date (to July 20, 2019) to allow additional time for implementation of its control strategies. The Clean Air Act allows such an extension, provided no nonattainment area monitor's 4th maximum eight-hour

average ozone for 2017 is above the level of the standard (that is, 75 parts per billion (ppb) or lower).

- The highest 4th maximum through August 2017 at an air monitor in a western suburb of Denver was 74 ppb. However, this monitor recorded 76 ppb on both September 2 and September 4, 2017.
- The ozone exceedances on September 2 and 4 could be due to wildfire exceptional events. Thus, Colorado would still be eligible for the one-year attainment date extension, if the EPA concurs on the exceptional event claims.
- Region 8's Air Program plans to work with Colorado to attempt to develop a demonstration for the September 2 and 4 exceptional event impacts that would allow EPA concurrence if technically justified.

Upcoming Public Events – None.

Upcoming Major Decisions – None.

Last Week Highlights – None.

Region 9

Upcoming Decision

Rescission of Federal Implementation Plan for Mohave Generating Station (NV): Region 9 needs the Administrator's signature to rescind a FIP that regulated the Mohave Generating Station. (The FIP was promulgated in 2002 to protect visibility, predating the state regional haze plans due in 2007.) Southern California Edison closed Mohave more than a decade ago. Nevada requested that we rescind the FIP to update and streamline its air regulations.

External Engagement

- **Nevada Economic Development Conference:** We'll discuss our brownfields program with business and policy leaders at this conference sponsored by the University of Nevada, Las Vegas and others. Together with our State and local partners, we'll also lead site tours in the area.

Past Week's Highlights

- **Hurricane Harvey response:** We worked with our western regional group (8, 9, 10) to prepare to deploy 20 community liaisons and 8 staging area managers across the group. A small contingent from Region 9 is scheduled to deploy on September 11.

- **Settlement with Wal-Mart Transportation on California Truck and Bus Rule:** We regularly collaborate with California to enforce its rule requiring heavy-duty diesel trucks to use diesel particulate filters, which is an important measure in its State Implementation Plan. This week Wal-Mart Transportation signed an agreement with Region 9 to install the required equipment on the trucks it operates in California and to pay a penalty for past noncompliance.

- **Approval of California State Implementation Plans:** We issued proposed approvals of two California SIP revisions: one strengthens the State's anti-idling rules for truck support equipment; the other changes the San Francisco Bay Area's Clean Air Act permit rules to allow more flexibility for economic development through its "emissions banking" program.

Region 10

Hot Issues

Smoke and Ash from Wildfires affecting Air Quality Across Idaho, Oregon and Washington: On September 4th, the National Weather Service issued a statewide air quality alert in Oregon through noon Friday, September 8th, in response to wildfires burning across the Pacific Northwest including the Eagle Creek fire in the Columbia River Gorge. Half of Oregon's 35 air quality stations reported unhealthy air quality (highest AQI reading of 434 in Eugene). Oregon State officials urged residents to stay indoors as air quality impacts are likely to affect more than just children, the elderly and those with asthma or other respiratory or heart issues. ODEQ's Air Quality website experienced heavy traffic and visitors were referred to EPA AirNow as well as Oregon Smoke Information. As of September 6th, EPA's most visited website was airnow.gov, primarily focused on air quality in Idaho, Oregon and Washington. The Portland Water Bureau does not anticipate any impacts to water quality from ash but will continue to monitor the fire's spread and potential to affect reservoirs and water infrastructure within the Bull Run Watershed, Portland's primary drinking water source.

Upcoming Public Events

Interagency Coordination Meeting on Waste Challenges in Rural Alaska: On September 14th Region 10 is convening a meeting in Anchorage, AK with state and federal agencies participating in the Interagency Coordination Workgroup on Waste Challenges in Rural Alaska. Participants will identify opportunities to leverage resources and work together to strengthen multiagency leadership of the statewide Alaska backhaul plan, *Backhaul Alaska*. Colleagues from the following agencies will be in-attendance: ATSDR, Alaska Department of Environmental Conservation, Alaska Department of Health and Social Services, Denali Commission, Indian Health Service, U.S. Department of Agriculture, U.S. Department of Housing and Urban Development.

Meetings with Idaho Tribes on Idaho Water Issues: On September 14 and 15, Region 10 will meet Idaho Tribes (Nez Perce, Coeur d'Alene and Kootenai) to discuss EPA's pending action on the Idaho Delegation of the NPDES Program. The Idaho Tribes have also requested regular updates on pending water quality actions, so EPA staff will also update the tribes on the status of the agency's pending action on Idaho's human health criteria.

Idaho NPDES Program Public Process: *During the week of September 11, Region 10 will hold five public hearings soliciting public comment on delegation of the NPDES program to the state of Idaho. Idaho Department of Environmental Quality is seeking approval to administer the Idaho Pollutant Discharge Elimination System (IPDES) program regulating discharges of pollutants into waters of the United States under its jurisdiction. The public comment period began August 11 and ends on October 10. The meetings will be held in five Idaho cities. In addition, EPA Region 10 will meet with Idaho and Eastern Washington tribes throughout the week to inform whether tribes are interested in requesting government-to-government tribal consultation.*

Upcoming Major Decisions

Hilcorp Liberty Oil and Gas Development Project (Alaska): EPA's comments on the public notice are due September 20. Region 10 is reviewing a Public Notice from the Alaska District Corps of Engineers for the proposed Hilcorp Liberty artificial island and oil pipeline complex in the Beaufort Sea (reported earlier on August 17th). The project proposes approximately 60 acres of fill discharge into waters of the United States. The bulk of the discharges would be 25 acres in freshwater wetlands to develop a gravel mine, and 33 acres of fill for the construction of a 4.5-mile pipeline from the proposed artificial island to onshore facilities. No compensatory mitigation is proposed. This is one of three proposals from the Alaska District on which we will be commenting within the span of one month that propose significant losses of waters of the U.S. without requiring any compensatory mitigation. We are also exploring the possibility of initiating an elevation under 404(q) of the CWA.

Last Week Highlights

Baker City Mercury Explosion, Oregon: On August 28th, several rural fire departments responded to a brush fire outside of Baker City, Oregon. In the process of fighting the fire, an explosion occurred that was later determined to be caused by up to 100 pounds of elemental mercury stored in a trailer from an old mining operation. The release of elemental mercury potentially contaminated response equipment and vehicles, the local hospital and the homes of personnel involved in the firefighting effort. Region 10 responders deployed to the incident and determined that contamination in vehicles and structures was below action levels. Firefighter turn-out gear was heavily contaminated. EPA provided technical assistance proper decontamination and handling procedures. EPA also assessed contamination at the site of the incident and found significant mercury contamination and high mercury vapor levels in a home on the property. The home is currently vacant with no nearby residences. EPA is working with Oregon DEQ, Baker County, and the regional public health department on next steps to address the residual contamination.

Incident Response Close Out: Mosier Crude Oil Derailment (Oregon): On June 3, 2016, 16 railcars of a 96-car Union Pacific train carrying Bakken crude oil derailed in Mosier, Oregon. The accident caused a spill of 47,000 gallons of crude and a fire which threatened the community and adjacent forest. The town was partially evacuated and the wastewater plant was damaged and shut down. Crude oil threatened to discharge oil into nearby wetlands, and the Columbia River. Approximately 500 people from Union Pacific, local, regional, tribal and federal agencies responded to incident. There were no injuries or deaths, or contamination to the city's water supply, and only a minimal amount of oil was discharged to the river. Oregon DEQ has led a longer term remedial and cleanup phase, overseeing UPPR efforts to monitor and contain remaining contamination. Remediation efforts have been highly successful. The EPA in consultation with ODEQ, is closing out the EPA response effort and finalizing the required reports. ODEQ will continue to monitor the site remediation, and work with UPRR and the City of Mosier to address any remaining environmental issues.

Office of Administration and Resources Management

Hot Issues

VERA/VSIP
OARM issued official VERA/VSIP offers on August 9, 2017 to 481 individuals who applied to participate. As of the deadline date, September 2, 2017, 376 individuals accepted and 75 declined. The incentive pay for the buyout is $9.4 million.

SES Performance Management System Recertification
OARM met with the Office of Personnel Management on Thursday, September 7th, to review the EPA's request for recertification of its Senior Executive Service pay and performance management system that was submitted to them in August. OPM is recommending full recertification to the Office of Management and Budget.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week's Highlights

LER Efficiencies
OARM's Labor and Employee Relations teams from HQ, RTP and Cincinnati met with OGC's Employment Law Practice Group for a two-day conference in Washington, DC. The discussion focused on performance management, EPA Order 4711 (Anti-Harassment Procedures), time and attendance, handling medical issues and adverse actions, which resulted in development of templates and resource materials used for advising EPA managers on proper protocol.

Statutory Reinstatement (removal from exclusion list)
Energy Resource Technology GOM, LLC (ERT), a subsidiary of Talos Production LLC, is a Texas corporation headquartered in Houston, working in the oil and gas industry. On April 6, 2016, ERT was convicted on two counts of violating the Clean Water Act (CWA) on several platforms in the Gulf of Mexico. The violations involved tampering with a monitoring method and knowing discharge of a pollutant into the gulf. Effective upon the date of the convictions, ERT became disqualified (by operation of CWA § 508(a)) from receiving government awards and was added to the exclusion list on GSA's System for Awards Management at SAM.gov.

ERT subsequently petitioned for reinstatement and, on August 29, 2017, after consultation with the Department of Interior, Bureau of Safety and Environmental Enforcement, OARM's Suspension and Debarment Official approved ERT's reinstatement upon certification that the technical and non-technical causes and conditions underlying the misconduct have been corrected.

Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

- **Total SIP-related actions signed as of September 6, 2017: 37** (starting point: August 14, 2017)
- **OAR Actions Supporting the Agency's Response to Harvey and Preparations for Irma:**
    - OAR and OECA are coordinating actions related to the fuels sector through the Department of Energy (DOE), EPA Regional Offices, EPA's Office of General Counsel, affected states, and the fuels industry.
    - OAR's indoor air quality program continues to provide public communications materials on flood clean up, mold remediation, and the safe use of portable generators. We are currently working with the EPA HQ Emergency Operations Center (HQ EOC) to respond to a request from Region 6 for written materials on these subjects.
    - OAR's radiological emergency response program is staffing the FEMA National Response Coordination Center, the HQ EOC, and preparing additional staff for potential deployment to Texas if directed by the HQ EOC.
    - OAR's Response Support Corps has been notified of the current HQ EOC staffing request and a roster has been provided to the EOC. As the recovery proceeds, OAR is available for technical assistance to states and regions regarding monitoring and other air quality activities.
    - OAR has communicated with the Nuclear Regulatory Commission EOC and requested that they provide the HQ EOC direct reports on the status of the St. Lucie and Turkey Point Nuclear Power Plants (Florida). OAR is reviewing current notification procedures and our posture heading into the weekend in response to the Irma landfall.
    - In addition, in preparation for Irma, OAR and OECA have been working with Florida to provide assistance on actions related to anticipated emergency fuel waivers, including assisting in communications with the IRS for tax relief under certain fuel excise tax.
- **Proposed Rules under review (or soon to be under review) at OMB:**
    - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG)
    - Review of the Clean Power Plan
    - National Emission Standards for Hazardous Air Pollutants: Nutritional Yeast Manufacturing Residual Risk and Technology Review
    - Oil and Gas Notices of Data Availability (NODAs): We have sent two NODAs to OP for submission to OMB. The NODAs are related to the proposed three-month and two-year oil and gas stays that were signed in early June.
- **Wildfires and Air Monitoring –** AirNow.gov is providing a valuable resource to the wildfire-impacted Northwest 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. 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. EPA, the National Oceanic and Atmospheric Administration, the National Park Service, tribal, state, and local agencies developed the AirNow system to provide the public with easy access to national air quality information. State

and local agencies report the air quality index (AQI) for cities across the U.S. and parts of Canada and Mexico.

State Implementation Plan (SIP)-Related Actions

- The Regions report that the following 6 SIP-related actions were signed this week:
  - **Region 1:** Final Approval of a Single Source RACT in RI
  - **Region 2:** Final Approval of New Jersey 2011 Periodic Emission Inventory
  - **Region 2:** Proposed Approval of Revisions to the I/M Program for New Jersey
  - **Region 2:** Proposed Approval of NY RACT SIP for 2008 8-hour ozone standard
  - **Region 4:** Final Approval of portions of Alabama's Infrastructure Requirements for the 2012 PM2.5 NAAQS
  - **Region 9:** Proposed conditional approval of the Bay Area Air Quality Management District's Emission Banking Rule

Upcoming Meetings, Public Events, or Other Public Releases

- **Clean Air Scientific Advisory Committee (CASAC) meeting on Sulfur Oxides (SOx) National Ambient Air Quality Standards (NAAQS) Review –** On September 18 and 19, the CASAC Sulfur Oxides Panel will peer review EPA's Risk and Exposure Assessment (REA) for the Review of the Primary NAAQS for Sulfur Dioxide (External Review Draft) and Policy Assessment (PA) for the Review of the Primary NAAQS for Sulfur Dioxide. The SO2 NAAQS review is on a court-ordered schedule, with a proposed decision required by May 25, 2018, and a final decision by January 28, 2019. To accommodate this rulemaking schedule, the final risk exposure assessment (REA) and policy assessment (PA) are scheduled for release in March 2018.
- **World Ozone Day:** Saturday September 16, marks the 30th anniversary of the Montreal Protocol, a highly successful international agreement to phase out substances that deplete the stratospheric ozone layer. The Parties to the Protocol have phased out 98% of ODS globally compared to 1990 levels. The United Nations Environment Program is celebrating the achievements of the Protocol through a communications campaign. EPA plans to commemorate this milestone with tweets and other internal communications.
- **Meeting with Tribal Air Programs –** On September 12, as part of the Tribal Air Monitoring Support Steering Committee and National Tribal Air Association Executive Committee Joint In-Person Meeting, OAR staff will brief attendees on initiatives important to Tribes and provide an opportunity for dialogue about matters of interest to Tribal Air Programs.
- **ENERGY STAR Updates**
  - On September 14, EPA will release a final, updated ENERGY STAR specification for residential ceiling fans. The Version 4.0 specification incorporates a new U.S. Department of Energy (DOE) test method and metric used for federal minimum efficiency standards and sets ENERGY STAR levels recognizing products that are more efficient than those that meet the forthcoming federal standards.
  - On September 15, EPA will release final ENERGY STAR Most Efficient recognition criteria for 2018. The 2018 recognition will highlight the best performers among 13 ENERGY STAR product categories. Updates for 2018 include recognition of highly efficient compact dryers and small clothes washers, updates to the residential clothes washer recognition level, and the addition of residential dehumidifiers.

Upcoming Decisions

- **For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review. Note the RTR required immediate compliance with several emission limits and monitoring provisions and so the deadlines for compliance have already passed. This final reconsideration notice will enable phosphoric acid manufacturers and phosphate fertilizer producers to come into compliance with the final rule.
- **For Administrator's Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.
- **For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.
- **For Administrator's Signature – Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan (FIP) Requirements for Texas:** This final rule will provide certainty to the Texas electric generating units (EGUs) whose FIP requirements are being withdrawn and provide a stronger legal foundation for expected finalization of an action by September 29, 2017 that would rely on the Cross-State Air Pollution Rule (CSAPR) as a NOx Best Available Retrofit Technology (BART) alternative for Texas EGUs. The package is with OP for review.
- **For Administrator's Signature – Revisions to Testing Regulations for Air Emission Sources:** In this rule we are proposing editorial and technical corrections to regulations that require source testing of emissions. This is a routine "clean-up" action that we have done several times in the past – most recently in August 2016. The revisions will improve the quality of data and give source testers the flexibility to use newly approved alternative procedures. This action will not impose any new substantive requirements on source owners or operators. The package is with OP for review.
- **For Administrator's Signature – National Emissions Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills Residual Risk and Technology Review ("Pulp and Paper RTR"):** This action finalizes the RTR for the pulp and paper source category and is subject to a court order that requires signature by October 1, 2017. The package will be going to OP for review by the end of the week.
- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works Residual Risk and Technology Review ("POTW RTR"):** This action finalizes RTR for the POTW source category and is subject to a court order that requires signature by October 16, 2017. The package will be going to OP for review by the end of the week.

Recap of Past Week

- **Public Hearing for Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022-2025 Light-duty Vehicles:** EPA held a public hearing in Washington, DC on September 6th for the notice "Request for Comment on Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022-2025 Light-duty Vehicles; Request for Comment on Model Year 2021 Greenhouse Gas Emissions Standards." Over 100 people delivered comments.
- **Rules signed**
    - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review (proposed rule)
    - Approval and Promulgation of Air Quality Implementation Plans; Montana; Regional Haze Federal Implementation Plan (final rule)

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

TSCA New Chemicals Determinations			
Determination Type	**Pending on 9/5/2017**	**Determinations Completed* as of 9/5/2017**	**Determinations Posted on the Website as of 9/5/2017**
# of "not likely" determinations	**1**	**102******	**101******
# of §5(e) Orders signed by both EPA and the submitter	**-**	**258**	**255**
# of §5(e) Orders signed by EPA and awaiting submitter signature	**90**	**-**	**-**
# of cases in Order development process	**225*****	**-**	**-**
# of cases flagged for in-depth review	**51**	**-**	**-**
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**19**	**-**	**-**
# of LVE/LOREX exemption grants	**-**	**448**	**441********
# of LVE/LOREX exemption denials	**-**	**97**	**88********
Total number of cases	**386**	**905**	**-**
Normal active workload for the New Chemicals Program	**300**	**-**	**-**
Number of cases undergoing testing or data development by submitter	**79**	**-**	**-**
Backlog**	**7**	**-**	**-**

*"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).

** (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog

*** Of these cases, approximately 74 are "active" lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.

**** "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.

***** Previous editions of this table included cases for which either an interim or a final determination of "not likely" had been made. This edition only includes cases for which a final determination has been made.

****** Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations completed" and "determinations posted." These have now been standardized.

HOT ISSUES

Hurricane Relief Efforts. OPP continues to provide support for hurricanes Harvey and Irma and is preparing lists of pesticide production facilities to inform officials on potential pesticide chemicals in the hurricane affected states. As of today, two Public Health Corps personnel have been activated and one OPP Response Service Corp volunteer has been activated.

Chemical Data for Areas Affected by Hurricanes. OCSPP has been pulling together information on chemical facilities in areas that have been impacted by Hurricane Harvey and those that could face potential impacts from Hurricane Irma. This information includes chemical facility, sector, and release information collected under OCSPP's Toxics Release Inventory (TRI) program, as well as information on chemicals manufactured and imported collected under OCSPP's Chemical Data Reporting Rule. Additionally, this same information will be compiled for geographic regions on the US mainland most likely to be severely impacted by Irma over the next several days.

Formaldehyde Compliance Dates. OCSPP will soon be publishing a final rule in the Federal Register to extend the compliance dates under the Formaldehyde Emission Standards for Composite Wood Products rule. In the interim, OCSPP is making available a signed prepublication version of the rule. This action adds regulatory flexibility for regulated entities, reduces compliance burdens, and helps to prevent disruptions to supply chains. Additionally, the final rule extends the end of the transitional period during which Third Party Certifiers (TPCs) recognized by the California Air Resources Board (CARB) may certify composite wood products under TSCA Title VI without accreditations issued by an EPA TSCA Title VI Accreditation Body.

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

Reports of Crop Damage from Use of the Pesticide Dicamba

The Office of Pesticide Programs (OPP) is continuing to lead efforts to assess and understand reported damage to non-target crops from the use of dicamba to control weeds in genetically-modified cotton and soybeans. Monsanto and BASF are the primary companies that market these dicamba products for "over-the-top" applications in-season. To address these risks, the two companies have proposed additional restrictions for dicamba, to be implemented in time for the 2018 growing season. EPA will continue to work with Monsanto and BASF to make the necessary changes to these registrations. These additional restrictions include: limiting applications to times when wind speeds are below 10 miles per hour, limiting the time of day during which applications can occur, lowering tractor speeds during applications, and reclassifying these products as "restricted use

pesticides." The reclassification of these products as "restricted use pesticides" will enable the states to mandate specific training for the proper use of these products and require that farmers maintain specific records regarding the use of these products, which will aid the states in any follow-up investigations they may need to conduct. In September, we expect to be able to announce an "agreement in principle" for these new restrictions, which will allow farmers to make informed choices for seed purchases for the 2018 growing season.

UPCOMING DECISIONS

Registration of the New Active Ingredient Florpyrauxifen-benzyl (Rinksor Herbicide). In early September, OPP expects to publish a final regulatory decision for the new active ingredient florpyrauxifen-benzyl (Rinskor Herbicide). Rinskor is an aquatic herbicide that will be used to control weeds in rice paddies and to control invasive weeds in slow moving aquatic areas, such as lakes, ponds, marshes, slow moving areas in rivers. The proposed decision for Rinskor was published on June 28, 2017, and remained open for 30 days. The Agency received a total of 40 comments during that period, with 38 in favor of the registration of Rinskor. Rinskor is considered to be a reduced risk herbicide because it shows extremely low toxicity to humans and demonstrates less potential risk to humans and other animals than the available aquatic herbicide alternatives. The registration of Rinskor will provide rice growers with an additional tool for weed resistance management, and will also provide aquatic weed managers with an additional tool to combat invasive weeds that are otherwise very difficult to control and a threat to natural aquatic species.

UPCOMING MEETINGS AND PUBLIC EVENTS

September 12 - OCSPP, in collaboration with the Small Business Administration (SBA) Office of Advocacy, is holding a public workshop on the use of the paint remover methylene chloride in furniture refinishing. This workshop will inform EPAs understanding of the use of the chemical, which is the subject of a proposed Section 6 rule and also one of the first ten chemicals identified for risk evaluation under TSCA. OCSPP learned during previous consultations with small businesses that many commercial furniture refinishers rely on methylene chloride for paint and coating removal. This meeting will be held at EPA Region 1 Headquarters in Boston, Massachusetts and will also be providing a remote access format to promote participation by phone.

September 13-14 - The CDR Inorganic Byproducts Negotiated Rulemaking Committee will be meeting again September 13-14, 2017; the meeting is open to the public. The objective of the Committee is to negotiate a proposed rule that would limit chemical data reporting requirements, under subsection 8(a) of the Toxic Substances Control Act (TSCA), for manufacturers of any inorganic byproducts when such byproducts are subsequently recycled, reused, or reprocessed. This negotiation process is required by TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. OCSPP believes the Chemical Data Reporting (CDR) rule is the only current reporting obligation under TSCA section 8(a) that is likely to affect the manufacturers of inorganic byproduct chemical substances.

USDA Shadow/Visit with The Office of Pesticide Programs. During the week of September 11-15, Jonathan Senn-Carter, a chemist with USDA's AMS Pesticide Data Program (PDP), will participate in a shadow/visit with the Office of Pesticide Program's Health Effects Division (HED). Jonathan is a liaison

for the Texas and Washington USDA labs where his responsibilities include providing sampling plans and priorities of chemicals. Jonathan is also responsible for preparing the monthly reports on presumptive tolerance violations. During Jonathan's visit with OPP, he will attend Chemical Science Advisory Council meetings on crop groups and work with OPP scientists to gain a better understanding of how OPP uses PDP data. Jonathan will share information on how PDP collects their samples and generates pesticide residue data on food. The Health Effects Division will share ways of estimating dietary exposure and risk to pesticides with PDP data.

State Officials and FIFRA Meeting. On September 18, OPP will host a meeting with the State-FIFRA Issues Research and Evaluation Group (SFIREG), a network of state officials interested in Federal/State "co-regulation" of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). SFIREG was established by the Association of American Pesticide Control Officials (AAPCO) with support from EPA.

LAST WEEK HIGHLIGHTS

Webinar on Persistent, Bioaccumulative and Toxic (PBT) Chemicals. On September 7, EPA hosted a webinar for interested parties to explain the process for gathering use and exposure information on five persistent, bioaccumulative, and toxic (PBT) chemicals under the amended Toxic Substances Control Act (TSCA). The webinar provided background on new requirements for regulating certain PBT chemicals and explained how interested parties can provide use information to EPA. Under TSCA section 6(h), EPA is required to take expedited regulatory action to address risks and exposures from certain PBT chemicals. By June 22, 2019, EPA must propose rules for the five PBT chemicals that have been identified under TSCA section 6(h)(1). OCSPP is currently identifying where these chemicals are used and how people are exposed to them.

Office of the Chief Financial Officer

Hot Issues

- The House of Representatives started debate on HR 3354 --an eight bill FY 2018 appropriations bill. This bill includes the FY 2018 House Appropriations Committee funding for EPA at $7.52 billion approved on July 18 as well as 30 amendments affecting EPA which will be debated over the next few days. The Senate Appropriations Subcommittee tentatively plans to mark-up its version of the FY 2018 Appropriations Bill the week of September 18. In response to a previous Senate Appropriations Subcommittee request and after coordinating review with the Policy Team, Chief of Staff, and OGC, OCFO sent most approved policy and funding capability/impact statements to the Senate Subcommittee earlier this week and anticipate sending the remaining statements by September 8.
- The Senate also passed a FY 2018 Continuing Resolution funding the federal government through December 8 (H.R. 601), which is likely to pass the House later this evening or tomorrow. This Bill also includes a $15.25 billion emergency supplemental package providing $7.4 billion for the Federal Emergency Management Agency (FEMA) Disaster Relief Fund and $450 million for the Small Business Authority (SBA) disaster loan program. In addition, the legislation provides $7.4 billion in Community Development Block Grant (CDBG) funding through the Department of Housing and Urban Development (HUD) for areas most affected by the recent 2017 disasters.
- Working with the agency to finalize the FY 2019 OMB submission, which will include a base budget and an over-target request and the Administrator's transmittal letter, as well as finalizing the draft FY 2018-2022 Strategic Plan and associated measures and agency priority goals, all due to OMB on September 11.
    - Based on additional feedback received from the Policy Team review, OCFO is updating the draft *FY 2018-2022 EPA Strategic Plan* to share with AAs/RAs and DAAs/DRAs for a brief courtesy review prior to submission to OMB.
    - The transmittal letter was submitted to OEX for review today (September 7).
    - Agency budget briefing for OMB is scheduled for September 15, followed by NPM specific briefings between September 18 and 27.
- OCFO continues to work with headquarters and regional offices regarding financial aspects of response to Hurricane Harvey, including updating guidance previously issued to address user questions and changing disaster conditions. Coordinated with OLEM and OCIR to respond to Senate Environment and Public Works questions related to Harvey. Anticipate additional questions will come from other committees and stakeholders. OCFO also with working relevant parties to identify Hurricane Irma issues and prepare relevant guidance.

Upcoming Public Events

- OCFO will participate in the Environmental Council of States as well as the E-Enterprise Leadership Council (EELC) meetings in Jackson, WY next week. The EELC meeting sessions are designed to grow participation in streamlining where we have shared government responsibilities and to foster the development of shared services to maximize efficiencies.

Upcoming Major Decisions

- Scheduling meeting to brief the Chief of Staff and the Assistant Deputy Administrator and Chief of Operations on - How to use excess payroll funds to meet unfunded requirements. Decision needed on these funding requests.

Last Week Highlights

- Submitted the Senate Appropriations Committee (SAC) Questions for the Records (QFRs) to OMB for its review and clearance prior to submitting to SAC for publication in the public Senate record.

- Received decisions today (September 7) on which programs are to be included in the over target request for the FY 2019 OMB Budget Submission.

Office of Congressional and Intergovernmental Relations

Upcoming Hot Issues and Important Deadlines

- **TBD** - Senate Environment and Public Works Committee Hearing on the President's FY 2018 Budget – Agency witness: Administrator Pruitt
- **September 5** House and Senate are back in Session

Upcoming Events

- **September 6** Public hearing to be held in Washington, DC for the notice "Request for Comment on Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022-2025 Light-duty Vehicles; Request for Comment on Model Year 2021 Greenhouse Gas Emissions Standards" announced August 10, 2017.
- **September 7** EPA Senior Leadership from OCIR, the Office of Land and Emergency Management (OLEM), and the Office of Water (OW) will meet with a delegation of National League of Cities leadership, including NLC President Matt Zone, Councilmember (Cleveland, OH), and Mayor Karen Freeman Wilson (Gary, IN), 2nd Vice President.
- **September 7** EPA Senior Leadership from OCIR, the Office of Land and Emergency Management (OLEM), and the Office of Water (OW) will meet with a delegation of National League of Cities leadership, including NLC President Matt Zone, Councilmember (Cleveland, OH), and Mayor Karen Freeman Wilson (Gary, IN), 2nd Vice President.
- **September 11-12** ECOS Themed, "Bright Ideas: States Leading the Way," the agenda covers current issues for state environmental agency leaders, with a strong emphasis on business process improvement. Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs will participate on a panel to discuss the evolving relationship between states and EPA, and Henry Darwin, Assistant Deputy Administrator & Chief of Operations, will participate in an interactive session on streamlining and management innovation.
- **September 11-14** The National Association of State Departments of Agriculture is holding its annual meeting September 11-14, 2017 in New Orleans, Louisiana. The Business Meeting will take place September 14. Members will choose a new slate of officers and consider adoption of policy resolutions.
- **September 12-14** The Mississippi Rivers Cities and Towns Initiative will host its 6th Annual Meeting in St. Louis, MO. The Annual Meeting is co-hosted with the National Caucus of Environmental State Legislators. Twenty-four state legislators are expected from the ten state Mississippi River corridor.
- **September 29** Mayor Debora Fudge, Mayor of Windsor, CA will meet with the EPA. OIR will continue to work with the city's Washington representative to secure additional information on the city's projects of interest for the meeting with headquarters Program and Region IX staff.

Past week accomplishments

- **August 28** EPA staff briefed Rep. Knight's staff on the CAA California Waiver authority in response to staff questions about why CA can promulgate stricter regulations.
- **August 28** Background briefed for House T&I majority on U.S.-Mexico Border water infrastructure program w/ OW, OITA, R6, R9

- **Aug 28** – Sen. Cardin staff briefing on water infrastructure w/OW
- **August 28** Sent Notifications of Formaldehyde Compliance Date Extension Rule
- **August 28** – House T&I staff briefing on U.S.-Mexico Border water inf program w/OW, OITA, R6, R9
- **Week of August 28th** - EPA has approved multiple emergency fuel waiver requests for states impacted by the storm.
- **August 28 -** EPA staff discussed with Rep. Knight's staff concerns one of their constituents has with [state required] vehicle standards they view as onerous. After hearing them out, EPA technical staff gave a short overview of how NAAQS relate to SIPs and the role of the states. A contact for CARB has been provided for the Congressional staff to follow up with.

Ongoing activities

- Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 25 letters during the previous two weeks. We received no FOIA's this week.

- The OIR team is finalizing the PPG Capacity Analysis project outline and will begin a preliminary analysis to identify PPG baseline metrics to determine each state and regions' capacity. The team plans to establish these metrics by late July.

- OMB asked for comment on S.1460 the *Energy and Natural Resources Act of 2017.* The bill is the successor to Sen. Murkowski and Sen. Cantwell's legislation from the previous Congress. This bill was placed directly on the Senate Calendar for expedited floor consideration. It has 11 titles ranging from energy efficiency to conservation to infrastructure to Native American energy.

- We are working on a request from CBO about questions on HR3053 Nuclear Waste Policy Amendments Act of 2017.

Office of Enforcement and Compliance Assurance

Hot Issues

Hurricane Response: OECA issued eight fuel waivers through September 6th in response to Hurricane Harvey, and issued a 9th fuel waiver (multi-state) today (September 7th). In addition, five "no action assurances" (NAAs) have been issued to address fuel supply issues in the areas immediately impacted by Hurricane Harvey. OECA is also coordinating with Florida and Region 4 on possible NAA letters for utilities in advance of the imminent landfall of Hurricane Irma this weekend. OECA will continue to coordinate closely with Regions 2, 4 and 6 on any actions necessary to facilitate response and recovery efforts.

Upcoming Public Events

None.

Upcoming Major Decisions

None.

Last Week's Highlights

Volkswagen Mitigation Trust Filings: On September 6th, the Department of Justice filed two trust agreements, one for State Beneficiaries (including Puerto Rico and the District of Columbia) and one for Indian Tribe Beneficiaries, to implement the VW environmental mitigation trust established under the Partial Consent Decree entered by the Court on October 25, 2016. The trusts will fund eligible mitigation projects that will allow states and tribes to replace older, high-emitting trucks, buses, boats, port and other equipment with newer units that have lower emissions or zero emissions and that directly remedy past and future excess NOx emissions from violating vehicles. After the Court approves the Agreements, the VW Defendants and the Court-approved Trustee, Wilmington Trust, N.A., will execute the Trust Agreements, the United States will then file the fully executed agreements with the Court, and the trusts will become effective.

Presentation on the Superfund Task Force: On September 6th, the Director of OECA's Office of Site Remediation Enforcement presented information about the Superfund Task Force Recommendations in a call hosted by the ABA Environment and Energy Resources Section. More than 100 people participated in this forum, most of whom are attorneys involved in representing parties in Superfund cleanups. Significant support for a number of the Superfund Task Force Recommendations was expressed by private sector counsel on the panel.

Online Resource for Inspectors: The OECA Inspector Wiki (https://wiki.epa.gov/inspector) provides the federal, state, local, tribal, and contractor inspector community with easy access to hundreds of on-demand training courses, policies, standard operating procedures, and other resources related to the inspection process. This summer, new courses were added to the curriculum on several topics, including: the Clean Air Act, RCRA, inspection report writing, and witness interviewing techniques. A "Compliance Presentation Resource Library" was also recently added to the site which provides access to over a hundred compliance presentations prepared by EPA, states, and other environmental compliance professionals. The Inspector Wiki is a secure site and has more than 1,000 non-federal members. EPA employees can access the Inspector Wiki using their LAN user-id and password.

City of Baltimore Modified Clean Water Act Consent Decree: On September 6th, the U.S, Maryland, and the City of Baltimore filed a motion to enter a revised Consent Decree in U.S. District Court for the District of Maryland. In response to public comments, the Consent Decree will allow additional time to complete injunctive relief (by 2030), and will require additional transparency and public engagement, water quality monitoring, and the establishment of a program to reimburse residents up to $2,500 for each capacity-related sewer backup. The modified Consent Decree is expected to reduce Baltimore's Sanitary Sewer Overflow volumes by 83% by 2021.

Clean Water Act Criminal Sentencing: On September 5th, a Stark County, Ohio tanker truck driver was sentenced in the Northern District of Ohio to 42 months of incarceration and ordered to pay $85,338 in restitution after pleading guilty to violating the Clean Water Act. The Defendant was employed as a driver of a tanker truck that loaded wastewater generated from corporate facilities. Instead of delivering the wastewater to Pennsylvania for proper disposal, the Defendant drove the tanker truck to remote locations in Tuscarawas County and central-eastern Ohio and emptied the wastewater containing surfactants into waters of the United States. White foam flowed down tributaries and streams as a result of the Defendant's actions. In one instance, the foam traveled four miles downstream leading to the death of approximately 709 fish and 3,231 minnows, crayfish, frogs, and tadpoles. The case was investigated by EPA's Criminal Investigation Division and the Ohio Environmental Protection Agencies, the Ohio Attorney General's Bureau of Criminal Investigation, the Stark County Sheriff's Offices, the Tuscarawas County Sheriff's Offices, the Ohio Department of Natural Resources, and the Ohio Department of Rehabilitation and Correction.

Significant CERCLA Liability Decision: On September 5th, the U.S. District Court for the Southern District of Iowa issued a post-trial decision in the CERCLA case *United States v. Dico*, Inc. that represents a significant victory for EPA, including on the issue of CERCLA "arranger" liability, an issue of national importance for the Superfund enforcement program. The U.S. maintains that Dico Inc. and its corporate affiliate Titan Tire Corp. (collectively, "Defendants") are liable as arranging for the disposal of PCBs inside buildings by selling the buildings to a third party for demolition. Defendants did not disclose to the third party that there were PCBs encapsulated in the buildings, nor did Defendants disclose that, under an EPA Order, the buildings were not to be reused or demolished without prior notification to EPA. Following the sale, and absent knowledge of the PCBs or the EPA Order, the third party demolished the buildings and transported the PCB-contaminated beams to another location in Ottumwa, Iowa, leading to the contamination of that property.

The District Court found Defendants' liable for the U.S.'s response costs as CERCLA arrangers, and Dico liable for punitive damages for violating an EPA Order. The Court ruled that Defendants are liable as arrangers under CERCLA for the following reasons: (1) Defendants knew the contaminated buildings would be demolished once they were sold, which would result in the release of PCBs; (2) the costs of properly disposing of the PCBs avoided by the Defendants by selling the buildings exceeded – by at least ten times – the value Defendants received from the sale; and (3) the commercial realities surrounding the transaction show that Defendants did not view it as a legitimate sale. In reaching this conclusion, the District Court noted that Congress enacted the arranger liability provision to discourage precisely this sort of transaction – a transaction designed to contract away Defendants' responsibility for properly disposing of hazardous substances.

Based on the District Court decision and previous rulings in this case, Defendants are jointly and severally liable for the U.S.'s response costs (in excess of $5.4 million), while Dico is liable for civil penalties ($1.6 million) and punitive damages equal to the U.S.'s response cost of at least $5.4 million. Defendants have 60 days to appeal.

FedCenter Board Meeting: On September 7th, representatives from OECA's Federal Facilities Enforcement Office met with other federal agencies (USDA, CEQ, DOI, DOE, HHS, NASA, Veterans Administration and the US

Army Construction Engineering Research Laboratory) for a FedCenter Board Meeting. FedCenter – a tool created and sponsored by EPA - is the U.S. government's online compliance assistance and sustainability resource for federal agencies. The meeting participants discuss plans for sustaining FedCenter in the coming years.

Office of Environmental Information

Upcoming Public Events

Smart City Air Webinar – Data Use in Community Air Quality Projects

- **Brief description:** On September, 14, OEI will host a public Smart City Air Webinar featuring speakers from New York City, New York, and Philadelphia, Pennsylvania describing how they use data from air quality sensors to understand local environmental conditions. This webinar is one of a series aimed at helping communities manage data from air quality projects.
- **Who benefits or cares:** EPA Region 2 and 3 leadership and employees, communities interested in environmental monitoring, citizen scientists and the general public.
- **Why this is important:** The webinars are keeping up the momentum of the Smart City Air Challenge, which encourages communities to deploy hundreds of air quality sensors and make the resulting data open to the public.
- **Additional information:**
  - The Smart City Air Challenge was designed to inspire communities to discover new approaches to manage data for air topics they care about, then develop solutions and share them with the public. EPA expects to learn how communities handle data from many sensors.
  - Local governments partnered with sensor manufacturers, data management companies and others to create strategies for collecting and using the data.
  - The EPA awarded $40,000 each to Baltimore, Maryland, and Lafayette, Louisiana. The awards were based on their strategies, including their plans to share their data management methods so others can benefit. Other communities who participated in the Challenge, but did not receive an award, are still proceeding with their projects.
  - At the end of this year, the EPA will evaluate the two projects and award up to an additional $10,000 to the winning communities based on their accomplishments and collaboration.

Last Week's Highlights

OEI Support for Hurricane Harvey Response

- **Brief description:** OEI is providing key support in the EPA's response to Hurricane Harvey, including:
  - Identifying imagery resources available to support the response.
  - Turning imagery collected from the EPA's *Airborne Spectral Photometric Environmental Collection Technology* (ASPECT) aircraft into high performing data services for use by the EPA and the Federal Emergency Management Agency (FEMA).
  - Activating and staffing the Headquarters Emergency Operations Center.
- **Who benefits or cares:** Region 6 management and staff; EPA's Emergency Response Team (ERT); FEMA; Texas and Louisiana state and local governments and communities; the general public
- **Why this is important:** The Emergency Operations Center ensures reliable 24/7 support to the ERT and Region 6 managers and employees supporting the EPA's response to Hurricane Harvey. The geographic data will allow the EPA and FEMA to more quickly identify concerns and response strategies.
- **Additional information:** N/A

Central Data Exchange (CDX) Tools Expanded to Support Enforcement Cases

- **Brief description:** CDX record management tools have been extended to criminal and civil enforcement offices. Originally established for help desk administration and compliance with the Cross-Media Electronic Reporting Rule (CROMERR), the CDX tools now provide real-time access to support evidence necessary for enforcement actions and criminal cases.

- **Who benefits or cares:** EPA agents and delegated parties from the Office of Pollution Prevention and Toxics (OPPT), Office of Information Management (OIM), Office of Enforcement and Compliance Assurance (OECA) and the Office of the General Counsel (OGC)
- **Why this is important:** The assembly and distribution of new enforcement tools and procedures will save agency resources by handing the tools necessary to retrieve enforcement data directly to EPA staff and management.
- **Additional information:** OEI will investigate how to reuse the tool for other EPA program benefits.

OEI Usability Workshop to Create More User Friendly & Accessible Public Apps

- **Brief description:** Last week, OEI hosted a two-day Usability Workshop to help Program Offices create more user friendly and accessible public applications.
  - Application teams included AirNow (OAR), Enforcement and Compliance History Online (OECA), ChemView (OCSPP), and Toxics Release Inventory GuideME (OCSPP).
  - App teams engaged with users to collect user feedback, and identify user needs, behaviors, pain points and possible solutions; then, iteratively designed solutions to make their apps more user friendly.
  - EPA experts in making applications available to people with disabilities provided accessibility resources, helped developers practice using accessibility tools on their apps, and reviewed what developers could do to make their apps more accessible.
- **Who benefits or cares:** Members of the public and industry, and other stakeholders, who interact with EPA apps for health information or business requirements and require that EPA information be understandable, and/or business processes be frictionless.
- **Why this is important:** OEI is working together with Program Offices to demonstrate how to use EPA funds and resources more efficiently by using modern software development practices involving human-centered design and iterative development to deliver useful and valuable apps to the public.
- **Additional information:** N/A

Office of General Counsel

New Judicial Decisions

- The U.S. District Court for the District of Maine granted EPA's motion for a 120-day stay in the *State of Maine v. McCarthy* litigation to provide time for EPA to reconsider its challenged decisions regarding water quality standards in Indian Country in Maine. Based on DOJ's conversation with the clerk's office, the stay would end on December 8, 2017. DOJ anticipates that EPA would file by December 8 either a status report, or a status report and motion for additional stay if more time is needed to implement any change based on our reconsideration.
- The D.C. Circuit denied EIP's petition for a rehearing *en banc* in the steam electric litigation (*EIP v. EPA*).

New Complaints Filed

- FOIA litigation (*Figley v. EPA*) concerning a multi-part FOIA request submitted by an American University law professor seeking records concerning payments to individuals and organizations from the BP settlement. EPA OCEFT provided the requestor a no records response. The Plaintiff filed an administrative appeal, which OGC was working on with OCEFT when the litigation was filed. The Plaintiff challenges the no records response and the denial of a fee waiver request.
- The Small Retailers Coalition has initiated two new cases against the EPA. First, they filed a case in the U.S. District Court for the Norther District of Texas alleging that EPA failed to comply with the RFA in setting volumes for 2017 and failure to perform a mandatory duty to evaluate and adjust the point of obligation annually. Second, they filed a case in the D.C. Circuit petitioning for a review of EPA's final rule entitled, "Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018.
- The Environmental Defense Fund (EDF) filed a petition in the D.C. Circuit challenging EPA's TSCA Inventory Notification rule (*EDF v. EPA*). This rule requires chemical manufacturers, and allows chemical processors, to report to the EPA the identities of any chemicals they manufactured or processed in the 10 years preceding the December 2016 amendments to TSCA. EPA will use the information gleaned from the reporting to divide the TSCA Inventory of existing chemical substances into active and inactive substances.

New Petitions that OGC is Aware Of

- None

Hot Issues

- OGC continues to provide legal advice in support of the agency's hurricane response efforts.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- OGC and OEI are pleased to host the National FOIA Training Conference here in Washington, DC, on September 12 and 13. Over 175 EPA officials from across headquarters and the regions are scheduled to attend, and we currently have a substantial waiting list. We sincerely appreciate the support from

leaders of every region and headquarters offices who have allowed their employees to attend and, in the case of those outside of DC, devoted some of their limited travel dollars to their travel.

Upcoming Major Deadlines in the Next Two Weeks

09/08 Answer and Response to Motion for Summary Judgment is due in *Environmental Integrity Project, et al. v. EPA*, where plaintiffs allege that EPA failed to timely respond to a petition to object to the proposed Title V Operating Permit for the Fort Smallwood complex.

09/08 Proposed Schedules and Formats for the Briefing are due in *Samuel Masias, et al. v. EPA*, a petition for review of the Air Quality Designations for the 2010 Sulfur Dioxide (S02) Primary National Ambient Air Quality Standard-Round 2.

09/08 EPA's reply Brief is due in *United States, et al. v. Luminant Generation Co. LLC, et al.*, an appeal of an adverse decision in a PSD enforcement case.

09/08 Document production is due in *NRDC v. EPA*, a FOIA litigation arising from Plaintiff's Dec. 23, 2016, FOIA request seeking records between EPA staff and the Trump Presidential Transition Team(s).

09/08 Parties to file a Joint Briefing Schedule for Proposed Remedy in *NWEA v. EPA*, where NWEA and EPA were unable to agree on a proposed remedy order following an adverse decision in NWEA's challenge to EPA's approval of temperature TMDLs based on vacated WQS and without ESA consultation.

09/08 Target date by which EPA should sign a final rule postponing certain compliance dates in the steam electric ELG rule.

09/08 Case Management Report is due in *Pineros y Campoesinos Unidos Del Noroeste, et al., v. Pruitt*, litigation involving the certified pesticide applicator rule litigation.

09/09 Take final action by promulgating a FIP or unconditionally approving a SIP to address the BART requirement for EGUs in Texas (Consent Decree) relating to *National Parks Conservation Association, et al. v. EPA*.

09/09 Take final action by promulgating a FIP or unconditionally approving a SIP to address the prong 4 requirements for the 1997 ozone and PM2.5 NAAQS (Consent Decree) relating to *Sierra Club v. EPA*.

09/11 Reply in support of Petition for Mandamus is due in *Kelsey Cascadia Rose Juliana, et al. v. United States*, where plaintiffs allege multi-agency constitutional and public trust violations arising from actions and inactions on climate change.

09/11 Supplemental Briefs are due in *Sierra Club, et al. v. EPA*, a petition for review of EPA's final action agency entitled "Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM2.5 and PM10 Nonattainment and Maintenance Areas."

09/11 Production schedule is due in *Center for Biological Diversity v. EPA*, a FOIA litigation regarding a FOIA request that sought records related to the "revised water quality criteria for cadmium."

09/11 EPA's Reply in support of its Cross-Motion for Summary Judgment is due in *Clean Water Action, et al. v. EPA*, a challenge to EPA's postponement of certain compliance deadlines in steam electric rule pursuant to APA section 705. This is also the target date for filing EPA's Motion to Dismiss on

Mootness Grounds in the same case.

09/12 A separate or joint motion setting forth a proposed revised briefing schedule is due in *Southwestern Electric Power Co. v. EPA*, a challenge to the 2015 Steam Electric ELG Rule by Industry, Environmental Group, and Drinking Water Utility Petitioners.

09/12 Motions to Govern Future Proceedings is due in *National Waste & Recycling Association v. EPA*, a petition for review of EPA's final actions titled "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills" and "Standards of Performance for Municipal Solid Waste Landfills."

09/12 Dispositive motion due in *Cause of Action v. EPA*, a FOIA matter concerning EPA employees use of an encrypted messaging application, called "Signal."

09/13 Response to Sierra Club's Motion for Summary Judgment and EPA's Cross-Motion for Summary Judgment is due in *Sierra Club v. EPA*, where plaintiff alleges that EPA failed to grant or deny a petition seeking an objection by EPA to the Title V Operating Permit renewal for the Tennessee Valley Authority's Gallatin Fossil Plant.

09/13 EPA's Motion for Summary Judgment is due in *Environmental Integrity Project (EIP) v. EPA*, a FOIA matter regarding a request seeking records pertaining to Administrator Pruitt's meetings with outside parties and records of travel vouchers or expenses.

09/13 Alternative dispute resolution teleconference is scheduled in *Pineros y Campoesinos Unidos Del Noroeste, et al. v. Pruitt*, litigation involving the certified pesticide applicator rule.

09/14 Oral Arguments in *South Coast Air Quality Management District v. EPA*, a petition for review with the D.C. Circuit challenging the March 6, 2015 SIP Requirements Rule.

09/14 EPA's Reply in Support of Motion for Summary Judgment is due in *Nucor Steel-Arkansas, et al. v. EPA*, where plaintiffs' allege that EPA failed 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.

09/14 The United States will identify its experts and disclose the subject matter of testimony in *Kelsey Cascadia Rose Juliana, et al v. United States, et al*.

09/14 Oral Argument in *Cooling Water Intake Structure Coalition, et al. v. EPA*, litigation involving EPA's CWA rule for existing cooling water intake structures.

09/14 Mediation call regarding remedy is scheduled in *Ellis v. Keigwin*, a challenge under the ESA and FIFRA to registrations of clothianidin and thiamethoxam.

09/15 Oral Argument in *Sierra Club v. EPA*, a challenge to major source boilers reconsideration.

09/15 EPA's Response to Cedar Falls Utilities Motion to Stay CSAPR Update is due in *Wisconsin v. EPA*, a petition for review of EPA's Final Rule titled "Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS."

09/15 Pursuant to a Consent Decree in *Sierra Club v. Jackson*, EPA must propose RTR for Portland Cement Manufacturing Industry.

09/15 Case Management Conference with the judge in *Pineros y Campoesinos Unidos Del Noroeste, et al. v. Pruitt*.

09/15 Case Management Conference scheduled in *Food and Water Watch v. EPA*, a challenge to EPA's denial of a section 21 petition concerning fluoridation chemicals.

09/15 EPA's Answer is due in *Riverkeeper, Inc., et al. v. Pruitt, et al.*, a mandatory duty challenge to disapprove New York's primary recreation criteria.

09/18 Motion to Govern Further Proceedings is due in *American Petroleum Institute v. EPA*, petitions for review of EPA's 2012 oil and gas NESHAP revision based on residual risk and technology review.

09/18 Motions to Govern is due in *Truck Trailer Manufacturers Association v. EPA*, a petition for review of EPA final rule "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2."

09/18 EPA's Response is due in *Alliance for the Wild Rockies v. EPA*, where plaintiff alleges EPA that EPA violated the ESA by failing to consult on the effects of a Superfund remedial action on designated bull trout critical habitat.

09/18 The Administrative Record is due in *Pineros y Campoesinos Unidos Del Noroeste, et al. v. Pruitt*.

09/18 Reply to Response to Proposed Protective Order is due in *National Family Farm Coalition, et al. v. EPA*, a petition for review of the 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. The petition for review generally alleges violations of FIFRA and the ESA.

09/20 EPA's Answer is due in *California v. EPA*, a FOIA litigation concerning a 32 part FOIA request submitted by California seeking a variety of ethics-related records concerning Administrator Pruitt.

09/20 The representative sample of documents for *in camera* review and any associated supplemental brief is due in *Hunton & Williams v. EPA*, a FOIA matter pertaining to the EPA Region 9 Office of Water's response to a FOIA request seeking records relating to an Approved Jurisdictional Determination (AJD) for the DMB Redwood City Saltworks site.

09/21 The Rule 26(f) Report is due in *Bd. of Comm'rs of Cleremont Cty. v. EPA*, a FOIA matter arising from a FOIA request in which Plaintiff alleges that documents were inappropriately withheld and that Agency was unable to locate documents that were identified in the initial response to the request.

09/22 Motions to Govern due in *State of Texas, et al. v. EPA*, a petition for review of EPA's final rule titled "Protection of Visibility: Amendments to Requirements for State Plans."

09/22 EPA's first document production is due in *Pesticide Action Network of North America v. EPA*, a FOIA matter related to two FOIA requests seeking communications between EPA and dowAgroSciences and outside groups regarding chlorpyrifos.

09/22 Joint Motion to Govern Further Proceedings is due in a series of cases, all titled *CBD, et al. v. EPA*, challenging the granting of registrations for the following new active ingredients: Flupyradifurone,

Benzovindiflupyr, Cuprous Iodide, Halauxifen-methyl.

09/22 EPA's Answer is due in *Environmental Law & Policy Center, et al. v. EPA, et al.*, where plaintiffs allege that EPA's approval of Ohio's Clean Water Act Section 303(d) List was arbitrary and capricious because Ohio improperly declined to assess the impairment status of the open waters of Lake Erie notwithstanding data and information that might indicate those waters are failing to attain applicable water quality standards for algae.

Office of International and Tribal Affairs

Hot Issues:

G-7/G-20 Interagency Kickoff Meeting - NSC hosted an interagency kickoff meeting on climate and energy issues for the 2018 G7/G20 with representatives from EPA, DOE, Treasury, and State. The NSC presented initial thoughts on how the U.S. might approach climate and energy issues in these forums next year. Canada will chair the 2018 G7 and hopes to have the Leader's Summit in June, with all Ministerial meetings taking place before the Leader's Summit. Argentina will chair the 2018 G20 and hopes to have the Leader's Summit in late November or early December.

Upcoming Engagements:

September 13 - Meeting with Alaska Lt. Governor Mallott and State Department to discuss transboundary pollution issues with Canada.
September 14 – Meeting with the U.S. National and Government Advisory Committees to the Commission for Environmental Cooperation (CEC) to discuss the Council Session.
September 19 – Meeting with Danish Minister for Environment and Food to discuss water related issues (tentative).
September 20 - Meeting with the Administrator and Minister of the Taiwan Environmental Protection Agency to discuss bilateral and regional cooperation.

Past Week Highlights:

ABA Collaboration on Promoting Lead Paint Laws Globally - EPA (OITA, OGC, OCSPP, OECA) met with representatives from the American Bar Association (ABA) to discuss collaboration on promoting lead paint laws globally. ABA participants included a representative from ABA's Rule of Law Initiative (ROLI), an ABA capacity building organization with global reach, and a member of the Section for International Law that spearheaded the adoption of the ABA resolution to help establish lead paint laws globally.

- ABA is now developing an implementation plan for this work and wants to work with EPA and the Lead Paint Alliance to develop on-the-ground assistance projects to implement a Model Law for lead paint, which will be launched in September.
- ROLI is interested in expanding its environmental law work and has experience in drafting laws, delivering training and conducting legal assessments. ABA members often provide technical assistance in developing laws through voluntary experts that have worked with such organizations as the United Nations Development Program.
- ABA is considering developing a pledge for the third UN Environment Assembly to further highlight its commitment to helping establish lead paint laws. EPA and ABA will continue to discuss opportunities for collaboration with the Lead Paint Alliance on ways to deliver legal expertise for lead paint laws in developing countries.

Meeting with Brazil National Water Agency - EPA (OITA, OW, and Region 3) met a delegation from Brazil's National Water Agency (ANA) and the U.S. Geological Survey (USGS) to discuss outcomes and potential follow-up from the USGS/EPA two-week water quality mission to Brazil. Brazil also shared planning for the World Water Forum in March 2018 which they will host in Brasilia.

- In March 2017, two EPA technical experts from OW and Region 3 participated in a water quality mission to Brazil under an existing USGS-ANA cooperative agreement.

- The purpose of the mission was to share U.S. experiences on water quality standards, assessment, monitoring, and other related water management issues.
- There is an interest in organizing a second mission to Brazil in fall 2018 and exploring future EPA collaboration under a new USGS-ANA cooperative agreement.

Office of Land and Emergency Management

Hot Issues

1. **Hurricanes.** The Headquarters Emergency Operations Center (HQ EOC) remains activated since its initial activation on August 28. It is at Level 1 operations, initially in support of the Region 6 response to Hurricane Harvey, and now also providing initial support to Regions 2, 3, 4 related to Hurricane Irma. The HQ EOC has deployed personnel to the FEMA National Response Coordination Center (NRCC) to staff the Emergency Support Function (ESF) #10 Desk. The National Incident Management Assistance Team (N-IMAT) activated, and sent personnel to Regions 6 and 2. ASPECT, a PHILIS unit, and TAGA unit deployed to Region 6. Reggie Cheatham will visit Region 6 shortly, and we understand Jody Barringer of OMB plans to visit Houston on Monday, September 11.

2. **CCR State Permit Program Guidance.** On August 10, the interim final guidance was released. EPA is accepting comments for 30 days following its Aug 15th publication in the Federal Register.

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

4. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing**. A meeting with OMB is expected on September 8.

5. **Clean Air Act 112(r) Risk Management Program Rule.** The motion to stay or summarily vacate the RMP Delay Rule was denied.

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

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

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

9. **Definition of Solid Waste (DSW).** We are working with OGC to follow up on the DC Circuit's decision.

10. **General Electric Financial Assurance template**. We are conferring with the AO regarding this technical assistance requested by state staff.

11. **All Appropriate Inquiry Direct Final Withdrawal and Final Rule.** The packages are with OP, pending clearance for FR publication. The withdrawal needs to be published prior to September 18, when the direct final rule would go into effect.

Upcoming Public Events

1. **Hudson River Site Tour.** On August 31, OLEM and Region 2 participated in a boat tour of the Hudson River site with Scenic Hudson and local Chamber of Commerce representatives.

Upcoming Major Decisions

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

2. **CERCLA-EPCRA AFO-CAFO Rule.** We are conferring with the AO on next steps.

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

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

Last Week Highlights

1. We are working hard regarding Harvey and Irma and their effects.

Office of Policy

Documents Sent to OFR August 31 – September 7, 2017

FRL	Title	Date Submitted to OFR
9967-43-Region 2	Notice of Extension of Public Comment Period on the Clean Water Act Section 303(d): Availability of List Decisions	9/7/2017
9967-49-Region 7	Approval of Missouri Air Quality Implementation Plans; Final Rule; Determination of Attainment for the 2010 1-hour Primary Sulfur Dioxide National Ambient Air Quality Standard; Jefferson County Nonattainment Area	9/7/2017
9967-50-Region 7	State of Iowa; Approval and Promulgation of the State Implementation Plan, the 111(d) Plan, and the Operating Permits Program	9/7/2017
9967-52-Region 7	State of Iowa; Approval and Promulgation of the State Implementation Plan, the 111(d) Plan, and the Operating Permits	9/7/2017
9967-54-Region 10	Air Plan Approval; ID; 2012 PM2.5 Standard Infrastructure Requirements	9/7/2017
9967-68-Region 9	Revisions to California State Implementation Plan; Bay Area Air Quality Management District; Emission Reduction Credit Banking	9/7/2017
9967-56-Region 9	Approval of California Air Plan Revisions, Placer County and Ventura County Air Pollution Control Districts	9/7/2017
9967-55-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Under the 2008 Ozone National Ambient Air Quality Standard (NAAQS)	9/6/2017
9967-56-Region 9	Approval of California Air Plan Revisions, Placer County and Ventura County Air Pollution Control Districts	9/6/2017
9967-57-Region 4	Air Plan Approval; KY; Revisions to Ambient Air Quality Standards	9/6/2017
9967-62-Region 8	Approval and Promulgation of Air Quality Implementation Plans; Montana; Regional Haze Federal Implementation Plan	9/6/2017
9966-98-Region 6	Approval and Promulgation of Implementation Plans; Texas; El Paso Carbon Monoxide Limited Maintenance Plan	8/31/2017
9966-54-Region 6	Final Authorization of State-initiated Changes and Incorporation by Reference of Approved State Hazardous Waste Management Program	8/31/2017

9966-55-Region 6	Final Authorization of State-initiated Changes and Incorporation by Reference of Approved State Hazardous Waste Management Program	8/31/2017
9967-10-Region 1	PROPOSED CERCLA ADMINISTRATIVE SETTLEMENT AGREEMENT; RBF FROZEN DESSERTS SUPERFUND SITE, WEST HARTFORD, CONNECTICUT	8/31/2017
9967-22-Regions 8 and 10	Attainment Date Extensions for the Logan, Utah-Idaho 2006 24-Hour Fine Particulate Matter Nonattainment Area	8/31/2017
9967-28-Region 1	Air Plan Approval; Maine; New Motor Vehicle Emission Standards	8/31/2017
9967-40-Region 5	Air Plan Approval; Ohio; Volatile Organic Compound Control Rules	8/31/2017

Office of Research and Development

ORD senior leadership will participate in the ECOS Fall Meeting, September 11-12, in Jackson Hole, Wyoming on *Bright Ideas: States Leading the Way*, where 46 states are now registered. Bob Kavlock and Jennifer Orme-Zavaleta will discuss ORD's collaborative work with states at the Environmental Research Institute of the States (ERIS) Board Meeting, September 12, including follow up from the ERIS Board-EPA joint meeting in Oklahoma this past July, and new risk communication pilots under the EPA-ECOS-ASTHO Memorandum of Agreement.

Hot issues

ORD supports Hurricane Harvey response

In addition to its roles on the Policy Coordination Council and the National Incident Coordination Team, ORD is deploying its technical expertise via our RACER Reachback Capability to the response effort. Specifically, ORD has been requested to assist with (1) identification of toxicity values for 15 chemicals released into the environment as a result of the Hurricane/flooding (2) deploying a method developed by ORD that uses webcams and QR codes to assist with accountability of the many EPA personnel in the field; (3) compiling readily available and rapid analytical methods and capabilities for characterizing flood water for microbials, chemicals and metals - the HQ EOC later used this product to build one of many fact sheets about EPA's capabilities; and (4) deployment of ORD staff to the HQ EOC's Public Information Officer and Watch Floor positions.

ORD continues PFAS support for NC DEQ

On August 28th, ORD met with North Carolina Department of Environmental Quality (NC DEQ), Region 4, and local health departments to present the results of PFAS sampling in the Cape Fear River Basin. These results showed that although there had been some improvement in GenX concentrations, there were some PFAS that showed no improvement. The Cape Fear River Basin sampling project, led by NC DEQ, emanated from ORD research published last fall and reported in the popular press this spring. NC DEQ recently issued a statement, *State orders Chemours to stop chemical releases, begins legal action and steps to suspend permit*, related to the findings of this study.

TSCA Support

ORD is working with OPPT to improve exposure estimates used in TSCA evaluations of both new and existing chemicals. A workshop focused on estimating exposures from consumer products is planned for September 13. Additional workshops are being planned to focus on occupational exposures and ambient (far-field) exposures.

Upcoming public events (look out 2 weeks)

Sampling to support Tire Crumbs Research

During the week of September 11th, the Centers for Disease Control and Prevention and ORD will be in Oregon to conduct research as part of the exposure portion of the *Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds*. The research will take place at an athletic field and will focus

on collecting data from people who maintain the fields and who regularly use the fields. Additional research will be conducted at an athletic field in Virginia later this fall.

Korean government delegates visiting EPA Cincinnati, September 19

Representatives from K-Water, the Korean government organization responsible for water quality, will visit EPA Cincinnati. They are interested in learning more about current research on water quality management and algal blooms in freshwater. They would also like to discuss opportunities for future collaborations between EPA and K-Water, including a potential memorandum of understanding. This is a follow-on to K-Water's visit to EPA in Cincinnati in 2016 arranged by the water cluster program.

Last week Highlights (include good news)

Water research webinars attracting thousands of participants

- The August 29 ORD/OW webinar on treatment and control for manganese and iron attracted **1,135** attendees from all 50 states (including 8 Tribal Nations and 7 EPA Regions), D.C., Puerto Rico, Canada, Greece, and Malaysia, and will provide over 830 continuing education contact hours. ORD and OW presented on the simultaneous removal of arsenic, iron, ammonia, and manganese by biological treatment.

- The August 30 water research webinar attracted **1,035** attendees from all 50 states (including 13 Tribal Nations and 9 EPA Regions), D.C., Puerto Rico, Canada, Greece, and Nepal. Over 700 certificates of attendance were provided. ORD and the University of Maryland discussed research on environmental stressors and management practices impacting global water quantity and quality and the role of ecosystem restoration and management in securing and improving water resources and related ecosystem services.

Technical Support to Region 9

Since September 5, ORD has been providing technical support to Region 9 to evaluate the U.S. Navy's Red Hill Bulk Fuel Storage Facility on Oahu, Hawaii. In response to a 2014 fuel leak at the facility, the Navy has been developing a model for groundwater flow and impacts from facility fuel releases. ORD will evaluate the model parameters and assumptions to assist Region 9 and Hawaii.

Lead Support

- **Update on Galesburg, IL, lead service line replacement efforts.** On September 5, ORD participated in a call with Region 5 to discuss project status with regard to corrosion control and lead pipe removal. Participants also discussed potential future actions and efforts to work with the community, including public meetings. Region 5 plans to meet with Illinois EPA to discuss potential future actions.

- **Call with Region 8 and City of Denver on corrosion control study, September 5:** ORD participated in a call with Region 8 and representatives from the City of Denver to discuss data collected from Denver Water's optimal corrosion control treatment lead pilot plant. The city is conducting a Lead and Copper Rule pilot plant study that began after a 2012 action level exceedance. They presented their corrosion control study results during the call. We anticipate continued dialogue as the City of Denver, Region 8, and the state decide on what strategy the city will implement for lead reduction and what additional studies they may perform.

- **Technical assistance on Pittsburgh, PA, lead issues:** ORD continues to provide technical support to the City of Pittsburgh on lead in drinking water. We have provided guidance on designs of pipe rigs for corrosion control studies and on pipe scale analyses. ORD was also contacted by Pittsburgh Water and Sewer Authority (PWSA) on epoxy and plastic linings as alternatives to physical lead pipe replacement. We expect further discussions to follow and will coordinate with Region 3.

Publications

- Sample processing approach for detection of ricin in surface samples**:** With several ricin contamination incidents reported over the past decade, rapid and accurate methods are needed for environmental sample analysis, especially after decontamination. In this study, a sample processing method was developed for common surface sampling devices to improve the limit of detection and avoid false negative/positive results for ricin analysis.
- **High-Throughput methods for estimating food exposures to chemicals from food contact substances:** ORD scientists are co-authors on an article published last week in Environment International. The article, *High-throughput dietary exposure predictions for chemical migrants from food contact substances for use in chemical prioritization*, uses a high-throughput framework for estimating aggregate exposures to chemicals from multiple pathways. Under this framework, the authors demonstrate methods for estimating high-throughput exposures to chemicals migrating into food from food contact substances. These methods can be used to refine aggregate exposure predictions used in risk-based chemical priority–setting.
- **Market basket analysis used to identify chemical combinations in U.S. population:** ORD scientists recently published an article in Environmental Health Perspectives, *A Method for Identifying Prevalent Chemical Combinations in the U.S. Population*. The authors demonstrate a method for identifying the chemical mixtures that are most prevalent in humans. They used the market basket analysis technique, *frequent itemset mining*, to analyze biomonitoring data in order to identify combinations of chemicals that frequently co-occur in people. They identified 90 chemical combinations with relatively few chemicals that occur in at least 30% of the U.S. population. They also identified three super combinations with many more chemicals that occur in a small proportion of the U.S.

Office of Water

Hot Issues

Hurricane Response - Harvey and Irma: OW will continue to staff the EOC Water Desk to cover both hurricanes Harvey and Irma. A draft staffing plan has been developed that includes the entire month of September. The Water Desk is coordinating with Region 2 and has received lists of drinking water and wastewater treatment plants in Puerto Rico and the US Virgin Islands. Region 2 is checking in with Puerto Rico every 5 hours on status, and is 'all hands-on-deck' and ready to support the response in any way needed. The Water Desk is also coordinating with Region 4 and they will share with OW information they receive from Region 4 states on drinking water and wastewater status. If the current trajectory of Irma holds, the Water Desk will have two staff for Sunday's Florida landfall. The day after landfall is usually the most demanding and the Water Desk will have 3-4 staff assisting on Monday.

Waters of the U.S.: The docket for the proposed step 1 rule is open until September 27. Currently, we have received over 167,000 comments. About ¾ or 126,000 of these are mass mailers, and about 4,500 are unique comments. For the step 2 proposal, the team is preparing for a three-part options briefing for the Administrator the week of September 11. We are also preparing to launch our 10-webinar general outreach effort starting with small entities on September 19. Webinars will be held each Tuesday until November 21, and the public has the opportunity to submit recommendations through an administrative docket.

Hypoxia Task Force: OW is poised to send the *Hypoxia Task Force Report to Congress* to the Administrator's Office for 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. OW previously worked with OP and OCIR on Agency and OMB review of the draft report, which OMB cleared in late August.

Puerto Rico SRF**:** The OW and USDA meeting with PRASA to continue negotiations to restructure the Puerto Rico SRF debt obligations that was scheduled for September 6 has been postponed due to Hurricane Irma. We do not have a reschedule date yet.

Perchlorate Peer Review: The Agency is undertaking an independent, external panel peer review and will soon announce the release of scientific materials for public comment that will Inform the Safe Drinking Water Act decision making on perchlorate. There is likely to be considerable interest and response to EPA's release of peer review materials and the peer review process itself. Two *Federal Register Notices* will be published for this: (1*)* Request for Public Comments on an Interim List of Perchlorate in Drinking Water Expert Peer Reviewers and the draft Peer Review Charge Questions and (2) Request for Public Comments on the draft report describing EPA's scientific assessment of potential health impacts associated with perchlorate in drinking water.
Background: Over the past several years, stakeholders have provided extensive comments on publically reviewable perchlorate materials and notices, met with EPA senior officials, managers and staff and have written the Administrator numerous letters. EPA was sued by NRDC for the Agency's failure to issue proposed and final regulatory actions for perchlorate in accordance with the timelines provided in SDWA. The court approved consent decree established a very aggressive schedule for completing the peer review process (10/18/17) and a proposed (10/31/18) and final rule (12/19/19). Stakeholders and the press are aware that EPA has been working to implement SAB recommendations to develop a model and assess scientific literature to inform decisions on perchlorate.

Michigan File Review Report: EPA will soon release a report of its the review of Michigan's Drinking Water

Program. The report makes numerous recommendations to address identified deficiencies and Region 5 will be working closely with MDEQ to identify and track corrective actions to ensure program improvements are made. *Background*: In April 2016, EPA conducted an on-site review of the State of Michigan's Drinking Water Program. The purpose of the on-site review was to assess the State's effectiveness in implementing an effective drinking water program. The review consisted of three separate evaluations: a drinking water program file review, a review of the State's implementation of the Michigan Lead and Copper rule (LCR), and an enforcement verification review. The program review revealed a number of challenges with MDEQ's implementation of its drinking water program, including inadequate electronic data reporting, inadequate data management capabilities, and a notable failure to correctly implement the LCR statewide and in Flint. These deficiencies must be corrected to protect the public health of the citizens of Michigan.

Upcoming Public Events

ECOS, EELC Meeting: Mike Shapiro, DAA for OW, will be attending the Sept 11-12 ECOS meeting and the Sept 13-14 EELC meeting in Jackson Hole Wyoming.

New York City Finance Dialogue**:** The week of September 11 Office of Water is participating in a New York City Finance Dialogue co-sponsored by Moody's and American Water Works Association (AWWA) on the "Federal Government's Role in Financing."

The Water Finance Center and Region 7 are co-hosting a finance forum on water infrastructure finance strategies for small system on September 12 in St. Joseph Missouri. Topics include maintaining water and wastewater systems; setting rates; long-term planning; and available assistance and funding options. Agenda and registration information are available at forum announcement at the Environmental Finance Center at Wichita State University.

Last Week Highlights:

Bristol Bay Proposed Withdrawal - On September 5, OW, together with Region 10, held the third pair of tribal and Alaska Native Claims Settlement Act (ANSCA) webinars as part of ongoing tribal consultation for EPA's Proposal to Withdraw the 2014 CWA Section 404(c) Proposed Determination (PD) regarding Pebble/Bristol Bay. EPA is also accepting requests for additional individual or group consultation meetings. OW and Region 10 held one such consultation with an individual tribe on August 2 and a consultation with the Bristol Bay Native Corporation is scheduled for September 12 in DC. Two more consultations are tentatively scheduled: an individual tribe on September 12 and a group consultation with the United Tribes of Bristol Bay (representing 14 Bristol Bay tribes) on September 26. Also, planning is underway for Lee Forsgren's trip to the Bristol Bay Region set for the week of October 9.

Water Division Directors Meeting: On September 7 and 8 the Office of Water brought together the HQ and Regional leadership team to share program updates and discuss overall water program management. The meeting opened with a panel session, "Views from the 3rd Floor" with participation from Ken Wagner, Henry Darwin, Byron Brown and Tate Bennett. Sarah Greenwalt also attending the Meeting.