Region 1

Hot Issues

Acting Regional Administrator to speak with state environmental commissioners

- Region 1's Acting Regional Administrator will speak at the quarterly meeting of the Northeast Committee on the Environment (NECOE) on Sept. 27. NECOE is a committee of the Coalition of Northeastern Governors, which includes the New England states plus New York; its members are the state environmental commissioners. Region 1 was invited to speak about EPA priorities and regional environmental issues.

Final NPDES Permit for Barnhardt Manufacturing, Colrain, MA

- On Sept. 20, Region 1 issued a NPDES permit to the Barnhardt Manufacturing facility in Colrain, MA, as discussed in last week's report.

Central New Hampshire SO_2 Nonattainment Area Proposal Approved

- On Sept 15, R1 signed a proposed approval for the Central NH SO_2 Nonattainment Area Plan.
- The proposed action will add SO_2 emissions limits for the Merrimack Station power plant in Bow, NH into NH's SIP.
- The plan, submitted on Jan 31, 2017, included an attainment demonstration utilizing air dispersion modeling that indicated the emissions limits from a state-issued Sept 1, 2016 permit are protective of the 2010 1-hour SO2 NAAQS.

Partial Delegation of the Wood Heater NSPS to VT

- R1 approved VT's request for partial delegation to implement and enforce certain provisions of the Standards of Performance for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces (NSPS) at 40 CFR part 60, subparts AAA and QQQQ.
- Upon review, R1 determined the pertinent VT state regulations provide an adequate and effective procedure for implementation of the requested NSPS provisions.

Exceptional Events Demonstrations

- On Sept 19, R1 concurred on the exceptional events demonstrations submitted by the Massachusetts Department of Environmental Protection (Mass DEP) and the Rhode Island Department of Environmental Management (RI DEM).
- R1 concurred on a similar demonstration for the Connecticut Department of Energy and Environmental Protection on July 31.
- In May, MassDEP and RIDEM submitted exceptional events demonstrations for a wildfire event that influenced ozone concentrations at two monitoring locations in western Massachusetts and all three ozone monitoring locations in Rhode Island. The demonstrations state that elevated ozone concentrations recorded on May 25 and 26, 2016 were the result of high levels of ozone and ozone precursors being transported within the smoke plume from the large-scale Ft. McMurray wildfire in Alberta, Canada, to New England.

Upcoming Public Events

None

Upcoming Major Decisions

None

Highlights from last week

Training for Federal Facilities on Reciprocating Internal Combustion Engine (RICE) requirements

- Region 1 partnered with several headquarters and regional offices to provide webinar training on Clean Air Act RICE standards on September 14
- 400 participants, including 40 state representatives, participated
- Prior trainings on RICE standards have not been targeted to federal facilities; recent enforcement cases with significant penalties showed the need for outreach to this group
- 96% of webinar participants reported they would recommend the training to other facilities and 89% said they learned information that would improve facility compliance

Region 2

Hot Issues:

Hurricane Irma/Maria: Hurricane Irma devastated the islands of St. Thomas and St. John in the U.S. Virgin Islands, but caused significantly less damage to St. Croix and Puerto Rico. Hurricane Maria, however, had catastrophic impacts on St. Croix and PR. Power is now entirely or mostly out on all the islands, with predictions that it will take months to restore. PR has experienced extensive flooding. Many structures on all the islands have received significant damage. At this writing we do not yet have reliable information about drinking water and sewage systems on any of the islands. EPA responders had been repositioned back to the mainland US during Hurricane Maria. Re-deployment of EPA staff to the Caribbean islands will start as soon as possible – probably on 9/22 or 9/23 – based on the accessibility of local airports and availability of flights. EPA will be focusing on assessing Superfund sites, oil and chemical facilities and containers, debris management, and drinking water and waste water.

Past Week:

FIFRA Settlement with Pharmaceutical Innovations, Inc. (PII): PII was producing and selling two unregistered pesticides, which were also misbranded with unverified claims about the products' ability to control bacteria and kill viruses and/or microorganisms. Under the administrative settlement PII will certify it has discontinued production, marketing, distribution and sale of the products and is currently in compliance with FIFRA. PII agrees that it may not resume the production, marketing, sale or distribution of the products unless and until they are registered. PII will pay a civil penalty of $250,000. PII initiated a voluntary recall of the non-compliant products after being notified of the violation, and disposed of all the recalled product at a licensed hazardous waste disposal facility.

CAA Consent Decree (CD) Entered regarding Paulsboro Refining Company on 9/19/2017 by the U.S. District Court in NJ. The settlement resolves violations at three steam-assisted flares at the company's petroleum refinery. The flares were operated with too much steam which caused excess, preventable emissions of hazardous air pollutants (HAPs) and volatile organic compounds (VOCs), including propane, ethylene and propylene. Under the CD, 2 of the 3 flares must achieve compliance at least 6 months in advance of the 1/30/2019 compliance date specified in the regulations in partial mitigation of past excess emissions. The company will pay a $180,000 civil penalty. The state of NJ was aware of the EPA enforcement action and had no concerns.

EPCRA §313 Settlement with Henry Repeating Arms Corp. reached on 9/13/2017 for its failure to timely report to EPA its usage of lead in calendar years 2011 through 2015 to EPA for compilation in the Toxic Release Inventory. At its plant in Bayonne, NJ the company manufactures sporting rifles, and as part of the process, test fires each rifle. The company uses jacketed lead-core bullets that consist of 60% lead, resulting in the generation of a lead waste (the spent ammunition) that should have been reported. Under the settlement the company will pay a civil penalty of $94,770, and has certified that operations at its Bayonne facility now fully comply with EPCRA §313 requirements.

Upcoming:

Chemours Pompton Lakes Works site, NJ: On 9/26/17 the NJ Department of Environmental Protection is scheduled to hold a public hearing for the "discharge to groundwater" permit required for the hydraulic surcharge project that Chemours proposes to carry out as part of its RCRA Corrective Action for this large, complex and controversial site. The purpose of the project is to flush groundwater contaminated TCE and PCE from past Chemours (formerly DuPont) discharges. Although this is a NJDEP permit, the underlying RCRA corrective action permit is issued by EPA. Some residents have expressed strong concerns about the project. Press coverage is expected.

Region 3

Hot Issues

Region Participates In Beta Test For New Android App to Detect Algal Bloom
Through the Cyanobacteria Assessment Network (CyAN), a multi-agency project bringing together EPA; the National Aeronautics and Space Administration; the National Oceanic and Atmospheric Administration; and the U.S. Geological Survey; Region 3 staff have joined federal and state partners to test a new Android app to track algal blooms. The CyAN app will serve as an early warning indicator using historical and current satellite data to detect algal blooms in freshwater bodies. Still in an early testing phase, users can zoom in to a freshwater body of interest in the continental United States and see the most recent satellite-derived projections of cyanobacteria in cells per milliliter, as well as the change in concentration from a previous image. Users can also see a time series of these images to track temporal variations. The current beta test will run a full year; the app won't be available to the public until the beta test has concluded and undergone peer review.

68th Street Dump Superfund Site, Baltimore MD
On September 20, 2017, Region 3 submitted a direct referral to DOJ, requesting that a Consent Decree be lodged with the United States District Court for the District of Maryland. Under the proposed Consent Decree, 13 Settling Performing Defendants have agreed to finance and perform the remedial action selected by EPA for the Site in accordance with a September 2013 Record of Decision (ROD) valued at **$51.5 million**; to finance and perform restoration work to remedy injury to natural resources at the Site valued at approximately $500,000.00; to fund a restoration project off-Site to compensate for loss of natural resources at the Site valued at $630,000.00; to pay $240,000.00 to the Trustees for Past Trustee Natural Resource Damage Assessment Costs, and to pay $250,000.00 to the Trustees for Future Trustee Oversight Costs. The Settling Defendants will not be obligated to pay EPA's Past Costs of $2,460,143.30 (as of November 22, 2016) or its Future Oversight Costs estimated to be $1.5 million, but will pay EPA's Future Response Costs as those terms are defined in the Consent Decree. As an incentive to settlement, EPA has also agreed to pay the Settling Performing Defendants $1 million from a Site Specific Special Account.

Signatories to this proposed settlement include, among others, the designated Federal and State Natural Resource Trustees, 42 non-performing defendants, 13 performing defendants, as well as numerous settling federal and state agencies, including but not limited to the United States Department of Army, the United States Department of Veteran Affairs, the United States Postal Service, and the United States Coast Guard.

The Site is located in a mixed industrial, commercial, and residential area of Baltimore County crossing the border with Baltimore City in Rosedale, Maryland. The Site is an aggregate of seven

landfills that encompass five Management Areas making up the 239-acre study area.

Upcoming Public Events

Past Events

EPA and NFWF Announce More Than $12.6 Million in Grants for Chesapeake Bay Restoration
On September 19, 2017, Acting Regional Administrator Cecil Rodrigues gave remarks at the National Fish and Wildlife Foundation announcement of their Chesapeake Bay Stewardship Fund (CBSF) grants in Middle River, Md. The grants, will generate more than $21.2 million in matching contributions for a total conservation impact of $33.8 million. Projects supported by the 44 grants will establish methods to improve waterways, restore habitat, and strengthen iconic species in Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Stories appeared on WBZ-TV (CBS) and WNAR- TV (ABC) and the Annapolis Capitol-Gazette.

EPA Awards $100,000 to NanoSafe, Inc., to Develop Technology That Will Measure Lead in Drinking Water
On September 19, 2017, EPA announced nearly $100,000 in Small Business Innovation Research (SBIR) funding to NanoSafe, Inc., in Blacksburg, Virginia to help develop technologies that can accurately measure lead levels in drinking water in the home.

Federal Green Challenge Award Winners in Philadelphia, PA
On September 21, 2017, Acting Regional Administrator Cecil Rodrigues joined the Federal Interagency Council to announce the 2017 FGC award winners, whose work within the "Federal Family" has raised the bar, advanced sustainability, and reduced our collective environmental footprint. Winners included two Veterans Affairs Medical Centers in Pennsylvania, the NASA Langley Research Center in Virginia, and the Missile Defense Agency (MDA) in Virginia.

Drinking Water Office Conducts Level 2 Assessment at Joint Base Anacostia-Bolling
During the week of September 11, we conducted a Level 2 Assessment of the Joint Base Anacostia-Bolling (JBAB) drinking water system, as required by the Revised Total Coliform Rule, due to repeated Total Coliform positive samples collected in July and August 2017. During the three-day site visit and assessment all aspects of the drinking water distribution system were thoroughly examined including meter vaults, sample taps, backflow assemblies, and required documents. Results from this recent Level 2 Assessment are currently being compiled and may result in recommendations or directives to correct potential pathways of contamination.

Region 4

Hot Issues

Chemical Release to Cape Fear River (Chemours Facility) – ENFORCEMENT CONFIDENTIAL
Key Message: On September 19, 2017, the State of North Carolina and EPA provided a status update to local officials. On September 21, 2017, state officials directed Chemours to provide bottled water to 11 homeowners near the company's Fayetteville Works facility after the company's preliminary test results showed GenX above state health goals in residential drinking wells.

Hurricane Irma Water Assessment Support Team
Key Message: To assist the US Army Corps of Engineers and Florida Department of Environmental Protection (FDEP), a 36-member water assessment team in the Regional office is contacting wastewater facilities to determine their operational status and resource needs. To date, 183 assessments have been completed and forwarded to FDEP for further action.

Hurricane Irma Florida Request for a Fuel Waiver Extension
Key Message: On September 21, 2017, the FDEP submitted a request to extend the use of Ultra-Low Sulfur Diesel and Reformulated Gasoline to October 6, 2017, due to gasoline and diesel fuel supply interruptions continuing to occur. Regional and Headquarters staff are coordinating on the response.

FIFRA Imports – ENFORCEMENT CONFIDENTIAL
Key Message: Two Stop, Sale, Use or Removal Orders (SSUROs) are being prepared this week for companies whose imported pesticide products arrived in the ports of Charleston, SC and Wilmington, NC, but are misbranded. Both SSUROs should be issued within a week.

Region 4 Administrator Tampa Meetings
Key Message: On September 18-19, 2017, Region 4 Administrator (RA) Trey Glenn traveled to Florida to conduct a number of post Hurricane Irma meetings including a Unified Command briefing with the Mayor of St. Petersburg, FL, and representatives from Congressmen Dennis Ross' and Crist's offices. In addition, the RA visited two Superfund sites to observe post-Hurricane response efforts. All meetings were closed to the press.

Upcoming Travel for the RA

- On September 25, brief remarks at the Southern States Energy Board Meeting. Closed press.
- On September 25, 2017, listening session with senior leadership from Duke Energy, Santee Cooper, and SCANA. Closed press.
- On September 26, 2017, meetings with Charleston Mayor John Tecklenburg; the Charleston Chamber of Commerce's Environmental Group; and the President of the Charleston Port. Closed press.

Region 5

HOT ISSUES:

Region 5 and Indiana Department of Environmental Management Announced an Agreement to Fund Off-Site Disposal of PCB Contaminated Sediment on September 21

Key Message: EPA and IDEM are coordinating with the Army Corp of Engineers to use the Great Lakes Legacy Act to fund the off-site disposal option, while also conducting ongoing community outreach.

If the off-site disposal option is determined to be feasible, the projected schedule is to complete the remedial design by spring 2018 and complete all dredging and construction activities by the end of 2018. The option would address the community's concerns and be protective.

In 2014, the U.S. Army Corps of Engineers submitted applications under TSCA to EPA and IDEM, consistent with PCB disposal requirements, for approvals to dispose of sediment with PCBs at concentrations of 50 ppm or greater in the confined disposal facility (CDF) located in East Chicago. EPA and IDEM held a joint public meeting and hearing in March, followed by an EPA public information session in June. In August, a meeting with community leaders was hosted where both agencies presented the option under consideration and received positive feedback.

Michigan Program Review Report Ready for Release

Key Message: The report for the 2016 Michigan Program Review is ready for release pending HQ approval.

If approved, Region 5 will use the approved Communications Plan to ensure all of the necessary actions are taken, e.g., Congressional notifications, before the report is sent to the Michigan Department of Environmental Quality. It is anticipated that there will be considerable interest from stakeholders and the general public.

In 2016, EPA conducted a review of Michigan's drinking water program. EPA's review revealed a number of significant challenges with Michigan's implementation of the drinking water program, including an overall lack of resources (funding and staffing) and inadequate electronic data reporting and data management capabilities. In addition, MDEQ failed to implement, on a statewide basis, parts of the Lead and Copper Rule correctly, including setting water quality parameters, assigning violations, and requiring corrosion control studies and treatment. The review also indicates that in Flint, Michigan, MDEQ was unprepared to deal with the decision to switch drinking water sources and failed to recognize how the Lead and Copper Rule should have been applied.

Marc Edwards/Virginia Tech News Conference on Drinking Water Status in Flint

Key Message: Marc Edwards held a news conference on September 15, 2017, to provide his conclusion that Flint's water is similar to other U.S. cities with lead service lines.

Dr. Edwards' conclusions are based on sampling by the State and by Virginia Tech. Dr. Edwards led a sampling effort in which five rounds of sampling was conducted at the same homes from August 2015 to August 2017. The first draw results from his sampling show 90th percentile values for lead going from 20.8 ppb in August

2015 to 8.3 ppb in August 2017. Dr. Edwards' latest results support the state's recent sampling results. The sampling was conducted, in part, using EPA awarded grant funds.

He also stated that Flint residents should continue to use filters to further reduce their exposure to lead in drinking water.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS/HIGHLIGHTS:

Region 5 Updated Congresswoman Betty McCollum and Community Leaders on the Removal Action at Plating, Inc., St. Paul, Minnesota.

Key Message: The purpose of the September 20 call was to share updated information about the EPA's cleanup of hazardous waste at site.

The EPA began providing round-the-clock security at the site on August 8, and contractor work began on August 17. As the cleanup moves forward, EPA is addressing risks to the community including outdoor air monitoring. There have been no air concerns associated with the cleanup activities. EPA continues to work closely with the city and other stakeholders.

Other attendees included representatives of the city of St. Paul, Ramsey County, and staff from Senator Richard Cohen's office, Minnesota District 64. The group decided that it would like to hold another public update effort on the status of the site in November.

East Chicago Public Meeting Held September 16

Key Message: EPA updated the residents of East Chicago, Indiana, on the current status of the USS Lead site cleanup.

This month's meeting also featured an update on the Dupont site, which is a RCRA corrective action site located just south of Zone 3 of the USS Lead site. Residents had the opportunity to ask questions following EPA's updates. The meeting went smoothly and roughly 30-40 people were in attendance.

The next public meeting will be held on October 14, 2017.

Region 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

September 21, 2017

Bird Creek, Osage County, Oklahoma

Three companies have requested a hearing which is planned for October 11 in Tulsa. EPA intends to send letters to 5 owners of 6 UIC wells in Osage County, Oklahoma. These 6 wells are in the expanded area of interest around the saltwater seeps in a tributary of North Bird Creek. Two wells have been authorized by rule (ABR) to inject oil and gas wastes (produced saltwater) since the 1980's and will now be required to apply for an individual UIC permit. Wells authorized by permit have more stringent controls on injection volume and pressure. Four wells have been previously permitted to inject produced saltwater. Those permits will be modified to require more frequent monitoring and reporting of injection volumes and pressures. The Osage Nation Tribal Council and Minerals Council has been consulted prior to this action.

Oklahoma Department of Environmental Quality (ODEQ), UIC Program Review for FY 2016

EPA intends to transmit EPA's End of Year (EOY) evaluation final report of ODEQ's Underground Injection Control (UIC) program for Fiscal Year (FY) 2016. The report documents EPA's oversight evaluation of ODEQ's Land Protection Division's accomplishments in meeting their FY 2016 grant work plan commitments. ODEQ effectively met or exceeded their FY 2016 UIC targets. In particular, EPA commends ODEQ in their efforts towards implementing an Aquifer Storage and Recovery program, as well as their willingness and diligence to seek support from EPA in confronting difficult issues.

Oklahoma Department of Environmental Quality, UST Permit

EPA intents to approve a general permit for ODEQ to Discharge Treated Wastewater from the Cleanup of Petroleum Underground Storage Tank Systems. This permit renewal is for discharges into surface waters of the State of Oklahoma. This permit will regulate any combination of wastewater treatment options and it will cover only discharging facilities. Upon further review of the proposed permit, EPA will determine the appropriate response for issuance to ODEQ no later than September 21, 2017.

Louisiana Department of Health, Drinking Water Program Primacy

EPA intends to approve LDEQ's application to revise their drinking water regulations to adopt new rules (the Revised Total Coliform Rule and the Ground Water Rule) pursuant to their primacy delegation under the Safe Drinking Water Act (SDWA). EPA's review of the application found the state duly adopted regulations at least as stringent as the federal standards, and meet the primacy enforcement authority requirements under SDWA.

Arkema, Crosby, TX

EPA received a partial response on September 18, 2017 to the CAA Information Request sent to Arkema's Crosby, Texas facility on September 7, 2017. We are reviewing the information submitted by Arkema and we are preparing a response to their request for an extension of 90 days. Given the narrow scope of information requested in our Request, we are planning to provide a 30-day extension for only certain items and we will expect a full response to all questions by the extended

deadline.

Public Notice for NPDES Permit Proposal, Alabama Coushatta Tribe of Texas
Public Notice will be made for a proposed NPDES permit for the Alabama Coushatta Tribe of Texas. This action also involves mailings to a mailing list, letters requesting State/Tribal certification under Clean Water Act section 401, and may include communication with affected downstream states/tribes and other Federal agencies. For Major Permits a newspaper notice will be published.

Public Notice for NPDES Permit Proposal, Valley Crossing Pipeline, LLC - FTI
Public Notice will be made for a proposed NPDES permit for Valley Crossing Pipeline, LLC. This action also involves mailings to a mailing list, letters requesting State/Tribal certification under Clean Water Act section 401, and may include communication with affected downstream states/tribes and other Federal agencies. For Major Permits a newspaper notice will be published

NEPA

Proposed Westlake Expansion Project, Calcasieu Parish, Louisiana
The Federal Energy Regulatory Commission (FERC) prepared a Draft Environmental Assessment for the Proposed Westlake Expansion Project. Gulf South Pipeline Company, LP proposes to construct and operate facilities as part of the Westlake Expansion Project in Calcasieu Parish, Louisiana. Region 6 will support the FERC by meeting our basic statutory requirements for participating in the environmental review process.

UPCOMING PUBLIC EVENTS

October 3 – Brownfields Grant Writers' Workshop in Addison, TX.

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

November 28 – 29 - Oil and Gas Environmental Conference, Location TBD

UPCOMING DECISIONS

DFW 2008 Ozone Nonattainment and RACT for VOC requirements for NAAQS
EPA intends to propose approval of SIP revisions for the DFW ozone area. Specifically, EPA is proposing to approve revised regulations that limit VOC air emissions and a demonstration that the DFW area meets VOC RACT requirements for the 2008 ozone NAAQS. EPA worked closely with TCEQ and find that our approval would not interfere with any applicable CAA requirement.

Oklahoma Corporation Commission State Program Approval
EPA intends to approve the SPA regulation package so Oklahoma retains their ability to manage underground storage tank regulations. Under new standards for USTs, this will be the first program approval in the Nation. EPA completed the review and a Direct Final Approval is recommended.

Texas Regional Haze and Interstate Visibility Transport Final Action (Federal Implementation Plan)
This FIP action would finalize determinations regarding BART for Electric Generating Units and interstate transport requirements in Texas. We are approving Texas' determination that the EGUs are not subject to BART for particulate matter. Other determinations have been made to render this action approvable. There is a court ordered deadline of September 30, 2017 on Texas Regional Haze and Interstate Visibility Transport.

PAST WEEK ACCOMPLISHMENTS

Outer Continental Shelf Oil and Gas GMG290000 General Permit Reissuance
EPA signed the final permit reissuance package on Tuesday, September 19th. It was critical that the permit be reissued prior to the September 30, 2017 expiration date for the current permit to avoid leaving offshore operators without the ability to obtain timely permit coverage. The permit became effective once signed.

Final Delisting Exclusion for Samsung Austin Semiconductor (SAS), Austin, Texas
EPA approved a delisting petition submitted to EPA in 2015, to delist the Copper Filter Cake Sludge from its process because the electroplating process does not include any of the constituents from the basis of listing. Approximately 750 cubic yards of filter cake will be generated annually. After testing the sludge to verify concentration levels, and if it meets delisting criteria, it will be disposed of in a subtitle D landfill. EPA's approval will save SAS approximately $250,000 per year in disposal costs and hazardous waste.

PENDING ACTIONS (Pending Federal Register Publication)

None

Region 7

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

- As the response backup for Region 6, 51 employees have deployed from Region 7 to various locations in Texas to assist with the response – 24 of those employees have returned leaving 27 employees currently deployed.
- This week the Region deployed seven additional employees and is planning to deploy seven more for ongoing rotations.
- The R7 REOC activation will be lowered from Level I to Level II starting September 21.

Last Week's Highlights
Midwest Asthma Summit
Key Message: On September 21, 2017, the Midwest Asthma Summit was held in Omaha, NE.

- This event, in partnership with CDC and HUD, is the 12th event of its type around the nation gathering stakeholders to help advance implementation of the National Asthma Disparities Action Plan.
- The summit provides information and resources enabling communities to sustain in-home asthma interventions and explore other sustainable options addressing prevention of asthma attacks, including workforce development, training and deployment of qualified health professionals to perform asthma care in the home.

Urban Waters Big River Meeting
Key Message: On September 22, 2017, EPA R7 is meeting with the new Urban Waters contractor and the Meramec River/Big River Urban Waters Federal Partnership to initiate the development of a joint communication strategy for federal, state, and local coordination efforts in the Big River watershed.

- Meeting participants will include EPA R7's Water, Superfund, and Environmental Justice offices as well as US ACE, US FWS, MoDNR, MDC, MoHSS, ATSDR, East-West Gateway, The Nature Conservancy, and Urban Waters Federal Partnership.
- Superfund is in the process of completing an RI/FS for the Southwest Jefferson County OU04 remedial action to address lead mining impacts to stream and bank sediments on a portion of Big River.
- While the Urban Waters Federal Partnership includes multiple issues impacting the watershed, lead is a key component and Superfund plays a critical role in determining cleanup standards and potential remedial actions.
- It is important that the communication strategy ensures that any messaging sent out to the public on the Urban Waters effort in SW Jefferson County accurately depicts EPA's Superfund process.

Jefferson County Health Department Coordination at SW Jefferson Co Superfund Site
Key Message: On September 22, 2017, EPA R7 is meeting with the Jefferson County Health Department to discuss a possible cooperative agreement in support of the Southwest Jefferson County Mining NPL Superfund Site OU1 (residential yards) Record of Decision.

- A major component of the selected remedy at the Site includes health education for residents to support and raise public awareness on protecting themselves from heavy metal health risks.

- The county has indicated their willingness to head this effort using the Madison County lead health education program and other EPA/state/county agreements for lead health education as models.

Region 8

Hot Issues

Region 8 to Issue Administrative Order Violations to Three Wyoming Public Water Systems
Key Message: As a result of continued non-compliance, Region 8 is taking escalated enforcement action against the Camp Paintrock Public Water System in Big Horn County, the Mills Spring Ranch Public Water System in Natrona County, and the Crooked Creek Guest Ranch Public Water System in Fremont County, Wyoming

- The Camp Paintrock System serves approximately 75 underprivileged urban Los Angeles students as a part of a mentoring program. The violations relate to failure to monitor total coliform and nitrate.
- The Mills Spring Ranch System serves approximately 200 people. The violations relate to failure to monitor total coliform and nitrate and failure to publish public notice of violations.
- The Crooked Creek Guest Ranch System serves approximately 33 people. The violations relate to failure to demonstrate completion of corrective action and failure to issue public notice of violations.
- All three systems failed to comply with previously-issued Administrative Orders.
- EPA is issuing these violation notices because the state of Wyoming does not have delegation for the Drinking Water program.

Local Official Requests Listing of Peterson Air Force Base in Colorado on the National Priorities List
Key Message: El Paso County Commissioner Mark Waller requested that the EPA list Peterson AFB on the National Priorities List (NPL) for the PFC groundwater contamination during a Sept. 11 meeting at EPA Headquarters with the Federal Facilities Restoration and Reuse Office (FFRRO) and Congressman Douglas Lamborn's office.

- Commissioner Waller raised concerns that the financial burden for removing PFCs falls on the public water utilities and homeowners in an environmental justice community.
- The public utilities have expended over $10 million for capital improvements to assure PFC concentrations of treated water meet the EPA health advisory level. The Air Force has installed point of use treatment units to homes using private wells. However, homeowners will be responsible for maintaining these systems after one year.
- The Air Force has made a limited commitment of $4.3 million for capital improvements.
- At NPL sites, the Air Force has funded both capital and operational costs to manage drinking water exposures to PFC groundwater contamination.

Denver-area Contractor Cited for Failing to Follow Lead-safe Work Practices on Home Renovation Project
Key Message: On September 21, 2017, Region 8 issued a press release detailing the Toxic Substance Control Act (TSCA) Renovation, Repair, and Painting (RRP) Rule settlement with Regal Construction, Inc of Lakewood, Colorado.

- The settlement agreement, issued on July 18, 2017, resolves allegations Regal Construction violated the TSCA RRP Rule by performing home renovations without being properly certified and without implementing lead-safe work practices to protect occupants and the public from lead based paint hazards.
- As part of the settlement, Regal Construction agreed to become an EPA "lead-safe certified firm" and pay a civil administrative penalty of $12,438.
- Region 8 is conducting lead based paint initiatives in several environmental justice areas to increase

awareness of lead paint hazards and the associated federal regulations. Activities include providing training and outreach to communities; working with local building departments to include RRP language in the permitting process; conducting inspections; and providing compliance assistance to regulated entities and local agencies.

Upcoming Public Events – None.

Upcoming Major Decisions **–** None.

Last Week Highlights –

Region 8 Hosts Annual State Water Directors Meeting on September 21-22, 2017

Key Message: The Water Directors from Colorado, Montana, North Dakota, Utah and Wyoming are participating in an annual meeting with Region 8's Office of Water Protection and Water Technical Enforcement management teams.

- Agenda topics (developed primarily by the states) include: nutrients; state, regional, national water priorities; PPAs; budgets; rule/regulation changes; CWA/SDWA integration; NPDES program; assessment monitoring; TMDLs; and E-reporting.

Region 9

Pending decisions/urgent matters:

a. **Navajo Nation drinking water primacy**: I've forwarded to Ryan Jackson our proposed approval of the expansion of Navajo Nation's drinking water primacy; this would add 12 more drinking water systems to Navajo Nation's jurisdiction, while EPA would retain authority over various systems not suitable for delegation.
b. **Arizona Impaired Waters List**: next week, we'll approve Arizona DEQ's CWA 303(d) list of impaired waters with the addition of six pollutant-waterbody combinations. In our recently completed public review, we received minimal comments which generally supported the listing action.
c. **SDWA Aquifer Exemption**: next week, we'll approve the CA-submitted UIC aquifer exemption for the Jasmin operation, the fifth of about 30 such packages we expect to review and act upon in the year ahead. We are typically able to conduct our detailed review within 120 days, and are staying in close touch with oil-and-gas applicants as we do so.

External Engagement:

a. **CAA PSD permit**: we held a public hearing September 21 for our proposed approval of a Prevention of Significant Deterioration permit for the Palmdale Energy Project in Southern California. This is a proposed 645 MW natural-gas-fired combined-cycle power plant, which we have determined meets the Best Available Control Technology and will not cause/contribute to violation of air-quality standards. We had earlier conducted more informal public workshops on this permit.
b. **Anaconda Mine (NV)**: we met with the Yerington Paiute Tribal Chairman, the Lyon County Manager, and our NV DEP colleagues to discuss our draft agreements regarding NPL deferral. We briefed Cong. Mark Amodei (NV) on this and other Superfund matters during his visit to the Regional Office this week.
c. **Lead in drinking water**: we'll issue a report on SDWA Lead/Copper Rule implementation in California following our detailed review of 19 small public water systems that have struggled with Pb/Cu compliance. Key areas for improvement include appropriate monitoring frequency, public education/outreach, and initiating corrosion controls following exceedances. Our report will lead to California preparing an action plan to address the discrepancies and strengthen oversight of these more vulnerable systems.
d. **Oil spill response**: next week, we'll host a workshop in Honolulu for oil spill response partners (natural resource trustees, USCG, NMFS, USFWS, State) to address how we ensure natural resources are protected when using dispersants in off-shore waters.

Past week's highlights:

a. **Marine Corps Base Camp Pendleton drinking water compliance**: we signed a consent agreement with the Marine Corps to bring its drinking water systems into SDWA compliance, following a recent EPA/State inspection. These systems serve 50,000 military personnel and their families. Our action addressed the unsanitary conditions in three finished water storage tanks and the lack of qualified operators. From time of inspection to completion of this

consent order was three months, during which we worked hard to gain USMC's senior management attention to this significant public health risk and put in place the needed solution.

b. **Wal-Mart CAA resolution**: we secured an administrative settlement with Wal-Mart Transportation, the latest of several successful CAA cases to ensure compliance with the California Truck and Bus regulation covering on-road heavy-duty diesel vehicles. As a result, Wal-Mart will pay a $100K penalty and install air filtration systems in schools near Los Angeles' major freeways, to the value of $300K. These classroom-scaled air filters remove an astonishing level of particulates in the course of a year before their annual replacement, and help provide children with healthier air during the school day in communities very much affected by truck traffic from the Ports of Los Angeles and Long Beach.

Region 10

Hot Issues

Court Order re: Washington State's PM 2.5 Interstate Transport State Implementation Plan: On September 18th the United States District Court found that Washington was one of five states to miss the December 14, 2015, deadline for submitting an interstate transport SIP for the national fine particulate matter annual standard. The court also ordered EPA to issue a national finding of failure to submit for any of the five states that fail to submit a SIP within 90 days of the ruling. While Washington is actively working on this SIP revision, we do not expect it to submit within the 90-day window. A failure to submit finding will start a two-year clock for EPA to either fully approve Washington's SIP revision or issue a Federal Implementation Plan (FIP) to remedy any deficiencies. **Background:** Three years after the promulgation of a new or revised National Ambient Air Quality Standard (NAAQS), states are required to submit a SIP to meet the "good neighbor" or "interstate transport" provisions under the Clean Air Act that require states to demonstrate that emissions from the state do not interfere with attainment or maintenance of the NAAQS in any other state. We have communicated with the Washington Department of Ecology about this court order.

Upcoming Public Events

Region 10 provides RCRA training to Alaska Department of Environmental Conservation (ADEC): From September 26th - 28th Region 10 staff and managers will present RCRA training for the ADEC and other state agencies. The group will deliver a similar session for Department of Defense staff and managers at Fort Wainwright and Eielson Air Force Base. The training will focus on: hazardous waste identification; management of cleanup wastes; waste generator issues; basic elements of the Toxic Substances Control Act (TSCA) PCB program that frequently arise with Alaska sites; and work conducted by ADEC under their spills and cleanup programs.

Congressional staff visit to Port of Chehalis (Washington) to discuss wetlands permitting issues: Staffers for Congresswoman Jaime Herrera-Beutler and Senator Maria Cantwell have requested that the Corps of Engineers and EPA participate in a site visit at the Port of Chehalis Industrial Park on September 26th. The Port of Chehalis has requested a Regional General Permit (RGP) from the Corps to fill 40 acres of wetlands. In 2011, the Corps authorized a total of 25 acres of fill under an RPG. That permit expired in 2016. EPA provided comments and sent letters to the Corps on the original 2011 permit proposal and we objected to the revised (40-acre) RGP in 2016, but did not elevate the issue. The Quinault Tribe has also objected to the issuance of the permit and has engaged in government-to-government consultation with the Corps. The tribe's concerns are that the permit could exacerbate declining water quality in the basin, where treaty-protected salmon are continuing to decline. The area in question also experiences severe, frequent flooding.

Public and Federal Register Notices of public hearings for Bristol Bay (Alaska) Proposed Determination withdrawal: On September 21st, EPA published public notices in Alaska newspapers and in the Federal Register announcing public hearings on October 11 and 12 in Dillingham and Iliamna, Alaska. The hearings were requested by area tribes and communities and are an opportunity to receive public comments on EPA's proposal to withdrawal the 2014 Clean Water Act 404c Proposed Determination regarding the Pebble

Mine/Bristol Bay. The Region and EPA Headquarters are in close coordination on the planning of these hearings and the tribal consultation meetings that will occur in Alaska that same week.

Region 10 participates in multi-agency meeting re: large Alaska oil and gas development projects: Region 10 representatives, along with the Bureau of Land Management, the U.S. Army Corps of Engineers, and the Bureau of Ocean Energy Management, received a request from the Native Village of Nuiqsut, to participate in a multi-agency meeting to discuss the GMT-2 (Greater Moose's Tooth-2), Nanushuk and Liberty oil and gas development projects. This meeting is scheduled for Monday, September 25, 2017.

Upcoming Major Decisions

Alaska Stand Alone Pipeline (ASAP): On Monday September 25th, Region 10 plans to submit its second Clean Water Act section 404 elevation letter (3(b)) regarding the ASAP project to the U.S. Army Corps of Engineers Alaska District. EPA sent its first letter, a 3(a) letter, on August 29th. The proposed project is for a 730-mile long natural gas pipeline from the Beaufort Sea to Anchorage, with a lateral line planned for Fairbanks. The pipeline would carry natural gas for domestic consumption and would directly impact 8,907 acres of wetlands and waters, and result in the additional degradation of 1,037 acres of permafrost. The applicant is proposing to purchase 80 wetland credits to offset nearly 10,000 acres of loss. EPA objected to the project as proposed in the Corps' public notice on a number of grounds: The applicant could avoid or minimize thousands of acres of wetland loss by raising the pipeline on vertical support members rather than burying it in a trench; and, the proposed compensatory mitigation is inadequate to offset the losses and does not comply with the regulations or the CWA 404(b)(1) Guidelines.

Proposed approval of Oakridge, Oregon PM2.5 SIP and finding of attainment: By late September 2017, Region 10 anticipates proposing to approve (via Federal Register Notice) the 2017 updated Oakridge PM2.5 Attainment Plan under the Clean Air Act. The updated plan corrects deficiencies in the 2012 Oakridge Attainment Plan which EPA partially approved and partially disapproved in October 2016. With final approval of the 2017 updated plan, the state avoids sanctions and promulgation of a federal plan. In addition, we are proposing to make a finding of attainment and clean data determination (CDD) for the Oakridge nonattainment area as part of this action. The Region has coordinated closely with OGC and OAQPS on this proposed action.

Permit Renewal for Tesoro Alaska Refinery: EPA is making a final decision to renew the RCRA permit for the Tesoro Refinery in Kenai, Alaska. This is a non-controversial permit renewal. The main requirements in the permit are for continued monitoring and cleanup of the contaminated groundwater plume. EPA has worked closely with Tesoro to update the previously-issued permit to reflect current operations and the current status of remediation at the facility. A 45-day public comment period was held on the proposed permit renewal and there was one commenter, the State of Alaska Department of Environmental Conservation. The new permit incorporates the comments made by the State of Alaska, and the state concurs with the new permit

Last Week Highlights

Region 10 represents EPA at inaugural mine tailings dam safety meeting: From September 13th - 15th, Region

10's Mining Advisor participated in the inaugural meeting of the Association of State Dam Safety Officials Tailings Dam Regulatory Committee and accompanying workshop, *"Lessons Learned from Recent Tailings Dam Failures: A Path Forward."* There was broad representation of states, federal agencies, and mining interests at the meetings. The group was convened in response to several recent major tailings dam failures with the goal of assessing state's dam safety programs and developing model regulations or guidance (that would be adopted by states). There was an array of opinions expressed by states during meeting, with the outcome that the group would develop a best practices guidance document that states could choose to use as a basis for developing regulations. The group wants to collaborate with Federal agencies in developing the document. In general, the federal agencies that attended (EPA, MSHA, OSM, FEMA, U.S. Forest Service) were in agreement that minimum standards (e.g., safety factors) are needed and there is a willingness to work with states. EPA's ORCR has formed a small team, including R10 to participate in this effort.

Region 10 Air program visits Fairbanks, Alaska to continue support for PM2.5 attainment work: From September 18th – 23rd Region 10 representatives are in Fairbanks meeting with Borough officials and Alaska Department of Environmental Conservation representatives to continue supporting their work to develop a Serious Area PM2.5 Attainment Plan. In addition, Region 10 representatives will participate in the Clear the Air Forum and Expo September 22nd and 23rd to present on Cooperative Federalism and participate in panel discussions.

Puget Sound National Estuary Program funding helps open 760 acres of commercial shellfish beds in Liberty Bay, Washington: Improved water quality has prompted Washington State health officials to open 760 acres of commercial shellfish beds in Liberty Bay in Puget Sound. Liberty Bay has had degraded water quality for decades. Kitsap County, with funding from EPA's Puget Sound National Estuary Program grants, teamed up with stakeholders to apply progressive pollution identification and correction strategies, resulting in improved marine water quality that meets the strict standards for harvesting shellfish. This has led to individual on-site sewage system repairs, better manure management practices, and improvements to the City of Poulsbo's wastewater collection system.

Shoshone Medical Center's Kids Health Fair a Success (Idaho): On September 16th, Region 10 partnered with the Panhandle Health District and Idaho Department of Environmental Quality at the Shoshone Medical Center's Kids Health Fair in Smelterville, Idaho. More than 300 children and their families visited the event. We shared information on reducing exposure to lead in the home while enjoying the outdoors. This event is part of Region 10's on-going outreach to Coeur d'Alene Basin communities where historic mine waste contamination can pose health risks, especially to area children.

Office of Administration and Resources Management

Hot Issues

Hurricane Response – Surge Requests

SBA
In the wake of Hurricanes Harvey and Irma—similar to DHS & FEMA—the Small Business Administration is asking for federal agencies' support in augmenting their disaster recovery efforts. The SBA's Office of Disaster Assistance helps businesses, homeowners, and renters throughout the U.S. affected by natural disasters recover and rebuild their lives. They accomplish this goal through providing affordable, timely, and accessible financial assistance. The SBA needs more specialized skills, such as IT specialists, administrative and program support assistants, loan processors, and HR specialists to their disaster recovery efforts.

OARM has shared the solicitation with offices most likely to employ individuals with these skills such as OARM, OCFO, OEI and the regions. OARM's director of the Office of Human Resources, is the lead for the EPA and will reach out to SBA with a list of volunteers. Deadline for submission of an application is Monday, September 25th. Supervisory approval is required to volunteer.

Next Steps: If the SBA selects EPA employees, an interagency agreement will be established to facilitate payroll and travel reimbursements.

FEMA
To date, we have sent 26 names forward to FEMA. One person has receive deployment orders.

Unauthorized Disclosure Training
On September 8, 2017, the White House directed that during the week of September 18th, all federal agencies conduct a one-hour training course for employees on preventing unauthorized disclosure of classified information or controlled unclassified information. OARM notified all EPA staff of the requirement and sent agency senior leadership guidance and training materials. Each office was responsible to identify the best method for staff training.

Upcoming Public Events

Upcoming Major Decisions

None

Last Week's Highlights

None

Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

- **Tracking SIP Actions:**
  - Total number of SIP Submittals with Final Action taken by the Regions in FY2017: **293** (This total includes final actions by the Regions on both new and backlogged SIPs)
  - Total number of Active SIPs in the backlog: **366** (The backlog includes SIPs currently pending that the Agency has not acted on within statutory timelines)
- **2015 Ozone Standard Designations:** The deadline for EPA to promulgate initial designations for the 2015 ozone National Ambient Air Quality Standards (NAAQS) is October 1, 2017.
- **Proposed Rules under review at OMB:**
  - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG) – Stay Notices
  - Review of the Clean Power Plan
  - National Emission Standards for Hazardous Air Pollutants: Nutritional Yeast Manufacturing Residual Risk and Technology Review – per a court order, this rule must be signed by October 1.
  - Notice of Data Availability (NODA) Concerning Potential Reductions in the Volume Requirements for 2018 Renewable Fuel and 2019 Biomass-Based Diesel Under the Renewable Fuels Standard Program
  - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach (Supplemental Proposal)

State Implementation Plan (SIP)-Related Actions

- The Regions report that the following 10 SIP-related actions were signed this week:
  - **Region 1:** Proposed - New Hampshire Attainment Plan for 2010 SO2 NAAQS
  - **Region 2:** Final Rule - NJ Regional Haze 5-year Progress Report
  - **Region 3:** Proposed and Direct Final - NNSR Program certification for the 2008 Ozone NAAQS for the Baltimore MD, Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE and the Washington DC-MD-VA nonattainment areas, Revision 17-01
  - **Region 3:** Final Rule - Philadelphia Negative Declaration for HMIWI Units
  - **Region 6:** Proposed - Louisiana Regional Haze Final SIP Approval
  - **Region 7:** Proposed and Direct Final - IA-160; 2010 SO2 Infrastructure SIP (except prongs 1, 2, and 4)
  - **Region 8:** Final Rule - ND285,174: 2012 PM2.5 NAAQS. iSIP for 2010 SO2 NAAQS
  - **Region 8:** Final Rule - UT355,357: Revisions to Ozone Offset Requirements in Davis and Salt Lake Counties
  - **Region 9:** Final Rule - CA/Antelope RACT SIP
  - **Region 9**: Final Rule - PAMS Enhanced Monitoring; California

Upcoming Meetings, Public Events, or Other Public Releases

- **Release of Greenhouse Gas Reporting Program 2016 Data.** As early as September 29, EPA's Greenhouse Gas Reporting Program (GHGRP) will release its seventh consecutive year

of facility-level greenhouse gas data. The GHGRP requires reporting of greenhouse gas data and other relevant information from large GHG emission sources, fuel and industrial gas suppliers, and CO_2 injection sites in the United States. A total of 41 categories of reporters (~8,100) are covered by the GHGRP. The annual data set will be made publicly available online.

- **EPA's National Clean Diesel Rebate Program - 2017 School Bus Replacement and Retrofit Funding**: On September 28, OAR plans to announce the availability of $7 million in rebate funding to school bus fleet owners to replace buses with engine model years of 2006 and older and retrofit buses with engine model years of 1994-2006. The application period will be open from September 28 to November 14.
- **GreenChill Recognition Ceremony:** On September 26 at the Food Marketing Institute's (FMI) Energy & Store Development conference, the GreenChill program will hold its annual ceremony to recognize companies in the supermarket industry for their refrigerant emission reductions. Award-winning partner companies include the Giant Eagle supermarket chain, Kroger, and Target.
- **Second Lead Authors Meeting & Task Force Bureau Meeting to draft the 2019 Intergovernmental Panel on Climate Change (IPCC) Refinement Report.** On September 24-27, OAR staff will be traveling to Victoria Falls, Zimbabwe to participate in their designated roles as contributors to the 2019 IPCC Refinement Report. The 2019 Report will update the 2006 IPCC Guidelines for National Greenhouse Gas Inventories.
- **CCAC Working Group Meeting:** OAR staff will be part of the State Department-led U.S. Delegation traveling the week of September 25 to attend the CCAC (Climate and Clean Air Coalition) Working Meeting in Paris, France. The CCAC is a voluntary international coalition that currently has 54 country partners and more than 60 non-governmental and intergovernmental organizations.
- **National Association of Clean Air Agencies (NACAA) Fall Membership Meeting:** On September 25, OAR staff will attend NACAA's annual fall membership meeting in Seattle, Washington.
- **Regional Air Division Directors (ADD) Fall Meeting:** On September 27-29, OAR senior management and staff will attend the ADD annual fall meeting at the Region 10 building in Seattle, Washington.

Upcoming Decisions

- **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 Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines:** This action is withdrawing the direct final rule that was published on July 27, 2017 due to an adverse comment the EPA received on August 25, 2017. The direct final rule was to extend the compliance date of the RTR amendments until the EPA had a chance to review the specific methodology errors made by the laboratory and to understand whether and to what degree those

errors impacted the final emission limits at FA lines. The package is with OP for review.

- **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 is with OP for review.
- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines:** This action is withdrawing the direct final rule that was published on July 27, 2017 due to an adverse comment the EPA received on August 25, 2017. The direct final rule was to extend the compliance date of the RTR amendments until the EPA had a chance to review the specific methodology errors made by the laboratory and to understand whether and to what degree those errors impacted the final emission limits at FA lines. The package is with OP for review.
- **For Administrator's Signature – Final Approval of Arizona Regional Haze State Implementation Plan (SIP) Revision and Withdrawal of Federal Implementation Plan (FIP) for Coronado Generating Station ("Coronado"):** This action finalizes the approval of a source-specific revision to the Arizona Regional Haze SIP for Coronado and withdraws a FIP promulgated by the EPA in 2012 for Coronado, a facility located in eastern Arizona and owned and operated by the Salt River Project Agricultural Improvement District (SRP). The package is with OP for review.
- **For Administrator's Signature – Notice of Data Availability (NODA): Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month and Two Year Stay of Certain Requirements:** The NODAs provide information and seek comment on some of those issues and suggestions. The information provided in the NODAs falls into two categories: challenges to implementing the requirements in the 2016 rule that would be covered by the June 16, 2017 proposed stays; and the agency's legal authority to issue a stay. EPA also is providing an updated analysis of cost savings and foregone benefits for the proposed two-year stay. EPA will take public comment on the NODAs for 15 days after they are published in the Federal Register. The package is with OP for review prior to submitting it to OMB for review.
- **For Administrator's Signature – Advance Notice of Proposed Rulemaking: Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units:** The package is with OP for review prior to submitting it to OMB.
- **For Administrator's Signature – Final Approval of Rescission of Nevada Visibility Protection Federal Implementation Plan (FIP) for the Mohave Generating Station (MGS):** This action finalizes the withdrawal of the visibility protection FIP for the MGS, located in Clark County, Nevada in response to the Nevada Division of Environmental Protection's (NDEP) request dated March 25, 2016. NDEP requested this rescission because MGS has not operated in over a decade and has been decommissioned and demolished, as demonstrated by the supporting documentation provided with the request. The package will be going to OP for review by the end of the week.
- **Delegated to Office Director Level Signature - Asbestos Cement (A/C) Pipe Replacement Alternative Work Practices:** As early as September 29, the Director of the Office of Air Quality Planning and Standards (OAQPS) will sign a proposed rulemaking on alternative work practices for an A/C pipe replacement technique to remove and replace underground A/C pipes. A/C pipes are subject to regulation under the National Emission Standards for Hazardous Air

Pollutants for Asbestos (Asbestos NESHAP).

Recap of Past Week

- **The Association of Air Pollution Control Agencies (AAPCA) Fall Business Meeting:** On September 20-22, EPA senior officials and OAR staff attended AAPCA's annual fall business meeting in Raleigh, North Carolina.
- **Rules signed**
  - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR) (Final Rule)
  - Procedure 6 Technical Amendments (Final Rule)
  - Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant (Direct Final Rule and parallel Proposal)
  - Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan (FIP) Requirements for Texas (Final rule)
- **OAR's Bad Air Daze Team - EPA Softball Champions:** OAR's Bad Air Daze (BAD) softball team won the EPA's 2017 Softball Championship! BAD breezed through early rounds of the play-offs, beating the AquaDucks (Office of Water) 34-9 and the Sludgers (Office of Land and Emergency Management) 13-8. However, the Finals proved to be a nail-biting conclusion to the season. Down 13-6 at one point and facing a 3-run deficit going into the final inning, Bad Air Daze combined a stretch of solid defensive innings with a string of clutch hits in the last to pull off a hard fought and contentious 14-13 victory against the Infomaniacs (Office of Environmental Information). It's the first championship for Bad Air Daze since the team's formation in the 90's!

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

TSCA New Chemicals Determinations			
Determination Type	**Pending on 9/19/2017**	**Determinations Completed[1] as of 9/19/2017**	**Determinations Posted on the Website as of 9/19/2017**
# of "not likely" determinations	**1**	**102[4]**	**102[4]**
# of §5(e) Orders signed by both EPA and the submitter	**-**	**268**	**260**
# of §5(e) Orders signed by EPA and awaiting submitter signature	**80**	**-**	**-**
# of cases in post-FOCUS final determination development[6]	**231[3]**	**-**	**-**
# of cases flagged for in-depth review	**49**	**-**	**-**
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**21**	**-**	**-**
# of LVE/LOREX exemption grants	**-**	**450**	**442[5]**
# of LVE/LOREX exemption denials	**-**	**99**	**90[5]**
Total number of cases	**382**	**919**	**-**
Normal active workload for the New Chemicals Program	**300**	**-**	**-**
Number of cases undergoing testing or data development by submitter	**79**	**-**	**-**
Backlog[2]	**3**	**-**	**-**

[1] "Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

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

[3] Of these cases, approximately 73 are "active" lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.

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

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

[6] These cases are those for which interim section 5(a)(3) determinations were made at the FOCUS Meeting. Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURS coupled with not likely determinations; or section 5(e) or 5(f) Orders.

HOT ISSUES

Hurricane Relief Efforts. OPP continues is provide support for hurricanes Harvey and Irma. The EPA Region 6 EOC reached out to OPP on behalf of FEMA, requesting information on the Endangered Species Assessments for Dibrom Concentrate (Naled) and Duet (Prallethrin, Sumithrin, and Piperonyl Butoxide), chemicals being used for wide area mosquito control in the flooded regions. OPP responded that, while we have not yet consulted with the Services on these chemicals, we are currently working with the Services to develop new interim methods for assessing the risks of pesticides to listed species based on recommendations from the National Academy and Sciences. We are applying these interim methods to selected organophosphate and carbamate pesticides and, once these methods have been vetted, they will be applied to other pesticides as necessary.

Formaldehyde Compliance Dates. On Monday, September 21, OCSPP will publish 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.

EPA and the States Collective Efforts Lead to Regulatory Action on Dicamba. During the week of September 11th, EPA held a number of productive negotiations with Monsanto, the primary registrant for uses of dicamba for post-emergent treatment to soybeans and cotton, to agree on label mitigation that is deemed important to address the unacceptable offsite damage experienced in the 2017 growing season. An agreement (in principle) has been reached, and involves restricted use classification, record keeping requirements, and certain additional spray drift mitigation. This mitigation is expected to improve both potential drift and non-compliance issues with the label. During the week of September 18th, the agency gained the same mitigation strategy agreement with BASF. The mitigation strategy was shared with state representatives through activities involving the State FIFRA Issues Research and Evaluation Group (SFIREG) for comment on enforceability. Their comments in initial discussions were favorable, and formal comments are expected this week. EPA plans to solidify the new mitigation plan into revised labeling by the end of September/beginning of October.

UPCOMING DECISIONS

Registration of the New Active Ingredient Florpyrauxifen-benzyl (Rinksor Herbicide). In 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, and 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

National Toxicity Program Workshop. On September 25-28, staff from OPP, Drs. Elizabeth Méndez and Elissa Reaves, will be attending the National Toxicology Program workshop on Integrated Testing Strategies for Developmental Neurotoxicity Testing. The goal of the meeting is to bring together scientists to discuss how a combination of "in vitro" assays can be used together to prioritize compounds for further animal testing to predict developmental neurotoxicity in humans. Dr. Méndez will deliver a brief presentation giving a regulatory scientist's perspective on the utility of the proposed alternative approaches and how it fits into the risk assessment paradigm.

Chlorine Institute Fall Meeting. On September 26, an OPP representative will serve on a panel of regulatory experts at the Chlorine Institute's fall meeting to provide an overview of the agency and its chlor-alkali related regulatory priorities. The panel members are to include representatives from the EPA, Department of Homeland Security, Occupational Safety and Health Administration, and Department of Transportation Pipeline and Hazardous Materials Safety Administration.

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

Marinas and Recreational Boating Workgroup. On September 28, an OPP representative will give a remote presentation to the Marinas and Recreational Boating Workgroup on the agency's proposed path forward for the copper compounds registration review case, with a focus on antifouling paints. The Marinas and Recreational Boating Workgroup is coordinated by the California Coastal Commission and the State Water Resources Control Board.

LAST WEEK HIGHLIGHTS

State Officials and FIFRA Meeting. On September 18, OPP hosted 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.

CBI Substantiation Extension. OCSPP extended the compliance date for submitters who claimed information as confidential between June 22, 2016 and March 20, 2017 to provide substantiation for those claims. Specifically, the Agency is now giving those submitters until October 19, 2017, to submit the substantiations required by TSCA section 14(c)(3). This extension is in response to concerns raised by industry stakeholders regarding the ability to meet the previous September 19, 2017 deadline. OCSPP is providing additional flexibility to stakeholders due to the impacts of Hurricanes Harvey and Irma.

Office of the Chief Financial Officer

Hot Issues

- OCFO continues to work on preparing the FY 2018 Continuing Resolution, which funds the Federal government through December 8, and associated guidance to issue to the agency. The Senate Appropriations Subcommittee, which tentatively planned to mark-up its version of the FY 2018 appropriations bill this week, has delayed its mark-up. OCFO continues to work with OMB and in coordination with the Policy Team to address OMB questions and comments on responses to FY 2018 EPA Budget Hearing Questions for the Record (QFRs) to obtain OMB approval prior to Hill transmittal. SAC will insert QFRs into the Senate hearing record which is available to the public.
- On September 21, OCFO issued to Senior Leadership via a restricted Sharepoint site an update on the FY 2019 OMB Submission and Draft FY 2018-2022 Strategic Plan. OCFO coordinated and participated in the agency's budget hearing for OMB on September 15 as well as the NPM-specific OMB briefings scheduled from September 18-27, of which eight have been completed (ORD, OEI, OCFO, OARM, OITA, OIG, OA, and OAR). OCFO will coordinate with the NPMs and the Policy Team to respond to OMB's follow-up questions.
- OCFO continues to work with the relevant headquarters and regional offices on the financial aspects supporting the EPA's responses to Hurricanes Harvey, Irma, Jose, and Maria. To date, EPA has received 20 mission assignments for a total of $36.2 million to support Hurricane Harvey and Irma responses. Nothing received as of yet for Hurricanes Jose and Maria. This is in addition to funding from within EPA's base appropriated funding. OCFO also continues to work with headquarters and regional offices to develop estimates for the hurricanes' environmental damage costs, delayed by Hurricane Maria damage assessments, and to engage with OMB on possible supplemental funding requirements.

Upcoming Public Events

- OCFO is working with the Policy Team to address key OMB comments on the Draft FY 2018-2022 Strategic Plan, which were received on September 21 and focus largely on measurement. After clearance by EPA's OPA Director and OMB, OCFO will initiate public comment on the draft FY 2018-2022 Strategic Plan next week through the end of October. This period also will include tribal consultation. In coordination with the Policy Team, OCFO also is preparing a communication to announce availability of the draft Plan to EPA employees.
- The final FY 2018-2019 NPM Guidances and responses to comments documents, which reflect Policy Team comments, are due from the relevant NPMs to OCFO on September 25. OCFO expects to publish the documents on the internet on September 29.
- The Combined Air Emissions Reporting team is speaking at the following events as part of their on-going efforts to inform and engage industry, states, tribes and the public in the E-Enterprise project:
    - National Association of Clean Air Agencies (NACAA) Fall meeting (Sept. 25-27, Seattle, WA) – speaker from Environmental Council of States

Upcoming Major Decisions

- Briefing Acting Deputy Administrator and Chief of Operations on September 25 regarding analysis of FY 2017 risk assessments of 11 strategic objectives in draft *FY 2018-2022 EPA Strategic Plan*, including approach to Senior Leadership's enterprise risk ranking, targeted for October 2-13.

Last Week Highlights

- N/A

Other

- As follow up to last week's meeting with the Chief of Operations, OCFO is developing a mock-up of the

Administrator's Quarterly Performance Report, which focuses on strategic measures and builds on the Third Quarter report. OCFO also will develop options for using the report in quarterly performance reviews as the basis for briefing the Administrator in the October/November timeframe.

- OCFO is preparing to issue memorandum to senior leaders and communications to employees regarding downtime associated with PeoplePlus, the agency's time and attendance system, from September 29 through October 4 due to a systems upgrade. The downtime will require early time entry for employees and approvals by supervisors as described in the September 18 issue of the *This Week @ EPA* Newsletter.
- OCFO is attending the Mission Measures Workshops, which wrap up on September 25, to observe the NPMs' development of performance measures to support monthly business reviews. Insights gained will inform efforts to refine agency annual measures.

Office of Congressional and Intergovernmental Relations

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

    - **September 29** - Expect announcements about designations and proposed classifications for the 2015 National Ambient Air Quality Standards for Ozone.

    - **October 4** – Senate Environment and Public Works Committee Confirmation hearing for Michael Dourson, OCSPP; David Ross, OW; Matt Leopold, OGC; Bill Wehrum, OAR at 10am

    - **TBD** - Senate Environment and Public Works Committee Hearing on the President's FY 2018 Budget – Agency witness: Administrator Pruitt

- ***Upcoming Events***

    - **September 25** - EPA staff from OECA, with support from OAR and OCIR, will update Governors' office staff on the status of the VW Settlement Trust Agreement. Through a series of three partial settlements, the EPA and VW resolved allegations that VW violated the Clean Air act by selling approximately 590,000 vehicles equipped with defeat devices. As a part of the settlements, VW is required to provide $2.7 billion for the 2.0 liter violating vehicles and $225 million for the 3.0 liter violating vehicles to an Environmental Mitigation Trust.

    - **September 27** – OCIR staff will host a technical assistance conference call for House Energy and Commerce Committee on **H.R. 848** "Farm Regulatory Certainty Act".

    - **September 29** – EPA will meet with Mayor Debora Fudge, Mayor of Windsor, CA. OIR will 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 9 staff.

    - **October 2 -** OW staff will join OIR and Region 5 for a meeting with local Ft. Wayne officials to discuss the City's concerns with past EPA policies governing how water quality revisions made on the basis of Use Attainability Analyses (UAA) are integrated with enforcement of Combined Sewer Overflow (CSO) Long-Term Control Plans (LTCPs).

- ***Past week accomplishments***

    - **September 19** – OCA/LER team hosted call with House Agriculture Committee staff (Chairman Conaway) to discuss EPA's enforcement process in general and more specifically EPA's role in the Duarte CWA case.

- **September 20 –** OCIR and OW briefed OMB on Drinking Water Needs Survey Report

- **September 20** – OCIR/OIR met with Mayor Michael Kelly and City Administrator Dave Nelson to discuss the city's planned infrastructure and community economic development projects.

- **September 21** – OCA/LER and OECA hosted a call with the House Oversight and Government Reform Subcommittee on Intergovernmental Affairs staff to discuss EPA's Enforcement database case tracking system.

- ***Ongoing activities***

  - Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 33 letters during the previous two weeks. We received 5 new FOIA's this week.

  - Participating in responses to hurricanes Harvey, Irma and Maria. Coordinating with state and local elected officials to ensure seamless communications. Two OCIR staff are alternating shifts in the EOC.

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

  - 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.

  - OCIR is 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 - Fuel Waivers: Today, OECA issue three letters to TX and three letters to FL extending "no action assurances" (NAAs) regarding fuel storage tanks and loading operations to help the States to address fuel and power issues resulting from Hurricanes Harvey and Irma. OECA (together with OAR) continues to monitor the fuel supply situation as several Gulf-area refineries remain shut-down, and OECA is prepared to take any additional actions necessary to facilitate response and recovery efforts.

OECA is also working with Region 2, FEMA, and St. Croix on steps to address drinking water contamination issues on the island.

Volkswagen Settlement - Outreach to States: On September 19th, the United States District Court for the Northern District of California, San Francisco Division, approved the Environmental Mitigation Trust Agreement for state beneficiaries and the Environmental Mitigation Trust Agreement for Indian tribe beneficiaries in relation to the civil resolution reached with Volkswagen in 2016. OECA continues to work with OCIR and OAR on outreach to states to ensure that each state understands the steps necessary to become a beneficiary of the Trust.

Upcoming Public Events

On Thursday, September 28th, OECA Deputy Assistant Administrator, Patrick Traylor, will meet with the National Association of Chemical Distributors in Washington, DC, to discuss enforcement and compliance issues. Closed press.

Upcoming Major Decisions

None.

Last Week's Highlights

Mission/Mission National Insurance Receivership Settlement: On September 15th, the Insurance Commissioner of California, as Trustee for the Mission/ Mission National Insurance Companies ("MIC"), paid the United States $28.6 M pursuant to a settlement agreement approved by the Superior Court of California, County of Los Angeles on June 23, 2017. This is the largest insurance receivership recovery for EPA. The funds will facilitate cleanup at the Franklin SF sites in Philadelphia, PA; the CleanCare Corp. SF site in Tacoma, WA; the Portland Harbor SF site in Portland, OR; and the Safety Light Corp. SF site in Bloomsburg, PA.

Alabama Fraud Case for Falsified Water Testing: The Dale County Water Authority (DCWA), which provides drinking water to the citizens of Dale County, AL, hired Roberson Excavation to replace water lines in the County. The company owner instructed his site supervisor to falsify the testing required before the new lines went into operation, including tests used to determine whether harmful bacteria were present in the water.

On September 18th, the Middle District of Florida sentenced Roberson Excavation Company to a $60,000 criminal fine and $154,000 in restitution payments. A former employee of the company was also sentenced to jail time. This investigation was conducted jointly by OECA's Criminal Investigation Division and OIG, with assistance from DCWA (the State of Alabama does not have a department that investigates environmental crimes).

Office of Environmental Information

Hot Issues

Removal of Kaspersky-branded Products on All Federal Information Systems

- **Brief description:** On September 13, the U.S. Department of Homeland Security (DHS) issued Binding Operational Directive 17-01 requiring all federal agencies "to take actions related to the use or presence of information security products, solutions, and services supplied directly or indirectly by ***AO Kaspersky Lab or related entities***."
- **Why this is important:** Related actions will ensure the integrity and security of federal information systems.
- **Additional information:**
  - The Office of Information Technology Operations (OITO) within the Office of Environmental Information (OEI) performed a search on all devices attached to the network and **did not** identify the use or presence of Kaspersky-branded products.
  - OEI's Office of Information Security and Privacy (OISP) is working on a data call and contacting Cloud Service Providers to address standalone and contracted systems that OITO's search could not reach.
  - Required actions for EPA are:
    - Within 30 calendar days after issuance of the directive, EPA must identify the use or presence of Kaspersky-branded products and provide the list to DHS.
    - Within 60 days, EPA must develop and provide to DHS a detailed plan of action to remove and discontinue use.
    - At 90 calendar days after issuance of this directive, EPA must begin to implement the plan of action.

Last Week's Highlights

Successful Inaugural Federal Internal Customer Experience (FICX) Group Meeting

- **Brief description:** On September 12, OEI hosted the inaugural FICX Group meeting with federal agencies that have or are looking to establish an internal-facing Customer Experience (CX) program.
- **Who benefits or cares:** All EPA employees; federal agencies.
- **Why this is important:** The FICX Group will help the EPA and other federal agencies:
  - Promote a culture of effective CX for employees.
  - Create a network of Chief CX Officers, Chief Information Officers (CIO) and other leaders in the area of internal CX.
  - Share and develop best practices in creating and implementing CX programs.
  - Collaborate on shared CX challenges and develop innovative solutions.
  - Gain valuable insight and improve performance as CX professionals.
- **Additional information:**
  - Senior managers from the following agencies participated: EPA OEI, Office of Pesticides (OP), the Office of Administration and Resources Management (OARM) and the Office of the Chief Financial Officer (OCFO); the U.S. Mint; U.S. Department of Treasury Office of Terrorism and Financial Intelligence and Office of Management; the U.S. General Services Administration (GSA); the U.S. Department of Interior (DOI); the U.S. Department of Housing and Urban Development (HUD); and the Federal Bureau of Investigation (FBI).

- Participants identified several follow-up activities to help ensure the group's continued success:
  - The EPA will develop a FICX Group SharePoint site to enhance group collaboration and communications.
  - Members will identify CX collaboration opportunities for future attention, which may include peer mentoring and core performance metrics.

Deployment of Smoke Sense iOS Beta Application

- **Brief description:** Through close work between the Office of Environmental Information and the Office of Research and Development (ORD), ORD was able to deploy their Smoke Sense iOS Beta App for testing.
- **Who benefits or cares:** The general public.
- **Why this is important:** Smoke Sense is a mobile app developed to study the extent to which wildfire smoke exposure affects health and productivity, as well as communication strategies that improve public health outcomes.
- **Additional information:** The Smoke Sense team will use the testing period to collect feedback from users and address issues before proposing the final app for release through the Apple Store.

Office of General Counsel

New Judicial Decisions

- On September 19, 2017, the U.S. District Court for the Western District of Washington issued an adverse decision denying most of EPA's and NOAA's motion to dismiss challenges by the Northwest Environmental Advocates (NWEA) to EPA/NOAA's actions and inaction with respect to Washington's nonpoint source control program. The court found that NWEA had standing to press its claims and that NWEA had stated claims for which relief could be granted on all but two counts, specifically on whether EPA/NOAA had a duty to either "finally" approve or disapprove Washington's Coastal Zone Act Reauthorization Amendments (CZARA) program submission, as well as Endangered Species Act (ESA) consultation obligations with respect to withholding grant funds under CZARA. The court's order does not resolve the litigation, which now proceeds to briefing under different standards for judicial review. (*Northwest Environmental Advocates v. Department of Commerce, et al.*, No. C16-1866)

New Complaints Filed

- Two new FOIA cases were initiated in the U.S. District Court for D.C.:
  - Litigation concerning a FOIA request submitted by Environmental Integrity Project requesting records of expenditures for travel outside of Washington, D.C., for the Administrator and anyone accompanying him from June 5, 2017 through June 12, 2017 (travel vouchers listing expenses). The request is assigned to the Office of the Chief Financial Officer, Office of the Controller. The complaint alleges that EPA has failed to respond to the FOIA requests. (*EIP v. U.S. Environmental Protection Agency*, No. 1:17-cv-1906)
  - Litigation concerning four FOIA requests submitted by Sierra Club requesting records of communications between outside parties and (1) Scott Pruitt; (2) Ryan Jackson and Samantha Dravis; (3) Milan Hupp and Sydney Hupp; and (4) Mandy Gunasekara. Requested records include calendars, communication logs, and deleted yet recoverable records. The requests are currently assigned to the Office of the Administrator. The complaint alleges that EPA has failed to respond to the FOIA requests. (*Sierra Club v. U.S. Environmental Protection Agency*, No. 1:17-cv-1914)
- The City of West Palm Beach filed a lawsuit in the U.S. District Court for D.C. challenging the decisions of U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Interior, Federal Highway Administration, and U.S. EPA relating to an 8.5-mile extension of a road in Palm Beach County, Florida that is adjacent to a city-owned nature preserve and another nature area. The complaint alleges that EPA Region 4 initiated but decided not to complete the elevation process outlined in the 1992 EPA/Corps 404(q) MOA during the Corps' review of the 404 permit application for the project. The CWA-related allegations mostly focus on the Corps' failure to comply with the 404(b)(1) Guidelines when issuing the 404 permit but also appear to be challenging EPA Region 4's decision not to complete the 404(q) permit elevation process. (*City of West Palm Beach v. U.S. Army Corps of Engineers*, No. 1:17-cv-01871)
- On September 15, 2017, two petitions for a writ of certiorari were filed seeking Supreme Court review of the Second Circuit's decision upholding EPA's rule excluding water transfers from Section 402 of the Clean Water Act's permitting program. The petition filed by the States of New York, Connecticut,

Delaware, Illinois, Maine, Michigan, Washington, and Manitoba, Canada argues that the rule conflicts with the plain meaning of the CWA. The petition filed by environmental groups argued that the Second Circuit erred in aspects of its analysis under step two of *Chevron*. DOJ has begun drafting briefs in opposition to the petitions.

New Petitions that OGC is Aware Of

- On September 6th, the Civitias Institute (a nonprofit policy organization) petitioned the EPA to take emergency action under Section 1431 of the Safe Drinking Water Act to stop the discharge of Gen-X and other similar compounds from the Chemours facility into the Cape Fear River in Wilmington, North Carolina (see attached petition). The petition alleges that Gen-X and other similar compounds discharged by the facility present an imminent and substantial endangerment to public health, and that the state "has been aware of the potential endangerment for months," and has taken no action to stop the discharge. According to the petition, the Governor indicated in a letter to EPA that the state cannot "limit or eliminate the discharge of Gen X" until the federal government "finalize[s] its health assessment of Gen X and set[s] a Maximum Contaminant Level for it." The petition alleges that EPA has the authority under Section 1431 to immediately address the endangerment, and that EPA has relied on this authority to address similar endangerments – including a 2009 order to Dupont to stop the discharge of PFOA. (Note: Gen-X is a PFOA replacement chemical).

Upcoming Public Events & Important Meetings in the Next Two Weeks

- The Fall Trade Association Legal Representatives and EPA OGC Dialogue Meeting will be held on Wednesday September 27th.

Upcoming Major Deadlines in the Next Two Weeks

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 Motion to Govern 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.

09/22 EPA's Reply to Plaintifs' Opposition to EPA's Cross-motion for Summary Judgment is due in *Environmental Integrity Project, et al. v. EPA*, litigation where plaintiffs' allege that EPA failed to timely respond to petition to object to the proposed Title V Operating Permit for the Raven coal-fired power plant facility.

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 EPA's brief on mootness in support of is 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.

09/22 EPA's Reply Brief in support of its MTD municipal stormwater residual designation authority petition lawsuit is due in *LA Waterkeeper v. EPA*.

09/25 Answer is due in *Sierra Club, et al. v. EPA*, litigation where plaintiffs allege that the EPA failed to grant or deny a petition to object to a proposed Title V Operating Permit for Wheelabrator Frackville Energy, Inc. power plant in Schuylkill County, Pennsylvania.

09/25 EPA's Answer to Plaintiff's Amended Complaint in *Natural Resources Defense Council v. EPA*, FOIA litigation concerning policy/guidance/instructions to EPA staff to remove information or webpages from EPA's website.

09/25 Production of documents due in *Environmental Integrity Project v. EPA*, a FOIA litigation regarding a request that sought records pertaining to EPA Administrator Pruitt's meetings with outside parties and records of travel vouchers or expenses for the Administrator.

09/25 Answer is due in *Southern Environmental Law Center v. EPA*, a FOIA litigation concerning the failure to respond to a request that sought documents related to EO 13777.

09/25 Answer or Motion to Dismiss is due in *Food and Water Watch v. EPA*, a challenge to EPA's denial of section 21 petition concerning fluoridation chemicals.

09/25 EPA's Response to Motion to Supplement Complaint is due in *Wild Fish Conservancy v. EPA*, the Washington "net pens" litigation, alleging that EPA has a duty to reinstate ESA consultation on water quality standards approval.

09/25 Motion to Govern is due in *Center for Regulatory Reasonableness, et al. v. EPA*, consolidated challenges from industry and enviros to EPA's small MS4 general permit in NH; EPA and other parties will be asking for 120-day stay to pursue court-mediated ADR in their motions to govern.

09/26 EPA's Response Merits Brief is due in *State of Utah, et al. v. EPA*, a petition for review of EPA's final rule entitled "Approval, Disapproval and Promulgation of Air Quality Implementation Plans, Partial Approval and Partial Disapproval of Air Quality Implementation Plans and Federal Implementation Plan, Utah, Revisions to Regional Haze State Implementation Plan, Federal Implementation Plan for Regional Haze."

09/26 EPA must file a separate or joint motion setting forth a proposed revised briefing schedule for those issues that have not been severed and held in abeyance 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.

09/26 Parties to inform court whether they want a further stay or to commence briefing on remedy as currently scheduled in *Ellis v. Keigwin.*

09/27 Oral Argument in *Ukeily v. EPA*, petition for review of EPA's approval of Colorado's second 10-year PM10 Maintenance Plan for Lamar.

09/27 Motion to Dismiss is due in *Masters v. Obama*, a constructive fraud case regarding the use of the words "Climate Change" and "Greenhouse Gases."

09/28 Answer to Amended Complaint due in *Center for Biological Diversity v. EPA*, a FOIA matter regarding the Agency's failure to respond to a request that sought documents regarding instructions to not use or to remove from formal agency communications, any climate change-related or energy-related words or phrases.

09/28 Response to petitioners' Motion to dismiss or stay proceedings is due in *Pineros, et al. v. EPA*, a challenge to extension of effective dates for certified pesticide applicator rule.

09/29 Pursuant to a Consent Decree, EPA must sign a notice of final rulemaking in *Center for Biological Diversity, et al. v. EPA*, a deadline suit for failure to submit and failure to act on 1997 & 2008 ozone attainment SIPs.

09/29 Take final action by promulgating a FIP or unconditionally approving a SIP to address the BART requirement for EGUs in Texas in *National Parks Conservation Association, et al. v. EPA*.

09/29 Answer due in *NRDC v. EPA*, a FOIA litigation concerning a multi part FOIA that sought records regarding Nancy Beck.

10/01 Consent Decree deadline for the Final RTR for the Yeast Manufacturing NESHAP and Pulp Mills NESHAP in *Sierra Club v. EPA*.

10/02 EPA's Response to Petition for Certiorari is due in *DTE, et al. v. US*, a petition for writ of certiorari of a 6th Cir. decision in a PSD enforcement case.

10/02 EPA must "produce to all parties documents relevant to the jurisdictional issue and a declaration by an EPA employee concerning the scope of EPA's response action" in *New Mexico v. EPA, et al.* and *Navajo nation v. EPA, et al.*

10/03 EPA's Reply in Support of Motion for Summary Judgment is due in *Nucor Steel-Arkansas, et al. v. EPA*, litigation where plaintiffs' allege EPA failed to grant or deny Nucor's petition for objection to Title V Operating Permit issued to Big River Steel by Arkansas DEQ for a steel manufacturing facility in Osceola, Arkansas.

10/03 Production of documents due in *Energy & Environment Legal Institute v. EPA*, a FOIA litigation regarding a request seeking information from specific EPA officials showing communications with IARC, CARC and named individuals over a limited, specified date range concerning glyphosate.

10/04 Reply to Sierra Club's Response to EPA's Cross-motion for Summary Judgment due in *Sierra Club v. EPA*, litigation alleging 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.

10/05 Oral argument in *State of Delaware Department of Natural Resources & Environmental Control v. EPA*, a petition for review of final rule entitled "Determinations of Attainment by Attainment Date; Extension of Attainment Date; and Reclassification of Several Areas for the 2008 Ozone National Ambient Air Quality Standards."

10/05 Various procedural filings are due in *EDF v. EPA*, a challenge to TSCA inventory rules.

10/06 Answer due in *EIP, et al. v. Pruitt*, a CAA § 304(a)(2) action alleging failure to respond to a petition to object to a Title V permit issued by the Texas Commission on Environmental Quality for the Baytown Olefins Plant in Harris County, TX.

10/06 Answer due in *EIP, et al. v. Pruitt*, a CAA § 304(a)(2) action alleging failure to respond to a petition to object to a Title V permit issued by the Texas Commission on Environmental Quality for the Baytown

Refinery in Harris County, TX.

10/06 Answer due in *EIP, et al. v. Pruitt*, a CAA § 304(a)(2) action alleging failure to respond to a petition to object to a Title V permit issued by the Texas Commission on Environmental Quality for the Pasadena Refinery in Harris County, TX.

10/06 Answer due in *EIP, et al. v. Pruitt*, a CAA § 304(a)(2) action alleging failure to respond to a petition to object to a Title V permit issued by the Texas Commission on Environmental Quality for the Port Arthur Refinery in Jefferson County, TX.

10/06 Answer due in *EIP, et al. v. Pruitt*, a CAA § 304(a)(2) action alleging failure to respond to a petition to object to a Title V permit issued by the Texas Commission on Environmental Quality for the Welsh Power Plant in Titus County, TX.

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

Office of International and Tribal Affairs

Hot Issues

NAFTA Negotiations – The third round of trilateral negotiations on NAFTA2 will take place on September 23-27 in Canada.

Upcoming Engagements:

September 25 - Meeting with the Administrator's Office, OW, and OITA and Yurok Tribal Leadership to discuss pending TAS application.
September 25 - Acting OITA AA speaks at the ISWA World Congress in Baltimore on EPA's International Trash Free Waters Initiative.
September 26 – Meeting with the Administrator and U.S. Chamber of Commerce to discuss voluntary international private sector initiatives.

Past Week Highlights

Administrator Meeting with Taiwan Minister - Administrator Pruitt met with EPA Taiwan Minister Lee to discuss our collaboration under the International Environmental Partnership (IEP). The Administrator reaffirmed EPA's commitment to work with Taiwan on bilateral and regional programs.

- The American Institute in Taiwan (AIT), the defacto U.S. Embassy in Taiwan, issued a press release on the Administrator and Minister's meeting which was picked up by several media outlets in Taiwan and the region.
- Under the IEP, EPA and Taiwan share expertise with countries in Asia and around the world on air quality, environmental enforcement, mercury monitoring, e-waste management, site remediation, and environmental education.
- During working meetings with Minister Lee and Acting OITA AA, cooperation in new areas addressing childrens health and sustainable materials management were also discussed.

Tribal Engagement on the CEC Grant Program - OITA reached out to representatives of tribal nations and indigenous organizations to inform them of the Commission for Environmental Cooperation's (CEC) call for proposals for projects funded through the North America Partnership for Environmental Community Action (NAPECA) grants.

- The NAPECA is a small grants program that funds local community projects in the three CEC countries – Canada, Mexico, and U.S. – and this year's theme is Innovation and Partnerships for Green Growth.
- EPA is the Chair of the CEC this year and is actively engaging with tribes to increase awareness of the NAPECA process and potential grant opportunities.
- Several tribes expressed interest in the NAPECA process and OITA had follow up conference calls with them as well as other interested local communities.

GAP Guiding Principles Memo - After consultation with the tribes and Regions, OITA has finalized and distributed the Indian General Assistance Program (GAP) Guiding Principles. The guiding principles outlines how management of the GAP program will align with the Administrator's priorities of supporting EPA's core mission, cooperative federalism, and the rule of law.

- These guiding principles also help underscore the importance of GAP's role in fostering partnerships and shared accountability with federally recognized tribes.
- OITA will work with the Regions to develop boilerplate language for all GAP grant solicitation packages to promote national consistency with the guiding principles.

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

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

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

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

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

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

7. **San Jacinto ROD.**

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

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

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

Upcoming Public Events

1. OLEM will convene the e-Manifest Advisory Board on September 26-28, 2017, at EPA's Potomac Yard building in Arlington, VA. The meeting theme will be "Implementing e-Manifest: User Registration and Account Activation." This meeting is open to the public.

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. **San Jacinto Waste Pits ROD.** We are working with Region 6, OECA, and the AO in preparation to brief the Administrator.

3. **CERCLA-EPCRA AFO-CAFO Rule.** We are conferring with the AO and OGC on next

steps.

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

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

Last Week Highlights

1. We project that our final FY 2017 Superfund funding totals will include 7 new construction project starts that were funded, and 18 projects that were ready to proceed but remain unfunded and so are carried forward into FY 2018.. The FY 17 budget justification submitted to Congress had estimated that at year-end there would be approximately 20 – 25 projects awaiting funding.

Office of Policy

FRL	*Title*	*Date Submitted to OFR*
9968-08-OLEM	Access to Confidential Business Information by Eastern Research Group (ERG)	9/21/2017
9968-11-Region 8	Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Negative Declarations	9/20/2017
9968-13-Region 2	Approval and Promulgation of Plans for Designated Facilities; New Jersey; Delegation of Authority	9/20/2017
9967-59-OCSPP	FIFRA Scientific Advisory Panel; Notice of Public Meeting for the Clarification of Charge Questions on PBPK	9/20/2017
9968-07-OECA	Proposed Information Collection Request; Comment Request; Annual Public Water Systems Compliance Report	9/20/2017
9967-36-Region 10	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Vancouver Water Station #4 Superfund Site	9/20/2017
9967-38-Region 10	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Vancouver Water Station #1 Superfund Site	9/20/2017
9966-90-ORD	Ambient Air Monitoring Reference and Equivalent Methods: Designation of Three New Reference Methods	9/20/2017
9966-86-Region 9	Finding of Failure to Submit State Implementation Plans Required for the 2008 8-Hour Ozone NAAQS; California; Sacramento Metro	9/20/2017
9968-22-Region 5	Air Plan Approval; Minnesota; Prevention of Significant Deterioration	9/20/2017
9967-24-Region 5	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Nutting Truck & Caster Co. Superfund Site	9/19/2017
9967-25-Region 5	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Nutting Truck & Caster Co. Superfund Site	9/19/2017
9966-74-Region 10	Washington: Proposed Authorization of State Hazardous Waste Management Program Revisions	9/19/2017

9967-91-Region 3	NOTICE OF ADMINISTRATIVE SETTLEMENT AGREEMENT PURSUANT TO SECTION 122(h) OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980, AS AMENDED	9/19/2017
9967-87-Region 3	Delegation of Authority to the Commonwealth of Virginia to Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants Standards	9/19/2017
9967-89-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Maryland Portion of the Philadelphia-Wilmington-Atlantic City Nonattainment Area	9/19/2017
9968-00-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Maryland Portion of the Philadelphia-Wilmington-Atlantic City Nonattainment Area	9/19/2017
9967-82-Region 1	Ocean Disposal; Temporary Modification of an Ocean Dredged Material Disposal Site in Massachusetts Bay	9/19/2017
9966-15-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Arizona	9/19/2017
9967-74-OLEM	Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 128(a); Notice of Grant Funding Guidance for State and Tribal Response Programs for FY2018	9/19/2017
9968-04-OEI	National Pollutant Discharge Elimination System (NPDES) Program (Renewal)/ICR No. 0229.22	9/19/2017
9968-10-Region 4	Air Plan Approval; North Carolina Miscellaneous Rules	9/19/2017
9968-14-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of Clean Air Interstate Rule Trading Programs Replaced by Cross-State Air Pollution Rule Trading Programs	9/19/2017
9968-15-Region 3	Air Plan Approval; Delaware; State Implementation Plan for Interstate Transport for the 2008 Ozone Standard	9/19/2017
9959-81-OCSPP	Significant New Use Rules on Certain Chemical Substances	9/19/2017
9968-18-OP	EPA Smart Sectors Program Launch	9/19/2017
9965-80-OCSPP	Pesticides; Final Guidance for Pesticide Registrants on Two Pesticide Registration Notices Related to Resistance Management	9/19/2017
9966-50-OCSPP	Registration Review Proposed Interim Decisions for Several Pesticides; Notice of Availability	9/19/2017
9968-16-Region 4	Air Plan Approval; GA: Emission Reduction Credits	9/19/2017
9968-17-Region 4	Air Plan Approval; GA: Emission Reduction Credits	9/19/2017

9967-53-Region 6	Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standard	9/18/2017
9967-63-OA	Children's Health Protection Advisory Committee (CHPAC) Notice of Charter Renewal	9/18/2017
9967-44-Region 10	Proposed Information Collection Request; Comment Request; Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington; EPA ICR No. 2020.06, OMB Control No. 2060-0558	9/18/2017
9967-31-Region 9	Notice of Proposed Administrative Settlement Agreement and Order on Consent for Removal Action for the Cordero-McDermitt Calcine Pile Site, McDermitt, Nevada	9/18/2017
9967-75-OLEM	Proposed Information Collection Request; Comment Request; Survey on Clean Water Act Hazardous Substances and Spill Impacts	9/18/2017
9967-99-Region 3	Air Plan Approval; Delaware; Infrastructure Requirements for the 2012 Fine Particulate Matter Standard	9/18/2017
9968-01-OAR	Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review Reconsideration	9/18/2017
9968-02-OAR	Technical Amendments to Performance Specification 18 and Procedure 6	9/18/2017
9968-09-Region 1	Air Plan Approval; Rhode Island; Reasonably Available Control Technology for US Watercraft, LLC	9/18/2017
9967-96-Region 7	Air Plan Promulgation and Approval; Kansas; Revisions to the Construction Permits and Approvals Program	9/15/2017
9967-97-Region 7	Air Plan Promulgation and Approval; Kansas; Revisions to the Construction Permits and Approvals Program	9/15/2017
9968-05-Region 2	Approval of Air Quality Implementation Plans; New Jersey, 2011 Periodic Emission Inventory SIP for the Ozone Nonattainment and PM2.5/Regional Haze Areas	9/15/2017
9968-06-Region 10	Public Hearings: Proposal to Withdraw Proposed Determination to Restrict the Use of an Area as a Disposal Site; Pebble Deposit Area, Southwest Alaska	9/15/2017
9968-03-OCSPP	Compliance Date Extension; Statutory Requirements for Subatantiation of Business Information CBI under TSCA	9/15/2017
9967-98-OW	Clean Water Act; Contractor Access to Confidential Business Information	9/14/2017
9967-92-Region 7	Approval of Implementation Plans; State of Iowa; Elements of the Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard (NAAQS)	9/14/2017

9967-93-Region 7	Approval of Implementation Plans; State of Iowa; Elements of the Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard (NAAQS)	9/14/2017
9967-94-Region 7	Approval of Nebraska Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide and Sulfur Dioxide and the 2012 Fine Particulate Matter National Ambient Air Quality Standards	9/14/2017
9967-95-Region 7	Approval of Nebraska Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide and Sulfur Dioxide and the 2012 Fine Particulate Matter National Ambient Air Quality Standards	9/14/2017

Office of Research and Development

On September 28 ORD will host Louisiana DEQ Secretary Dr. Chuck Carr Brown and his executive team and Florida DEP's David Whiting to tour our lab in Gulf Breeze, FL. The purpose of this visit is for ORD to gain further insight into states' most pressing science needs, and for the states to gain a better understanding of ORD's science capabilities and research work conducted at the facility. Research presentations include Support to State-Level Numeric Nutrient Criteria Development; National Aquatic Resource Surveys; EPA's H_2O Tool; as well as a Gulf Restoration update.

Next week I look forward to meeting with Idaho Congressman Mike Simpson and staff to discuss the ongoing collaboration of ORD and Idaho National Laboratory on the Water Security Test Bed. Congressman Simpson recently toured the facility and is very enthusiastic about our research and its impact for the water industry.

Hot issues

PFAS: ORD shares analysis of Chemours test well water samples with NCDEQ

On September 14, ORD shared results with the North Carolina Department of Environmental Quality (NCDEQ) of its lab analysis of water samples from the Chemours Fayetteville (N.C.) Works Plant. Many of the water samples came from test wells on the Chemours property. The samples were collected by Chemours staff under the observation of staff from NCDEQ. ORD tested the samples for 16 chemical compounds including legacy and new generation perfluoroalkyl substances (PFAS), such as GenX; perfluorooctanoic acid (PFOA); and PFESA (perfluoroalkyl ether sulfonic acid) byproduct 1 and byproduct 2. NCDEQ plans to review and publically release the data. This lab analysis is a continuation of ORD's work at the request of NCDEQ. Throughout the summer ORD scientists have been analyzing wastewater, surface water, groundwater, and treated drinking water samples from the Cape Fear River Basin to determine the presence and concentration of GenX and other PFAS in the samples. https://deq.nc.gov/news/hot-topics/genx-investigation.

Superfund/PFAS

On September 19, the Region 2 Superfund and Technology Liaison met with the NY State Department of Environmental Conservation to discuss the Saint-Gobain Performance Plastic Superfund Site remedial investigation in Hoosick Falls, NY. EPA provided hydrogeologic support at the newly listed NPL site, which is contaminated with per- and polyfluoroalkyl substances (PFAS), primarily perfluorooctanoic acid (PFOA).

Harmful Algal Bloom Technical assistance in Struthers, OH

The City of Struthers has detected cyanotoxins from a harmful algal bloom and is planning to adjust its drinking water treatment processes (i.e., disinfectant approaches). The city is concerned with how these treatment changes may affect the distribution system and ORD is providing advice on the effects of this potential treatment change.

IRIS Assessment Plans Available for Public Comment

On September 18th, the IRIS program announced the availability of three IRIS Assessment Plans (IAP) for public comment. The three assessment plans are for nitrate/nitrite, chloroform, and ethylbenzene. The public comment period will last for 30 days and will close on October 18th, 2017.

Science Advisory Board Meeting

On September 27 – 28, a Science Advisory Board Chemical Assessment Advisory Committee (CAAC) peer consultation meeting will be held in Arlington, VA. During the meeting a discussion on the implementation of systematic review within the IRIS program will take place and the IRIS program will present draft assessment plans for chloroform, nitrate/nitrite, and ethylbenzene.

Upcoming public events

Computational Toxicology Chemistry Dashboard to the Minnesota Department of Health

On September 27 ORD will provide a demonstration of the Computational Toxicology Chemistry Dashboard to the Minnesota Department of Health (MN DOH). ORD met with MN DOH in August so that they could outline their needs for using EPA data and tools to inform their chemical risk assessments and this demonstration is a follow-up to that meeting. MN DOH is interested in using ORD's data, computational models, and dashboard tools for evaluating chemicals of emerging concern in their chemical risk assessment process.

American Chemistry Council Long-Range Research Initiative Strategic Science Team meeting

On October 3 ORD staff will participate in an American Chemistry Council Long-Range Research Initiative Strategic Science Team (LRI SST) meeting to discuss exposure science. ORD will provide an overview of high-throughput exposure research, with the goal of helping LRI SST members identify LRI projects that have the potential to make the most impact. These projects will contribute to the strategic goals of improving the understanding of consumer exposures and advancing risk-based decision making in product stewardship and TSCA.

ORD collaborates with Philadelphia and Region 3 to Launch Rad Contamination Case Study

Following a large radiological incident such as a dirty bomb detonation or a nuclear accident, the contamination will likely spread in the atmosphere due to meteorological forces, and on the ground due to precipitation. The air and the water transport are interdependent as deposition from the air can end up in surface water flows. Understanding exposure and designing characterization and remediation strategies is greatly aided by understanding where the contamination may move. However, little is understood yet about stormwater transport or the integration of atmospheric plume models with stormwater models for radiological contamination. Building upon the EPA-led, 2010 Liberty RadEx National Planning Exercise that involved a dirty bomb detonation scenario in downtown Philadelphia, ORD is collaborating with the City of Philadelphia and Region 3 Emergency Planners to launch a case study of modeling the urban transport of radiological contamination. The project aims to expand existing stormwater and river models developed by the city to include modeling flow of water in streets and defining washoff coefficients for radiological contaminates. The proposed work is expected to document the process of integrating air model radiological deposition maps and stormwater contamination modeling to aid in planning for and responding to a radiological incident.

ORD Collaborates with the Department of Defense to Help Drinking Water Systems Detect Drinking Water Contamination

As part of DoD's Technical Support Working Group (TSWG) efforts to commercialize detectors, DoD and ORD are collaborating on testing an on-line metal detector to determine its effectiveness in identifying cadmium

and arsenic contamination in drinking water, a priority for water utilities. EPA, as the water sector lead, often leverages the work of other agencies to tailor successful products to the needs of the water utilities. The metal detector, developed by TSWG grant-recipient Quantitative BioSciences Inc., uses modified *Ecoli* to detect metal contamination in water. DoD requested the EPA preform testing prior to development of the commercial product. Testing will be conducted at the EPA-Cincinnati Test and Evaluation Facility.

Last week Highlights

Children's Lead Exposure paper

On September 12, ORD's *Children's Lead Exposure: A Multimedia Modeling Analysis to Guide Public Health Decision-Making* was published by *Environmental Health Perspectives*. It describes an innovative multimedia exposure-dose modeling approach for determining drinking water lead levels that can keep children's blood lead levels below specified values. The approach was developed to provide technical assistance to OW regarding possible revisions to the Lead and Copper Rule, considering the EPA National Drinking Water Advisory Council's 2015 recommendation of a "health-based, household action level" for lead in drinking water based on children's exposure. In the week since its publication, the article has gained some attention. In the first five days that the article was online, it was viewed nearly 500 times. The journal's news editor reports that this is higher than average for new publications. HUD, California EPA, and several international agencies have expressed interest in further discussing the published approach. And on September 14th, Environmental Defense Fund's Health Blog published an article about the publication. The article, *New EPA model enables comparison of various sources of childhood exposure to lead*, summarizes the paper and explains the importance of the research.

Air Monitoring Project in Phoenix, AZ

On September 13, ORD circulated a concept paper for a potential air monitoring project in Phoenix, AZ, based on ideas from EPA staff in ORD, OAR, and Region 9. This concept paper was shared with a small group in EPA, the Arizona Department of Environmental Quality, and staff from Congressman David Schweikert's office. The proposed pilot project may focus on how information from an array of low cost air sensors compares to the more expensive regulatory air monitors.

Draft Handbook for Citizen Science Quality Assurance

On September 18, EPA began reaching out to external citizen science groups for feedback on a draft Handbook for Citizen Science Quality Assurance. The team is first seeking input from state and territorial environmental agency leaders from ECOS on how the written guidance, developed by EPA ORD, Region 1, and OEI, can help citizen science practitioner groups better understand and document data quality to meet their intended use. After gathering feedback from ECOS, the team will continue outreach to other external citizen science and community organizations for feedback.

Scientific Advisory Committee on Alternative Toxicological Methods

September 18-19 ORD participated in the Scientific Advisory Committee on Alternative Toxicological Methods (SACATM) 2017 meeting, hosted at the NIH facilities in Bethesda. The committee was reviewing and providing expert advice on using new chemical evaluation approaches developed and used by Toxicology in the 21st Century Federal collaboration (Tox21). ORD provided an overview of the new Tox21 Strategic plan. SACATM is a federally chartered advisory committee for the Interagency Coordinating Committee on the Validation of

Alternative Methods (ICCVAM), the NTP Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM), and the NIEHS Director.

Association of State and Territorial Health Officials Policy Summit

ORD participated in the Association of State and Territorial Health Officials (ASTHO) Policy Summit, September 19 in Washington, DC. Dr. Bruce Rodan presented along with Dr. Patrick Breysse (Director, NCEH/ATSDR) at the Leader to Leader Executive Roundtable Session on *Safe Drinking Water and other Environmental Health Issues*. The Environmental Health Policy Committee met in the afternoon to hear updates from CDC and EPA partners, discuss ASTHO's Strategic Plan, and set priorities and actionable items for the 2017-18 year, including water and its impacts on health, food safety, healthy communities, climate and health, and environmental health surveillance and biomonitoring. The Policy Summit was followed by ASTHO's 75th Annual Meeting September 20-21, themed *Celebrating the Power of State and Territorial Public Health,* highlighting the decades of progress in governmental public health and ideas for addressing future public health challenges, including sessions about the opioid epidemic and creating a culture of health.

EPA Awards $1.6 Million to Small Businesses to Support the Development of Environmental Technologies

This week, the Agency announced $1.6 million in funding for 15 small businesses under EPA's Small Business Innovation Research (SBIR) program. The funds will advance the development of technologies that will help protect human health and the environment by detecting chemicals in the air, ensuring cleaner water, and creating greener materials. Fifteen companies are receiving Phase I contracts from EPA's SBIR program, which awards contracts annually through a two-phase competition.

Office of Policy Support

On September 20th, ORD will meet with OP to provide scientific and technical support on recent epidemiologic evidence for associations between long-term PM2.5 exposure and mortality. Specifically, they will discuss the results of the recent Medicare study published in the New England Journal of Medicine (Di et al. 2017), and provide context for those results within the larger body of scientific evidence.

EPA Tools and Resources Webinar

"Village Blue" was the topic of ORD's monthly public webinar on September 20 for states, tribes and others. The webinar featured an overview of how the Village Blue demonstration project complements work that a number of state and local organizations are doing to make Baltimore Harbor "swimmable and fishable" by 2020. The project is designed to provide real-time water quality monitoring data to the Baltimore community and increase public awareness about local water quality in Baltimore Harbor and the Chesapeake Bay.

Decision Analysis for a Sustainable Environment, Economy, and Society Tool

On September 21, In collaboration with Region 6, ORD researchers and partners will conduct a workshop on the Decision Analysis for a Sustainable Environment, Economy, and Society (DASEES) tool. DASEES is an open-source, web-based decision analysis framework being developed by EPA, university, and private company researchers. It focuses on sustainable systems and communities. The workshop will provide participants with hands-on experience with the DASEES tool in preparation for subsequent workshops with dairy farmers to develop potential options for addressing water quality problems and approaches to sustainable and resilient dairy operations. The goal is to help farmers identify innovative and economically viable solutions for nutrient and sediment runoff control. The workshop will be attended by the Commissioner of Louisiana's Department

of Agriculture and Forestry, Louisiana Department of Environmental Quality, Louisiana Department of Health and Hospitals, Louisiana State University, U.S. Department of Agriculture Natural Resources Conservation Service, and Region 6.

Office of Water