Region 1

Hot Topics:

Region 1 working with OW and OGC to evaluate NH MS4 permit extension request

- Region 1 is coordinating with OW and OGC to respond to a request from a coalition of NH municipalities to extend the July 2018 effective date of the NH MS4 permit. These same communities have appealed the permit. We may receive a letter from the governor of New Hampshire raising concerns about this permit.
- We have started a mediation process for this permit and a similar MS4 permit the Region issued for MA in 2016. The mediation is at an early stage, but we hope to make progress narrowing the differences among the parties -permittees, environmental groups, and the Homebuilders Association. Mediation may impact the effective date.

Region 1 coordinates with town, state and PRP on water supply for Peterborough, NH

- The South Municipal Well in Peterborough, NH was taken offline in 1982 due to contamination from the New Hampshire Ball Bearings (NHBB) manufacturing plant. Despite significant remedial efforts, groundwater remains contaminated over acceptable levels. In order to provide for the safety of its water supply and for the economic sustainability of the area, the town of Peterborough has identified a potential water supply development project in an adjacent town that it deems desirable, but is looking for funding sources to defray a portion of the cost (estimated at $5.5 million) for acquisition and development.
- EPA, NHDES, NHBB and the Peterborough town manager met on January 22nd to discuss remedial options moving forward re: NHBB's desire to potentially shift funds for near-term remedial work to providing a source of funds for the alternate water supply development. NHBB also met with Governor Sununu's staff on January 23 to discuss this issue; indicating that they have met with EPA and NHDES and the town, and that they would be meeting with Alex Dunn and Kell Kelley in the near future.

Region 1 receives favorable 1st Circuit Decision on Residual Designation Authority

- Consolidated appeals were filed by Conservation Law Foundation of two District Court decisions in MA and RI related to EPA's exercise of our residual designation authority under the stormwater provisions of the CWA. The unanimous panel in the Court of Appeals held January 24 that EPA's approval of certain TMDLs was not a decision that an individual permit is required.

Region 1 works with MADEP and PRP (AVX) to minimize recontamination of New Bedford Harbor cleanup

- On January 25th, MADEP and the City of New Bedford will meet with AVX (site PRPs) to discuss their proposed remedy. AVX contacted Kell Kelly with concerns over EPA's involvement at this state-lead site. EPA's involvement pertains to potential recontamination of clean sediments following our $500M+ cleanup.

Region 1 routing NSPS and NESHAP delegation letters for signature

- Delegation letters for recently finalized or amended NSPS and NESHAP regulations in NH, VT, MA, and RI are routing for signature.

Upcoming Major Decisions and Events

None

Region 2

Hot Topics:

Forum on PFAS/PFOA/GenX: The Regional PFAS Committee met on 1/23/18 to continue coordination/collaborations efforts and receive updates from the Cross-Agency PFAS Coordinating Committee. ATSDR and Region 2 gave a briefing on the PFAS investigation and sampling program in the South Jersey communities in proximity to the Dupont Deepwater and Solvay Solexis sites. In addition, by mid-week the region will generate a document to identify the name and location of the facilities or geographic areas of concern regarding these pollutants or other perfluourinated compounds, as well as attempt to ascertain what state or federal response is in motion for each case.

Hurricane Irma/Maria: Emergency Response in PR and USVI: Region 2 continues to support mission assignments in Puerto Rico and US Virgin Islands. RA Pete Lopez wrote to FEMA requesting that it extend certain EPA mission assignments for a limited period to allow EPA to complete those missions with 100% federal funding. Among the important missions that will likely extend beyond the mid-March date after which a local cost share would otherwise be necessary, EPA has been asked by FEMA and the PR government to assure the safety of drinking water provided by the PRASA utility and also by scores of small, non-PRASA water systems, and also to assist the non-PRASA systems with repairs and needed alternative power generation capabilities.

PR Air and USVI Water Permitting System Data Lost: The PR Environmental Quality Board informed EPA that the server that stored its air permits database was damaged in Hurricane Maria. The database contained all air permits issued by EQB since 1994. After consulting with private experts, EQB determined that the data in the server cannot be recovered. EQB is requesting financial assistance to procure equipment, re-establish a database and convert hardcopies of the permits that it has issued during last five years to digital form. Region 2 is following-up with EQB and is pursuing similar support for the USVI water permitting system which was also lost to storm damage from the hurricane.

Upcoming Major Decisions and Events:

Trial Starting regarding Lawrence Aviation Superfund Site: A trial is scheduled to begin on 2/1/18 in the Eastern District of NY in EPA's CERCLA cost recovery case against Lawrence Aviation Industries, Inc. and its owner, Gerald Cohen. EPA has incurred response costs of about $48 million in addressing groundwater and soil contamination and vapor intrusion at the Lawrence Aviation Site in Port Jefferson Station, NY. In the litigation, we are seeking to have certain properties sold, which have been impacted by or related to the former Lawrence Aviation facility operations, and have an appropriate portion of the sales proceeds allocated to EPA's past costs. The prosecution of the case was delayed while two separate criminal proceedings were carried out. Mediation of the civil case was tried unsuccessfully.

Events:

- **January 26th:** The Regional Administrator is delivering remarks at the NYS Bar Association Environmental and Energy Law Annual Meeting in New York City. Topics covered include our Hurricane Maria response, Superfund cleanups and re-development and renewable energy. The Acting DRA will be in attendance as well.
- **February 1st:** RA Peter Lopez and his Chief of Staff will be participating in a policy forum addressing the continued practice of land acquisition with the Catskill Mountain Region of NYS as a major driver for Filtration Avoidance Determination. RA Lopez is seeking to develop metrics in order to assess how much land must be acquired to achieve "protectiveness".

Region 3

Hot Issues:

Allegheny County Health Department Voluntarily Withdraws from Delegation of Authority for CAA § 112(r) Risk Management Program

On January 24, 2018, Allegheny County Health Department (ACHD) will complete the process for voluntary withdrawal from EPA's delegation of authority to enforce the chemical accident prevention provisions set forth at 40 C.F.R. Part 68. By letter dated July 28, 2017, the ACHD initiated the formal 180-day process of transferring the compliance monitoring and enforcement responsibilities for the CAA § 112(r) Risk Management Program (RMP), to EPA Region III. By notice dated November 10, 2017, ACHD provided public notice and initiated a thirty-day public comment period on their withdrawal intent. Region III directly implements compliance monitoring and enforcement of RMP in all other parts of the Commonwealth of Pennsylvania. There are 16 facilities located in Allegheny County that have submitted risk management plans to EPA. ACHD will continue to implement and enforce all other EPA-delegated regulations promulgated pursuant to the CAA.

Region 3 Meeting with Mingo Logan Coal Company

On January 18, 2018 RA Servidio met with representatives of Mingo Logan Coal Company, a subsidiary of Arch Coal and the operator of the Spruce No. 1 Mine, West Virginia. The company expressed their interest in resolving a CWA Section 404(c) action, issued in 2011, over concerns of unacceptable impacts from the proposed operation. A follow up meeting with staff is scheduled in early March to review the outstanding technical issues and to develop a path forward.

Region 3 and PADEP meet with City of Pittsburgh and Pittsburgh Water and Sewer Authority

Representatives from EPA Region 3 and Pennsylvania Department of Environmental Protection met with the City of Pittsburgh and the Pittsburgh Water and Sewer Authority (PWSA) on January 23, 2018 for an update on PWSA's progress on meeting deadlines related to the numerous Safe Drinking Water Act and Lead and Copper Rule (LCR) violations. PADEP, along with EPA, are actively working with PWSA to ensure they meet deadlines for multiple administrative orders covering treatment plant and distribution system upgrades. PWSA also provided an update on their capital improvement plan of $1.1 billion over the next five years. PWSA is continuing to comply with public education and consumer notice requirements of the LCR as well as conducting a targeted 2,100 full lead service line replacements in 2018 as required by the LCR. Additionally, the Mayor's Chief of Staff outlined the executive order issued on January 22, 2018 initiating the restructure of PWSA including elimination of City control over PWSA's budget beginning March, 2018.

Coordination with PADEP on NPDES General Permit on Stormwater Discharges from Construction

Jenifer Fields, Region 3 Chief of Staff and Kate McManus, Acting Water Protection Division Director met with representatives from the Pennsylvania Department of Environmental Protection (DEP) to

develop a plan for a cooperative review of Pennsylvania 's National Pollutant Discharge Elimination System General Permit for stormwater discharges associated with construction activities. The current General Permit will expire in 2019. The Region and the DEP committed to regular meetings to resolve technical issues. The goal is to release a draft permit in 2018 to allow time sufficient time for public review and comment.

Cooperation with DNREC on Safe Drinking Water Act Violation

Region 3 and DNREC are currently working towards bringing Mountaire Farm of Delaware, Inc. back into compliance. DNREC determined last fall that Mountaire 's poultry processing facility in Millsboro, DE did not properly treat their discharge. DNREC issued a Notice of Violation to the Mountaire on November 2, 2017 placing Mountaire in violation of an existing 2003 EPA 1431 Emergency Order on Consent to limit discharges that may contribute to levels of nitrate in the ground water. The 2003 Order covered 7 residences around Mountaire. Recent sampling has identified an additional 40-60 residences near the farm, that may be impacted by ongoing nitrate pollution from wastewater spraying operations. Earlier this month, Mountaire announced that they were offering to assist 88 homeowners around the facility with alternative water sources. EPA is working with DNREC and Mountaire to discuss terms to amend the existing Administrative Order to cover additional affected residences.

Upcoming Major Decisions and Events:

PISCES Award

Governor Carney and Secretary Garvin are joining Region 3 RA Servidio on January 30, 2018 to present the EPA PISCES Award to the State of Delaware, recognizing exceptional use of the Clean Water SRF ($3.3 million and $1 million) used at the NVF Yorklyn Site for removal of contaminated soil and the creation of wetlands. It was the first time that funds from the Delaware CWSRF were used to remediate a contaminated brownfields site. Per DNREC's project nomination, the wetlands will improve water quality, store stormwater to mitigate flooding, help flush the remaining zinc-impacted groundwater to a recovery trench, and support the economic redevelopment of the Fiber Mills District in Yorklyn.

Bowie State University MOU Signing

Region 3 RA Servidio will be joining Bowie State University President Beaux on February 1, 2018 to renew the existing MOU. Implementation of the program activities under this MOU is intended to promote equal opportunity in higher education, contribute to the capacity of BSU to provide high-quality education, encourage the participation of BSU in the EPA's programs, and increase the supply of highly trained, diverse professionals for potential federal employment.

Region 4

Hot Issues:

Daicel Safety Systems, LLC (Kentucky)

Key Message: During the week of January 29, 2018, Region 4, in coordination with the Kentucky Department for Environmental Protection (KYDEP), will visit the Daicel Safety Systems, LLC facility in Beaver Dam, Kentucky, to view the thermal treatment process for the NQ hazardous waste stream. The company has applied to terminate the hazardous waste permit for this process and the state is considering granting this request. Region 4 has formally submitted comments disagreeing with termination of the permit but is using this opportunity to substantiate the Region's position.

Alabama SIP for Clean Air Act (CAA) §128 Board Requirements

Key Message: The Alabama SIP related to the CAA §128 board requirements will be signed this week proposing approval of the board requirements. The package will be submitted to the Department of Justice to meet the February 1, 2018, deadline regarding the active litigation for EPA's failure to implement a Federal Implementation Plan for the 2008 8-hour ozone NAAQS related to the board requirements.

Upcoming Major Decisions and Events:

Decisions:
None

Events:
January 31, 2018 – Regional Administrator Trey Glenn will meet with Congressman Bennie Thompson (D-MS 2nd District), Congressman Steven Palazzo (R-MS 4th District), and Congressman Al Lawson's Chief of Staff (D-FL 5th District) for a meet and greet and to discuss state and district concerns.

Region 5

Hot Issues:

Residential Notifications of Water Sampling Results from Wolverine Site Expected Next Week
Key Message: EPA is coordinating closely with Michigan Department of Environmental Quality and Kent County Health Department in preparation of resident notifications.

EPA sampled residential wells for PFAS on Dec. 27 and 28, 2017. Preliminary results were shared orally earlier this month. Residents will receive their final results via letter next week.

Lawsuit Filed Against EPA and Army Corps of Engineers Regarding Back Forty Mine
Key Message: On January 22, 2018, the Menominee Indian Tribe of Wisconsin filed suit against EPA and the Army Corps of Engineers regarding CWA Section 404 permitting authority for the Back Forty Mine project.

The Tribe seeks an injunction ordering EPA and the Corps to exercise jurisdiction over the permitting process, rather than Michigan. Michigan is one of only two states that have assumed the CWA 404 permitting program; the Corps is the permitting authority for the rest of the country.

Upcoming Events/Major Decisions:

Regional Administrator Stepp to Keynote the Michigan Chemistry Council's Policy Day Event
Key Message: The Feb. 7 event will be attended by industry representatives from Dow Chemical, BASF, Amway, Wacker Chemical, Marathon, and others.

RA Stepp will discuss EPA's priorities and hear directly from the industry regarding their own policy priorities moving forward. This event will be closed press.

Region 6

Hot Topics:

Bird Creek, Osage County, Oklahoma
As anticipated, all three respondents (Warren American Oil Company, Jireh Resources, LLC, and Novy Oil and Gas, Inc.) appealed the Final Administrative Orders to shut-in operations at seven wells. The appeals immediately stay the administrative orders. Region 6 and the companies will hold our third meeting on January 30 to attempt to resolve issues.

St Bernard Parish, Louisiana
Region 6 is working with Louisiana Department of Environmental Quality to prevent highway fund sanctions and Federal Implementation Plan from taking place in mid-April 2018 as a result of the state not submitting an approvable attainment demonstration state implementation plan for sulfur dioxide. Louisiana's St. Bernard Parish was designated as non-attainment in round I. While a resolution is possible, there is likely to be a short gap between the completion of this action and the FIP deadline. However, we should be able to stop the highway funding sanctions from taking effect.

Vertac Superfund Site, Jacksonville, Arkansas
Upon hearing of initial plans to conduct additional sampling as a result of the dioxin reassessment and 5-year review of the site remedy, the Arkansas Department of Environmental Quality, Jacksonville Mayor and Potential Responsible Parties have raised concerns about alarming residents and possible implications on economic development. Arkansas has agreed to a joint working session to develop an agreed upon approach in evaluating the Superfund site to minimize these concerns.

Illinois River Watershed, Oklahoma and Arkansas
Region 6 is working with both Oklahoma Secretary Energy & Environment and Arkansas Department of Environmental Quality to coordinate the release of the final watershed models for both Lake Tenkiller and the Illinois River. A joint conference call is scheduled for February 9.

Upcoming Major Decisions and Events:

Lower Bois d'Arc Reservoir, Fannin County, Texas
EPA anticipates approving the U.S. Army Corps of Engineer's wetlands 404 permit for the proposed reservoir in Fannin County, Texas. EPA will notify key stakeholders and issue a press release for this high profile project.

January 30 San Jacinto Waste Pits Superfund Site, Downstream Community Meeting, Galveston, TX

Approval of Implementation Plans for Arkansas; Infrastructure State Implementation Plan (SIP) Requirements for the National Ambient Air Quality Standards (NAAQS).

Region 7

Hot Issues:

West Lake Site Update (Bridgeton, MO)

Key Message: Work continues on the Proposed Plan.

- The region continues to put forth significant effort to complete the Proposed Plan for the West Lake Landfill site and ensure the Administrative Record will be available at the time the Proposed Plan is released to the public.
- The first draft of the Proposed Plan was submitted to Headquarters for review last week and comments were provided back to the region on January 23. The region will address comments and resubmit a final draft of the Proposed Plan to Headquarters for concurrence by January 26.
- Several calls were held with the Potentially Responsible Parties (PRPs) this week to resolve outstanding comments and facilitate finalizing the Remedial Investigation Amendment and Final Feasibility Study. The PRPs are expected to submit final documents to the region by the end of this week.
- An announcement of EPA's preferred alternative by the Administrator is expected next week. Once the Administrator delivers his announcement, the region will follow with a notice of availability of the Proposed Plan and Administrative Record and notification of the start of the public comment period.
- The date of the public meeting has been set for March 6. The meeting will be held at the Machinist Hall facility in Bridgeton, MO.

Upcoming Major Decisions and Events:

Regional Administrator meeting with the Wichita State University Environmental Finance Center

Key Message: On Friday, January 26 the Wichita State University Environmental Finance Center Team will visit the regional office to brief the regional administrator on projects related to the EPA core grant and leveraged projects related to the current cooperative agreement workplan.

- The Environmental Finance Center Program is a 6-year multi-media competitive cooperative agreement that helps states, communities, businesses, and tribes with the how-to-pay issues of environmental protection and compliance.
- Wichita State University is the Environmental Finance Center for EPA Region 7. Their focus is providing professional training, technical assistance and applied research on a variety of environmental topic areas to meet the financial challenges of environmental compliance while strengthening the capacity of local decision-makers in analyzing environmental issues and sustainable communities.

Region 8

Hot Issues:

Request for EIS Scoping Comments on Bears Ears National Monument & Grand Staircase-Escalante National Monument, Utah On 1/16/18, BLM published its notice of intent (NOI) to prepare EISs for the Monuments and requested scoping comments by 3/18/18. We are coordinating with the Office of Federal Activities.

Upcoming Decisions/Events:

EPA Region 8 plans to issue press releases to amplify the Office of Chemical Safety and Pollution Prevention's release of the 2016 Toxics Release Inventory National Analysis Report. We intend to issue regional and state-specific press releases to highlight the annual Toxics Release Inventory National Analysis Report (Report**)** following the report release planned for the end of January 2018.

Region 9

Hot Topics:

Mexican Border:

a. Litigation: we're assisting DOJ and OGC in the current Arizona DEQ/IBWC legal dispute over the NPDES permit for the Nogales (binational) wastewater treatment plant. Trial is set for February 5. We're providing technical input regarding pretreatment needs (a perennial issue over Sonora-generated pollution), physical infrastructure deficiencies, and funding projects in Sonora (Mx). We've done extensive source characterization in Ambos Nogales (both sides of the border), and recommended IBWC work with the Mx agency CILA and Mx utility to identify and reduce sources of metals discharges, in lieu of expensive end-of-pipe treatment. EPA and ADEQ continue to invest in this work.
b. EPA plan: Region 6 RA Anne Idsal and I discussed options for a longer-term EPA Border strategy. We'll develop a one-page outline to inform conversations with the AAs and Ken Wagner, and plan to engage our four Border states, FEMA, USDA, HUD, Homeland Security/CBP, IBWC and Tribes.

Emergency Response: this week, we demobilized from our Santa Barbara-based FEMA support assignment re the Montecito debris flows. The Corps is disposing of 420,000 cubic yards of debris/sediment at beaches through February 20, with contaminant sampling of sediment at the State's request. Concurrently, we are in our final month of No. California asbestos removal, with 238 staff and contractors deployed to this FEMA mission assignment.

Anaconda: this week, I hosted the Yerington Paiute and Walker River tribes chairmen and environmental directors for federal consultation on our proposed Anaconda mine site NPL deferral. We discussed the draft MOUs we had prepared to guide the State, EPA and tribal interactions in a post-deferral scenario. Next week, we'll join a State of Nevada-hosted stakeholder meeting to review our EPA/NV deferral document and their proposed administrative order with ARC/British Petroleum.

CAA SIP proposed approval: this week I signed a Federal Register notice proposing approval of California's latest interstate transport State Implementation Plan that pertains to the 2008 ozone, 2006/2012 PM 2.5 and 2010 SO2 standards.

Navajo Nation:

a. Uranium: on January 25, our Superfund managers will make a presentation to the newly formed Dine Uranium Remediation Advisory Commission, which will be live-streamed on Navajo television. The Commission's role is to make recommendations to the Navajo President and Council for laws and regulations to address the impacts of uranium mining and processing.
a. Drinking Water TAS: I'll work with David Ross (OW) on a proposed reply to Navajo President Begay regarding their request to expand their SDWA PWSS primacy by 12 drinking water systems. They are the sole tribe with drinking water delegation.

Region 10

Hot Topics:

None to report this week.

Upcoming Major Decisions and Events:

Two Washington State Superfund Sites Deleted from the National Priorities List: On January 23rd, Region 10's RA signed Notices of Deletion from the NPL for the Vancouver Water Station #1 and Vancouver Water Station #4 Superfund Sites. The two sites were listed on the NPL in 1992 and 1994 and will be deleted upon publication of the Notice of Deletion in the Federal Register in early February. Since 1992, the City of Vancouver has been treating groundwater at these sites to remove Tetrachloroethylene contamination. Cleanup has been successful and the treated groundwater is now able to be returned to the city's drinking water system. Region 10 will issue a news release and will notify the community of this good news.

Region 10 Issues Draft EPA NPDES Permits in Idaho and Washington: Region 10 is initiating public comment periods for the following draft Clean Water Act NPDES permits in Idaho: City of Mackay Wastewater Treatment Plant; Kootenai Ponderay Sewer District; and City of Nez Perce. EPA also is planning to initiate a comment period for the draft NPDES permit to the U.S. Department of Energy, Pacific Northwest Laboratory in Washington during the week of January 29th.

Region 10 Administrator Pays Courtesy Visits to Members of Congress: Region 10 Administrator Chris Hladick will meet with 12 members of Region 10's congressional delegation and/or their senior staff during the week of January 29. Deputy Regional Administrator Michelle Pirzadeh and senior OCIR staff will also participate in the meetings.

Office of Administration and Resources Management

Hot Issues:

Potomac Yard South Footprint Consolidation

On January 12, 2018, OARM completed the relocation of employees from the Potomac Yard South (PYS) 11th and 12th floors to EPA's remaining PYS and Ronald Reagan Building space as part of ongoing efforts to consolidate the Agency's footprint. OARM is working with GSA to achieve full decommissioning of the 11th and 12th floors by March 1, 2018 and anticipates an annual cost savings of approximately $2 million as a result of this effort.

Suspension and Debarment

On January 19, 2018, the EPA entered into an administrative agreement with Aireko Construction Company to resolve the company's statutory exclusion that arose by operation of law upon its conviction for violating the Clean Air Act. The Clean Air Act conviction stemmed from a renovation activity in San Juan, Puerto Rico, during which the company knowingly violated the asbestos work practice standards. The agreement effectively resolves a potential discretionary debarment action against the company and ensures that the government's business interests are protected.

Arthur S. Flemming Awards

No later than January 31, 2018, US EPA is submitting four nominations to George Washington University's 2017 Arthur S. Flemming Award. This annual award celebrates the achievement of federal employees who go beyond what is expected of them to make a major impact in society. All four nominations have been vetted and cleared though the Labor and Employee Relations Division in OARM, the Office of the Inspector General, and the Office of Civil Rights and must be signed by Administrator Pruitt. OARM manages this process for the agency.

Upcoming Major Decisions & Events:

None

Office of Air and Radiation

Hot Topics:

- **Tracking SIP Actions:**
  - Total Number of SIPs submitted to Regions in FY 2018: 83
  - Total Number of SIP Submittals with Final Action taken by the Regions in FY 2018: 37
  - Total Number of Backlogged and Non-backlogged SIPs: 740
    - Backlogged: 399
    - Non-backlogged: 341
- **Upcoming Packages for the Administrator's Signature:**
  - Title V Petition Response for TVA Gallatin (Tennessee) – court-ordered deadline is January 31.
  - NY SIP submittal addressing Regional Haze and revision of Best Available Retrofit Technology (BART) determination for the Roseton Generating Station Units 1 and 2 – Final Rule (Note that in conjunction with this action, we are also withdrawing the FIP that addresses BART for the same units).
  - Arkansas Regional Haze Partial FIP Withdrawal – Final Rule (signature expected today)
  - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications – Final rule (awaiting a decision from OMB as to whether they want to review)
- **OAR actions under review (or soon to be under review) at OMB:**
  - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications – Supplemental Proposal
  - Notice of Proposed Withdrawal of the Control Techniques Guidelines for the Oil and Natural Gas Industry
  - Final Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program (likely going to OMB next week)
  - Revisions to the Refrigerant Management Program's Extension to Substitutes – Proposed Rule (going to OP next week for review, followed by OMB review)

Upcoming Major Decisions and Events:

- **Spray Foam 2018 Convention (January 29 – February 1):** OAR staff will present updates on the SNAP program and meet with stakeholders at the annual Spray Foam conference in Mobile, AL.

- **Radiation Protection**: In response to the concerns around the North Korean nation state threat and the recent false alarm in Hawaii, the White House/NSC has asked EPA, CDC, HHS and FEMA to take a proactive approach to educating the public about what to do in the case of a nuclear detonation. The "Go Inside, Stay Inside, Stay Tuned" action message is consistent across federal agencies. (More at: https://www3.epa.gov/radtown/emergencies.html)

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

Row	Determination Type	Pending on 1/23/2018	Determinations Completed[1] as 1/23/2018	Determinations Posted on the Website as of 1/23/2018[6]
1	# of "not likely" determinations	**1**	**116[4]**	**116[4]**
2	# of §5(e) Orders signed by both EPA and the submitter	**-**	**314**	**314**
3	# of §5(e) Orders signed by EPA and awaiting submitter signature	**52**	**-**	**-**
4	# of non-Order SNURs/"not likely" determinations	**0**	**0**	**0**
5	# of cases in post-FOCUS final determination development[5]	**329[3, 5]**	**-**	**-**
6	# of cases flagged for in-depth review	**47**	**-**	**-**
7	# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**15**	**-**	**-**
8	# of LVE/LOREX exemption grants	**-**	**521**	**519**
9	# of LVE/LOREX exemption denials	**-**	**121**	**121**
10	**Total number of cases**	**444**	**1072**	**-**
11	Normal active workload for the New Chemicals Program	**300**	**-**	**-**
12	Number of cases undergoing testing or data development by submitter	**74[3]**	**-**	**-**
13	**Backlog[2]**	**70**	**-**	**-**

[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 either conduct or are deciding whether to conduct testing to develop data on pchem properties, exposures and toxicity.

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

[5] These cases are those for which Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURS coupled with not likely determinations; or section 5(e) or 5(f) Orders. When the OPPT Office Director decides which of these regulatory paths to follow, the case is moved to: Row 3 when the section 5(e) or 5(f) Order is sent to the submitter for signature; Row 4 when the SNUR is published and the not likely determination document is signed; and Row 1 when the determination document is sent to the OPPT OD for signature.

[6] These are all only final determinations posted on the web: grants and denials

Hot Issues:

Reduced Residue Chemistry Data Requirements for Seed-Treatment Uses – This week, OCSPP will announce the development of a tiered approach for determining when the number of required field trials can be reduced to register seed-treatment uses. In this effort to streamline petitioner and agency resources, EPA's Chemistry Science Advisory Council (ChemSAC), in collaboration with the Health Canada Pest Management Regulatory Agency (PMRA), analyzed all seed-treatment residue data that have been submitted to EPA/PMRA. EPA then created two decision trees detailing the processes: one for potato seed treatments only and one for all remaining crops. Based on the proposed decision trees, there is potential for both petitioners and the agency to save considerable resources in terms of conducting, submitting, and reviewing the studies while still obtaining the data necessary to support seed-treatment pesticide registrations.

EPA 2016 Toxic Release Inventory National Analysis - By the end of January 2018, EPA will publish its annual Toxics Release Inventory (TRI) National Analysis, which shows that industrial facilities continue to reduce releases of TRI chemicals through pollution reduction activities. EPA, states, and tribes receive TRI data annually from facilities in industry sectors such as manufacturing, metal mining, electric utilities, and commercial hazardous waste management. Under the Emergency Planning and Community Right-to-Know Act (EPCRA), facilities must report their releases of TRI chemicals for the prior calendar year to EPA by July 1 of each year. The Pollution Prevention Act also requires facilities to submit information on pollution prevention and other waste management activities of TRI chemicals. Nearly 22,000 facilities submitted TRI data for calendar year 2016.

Upcoming Major Decisions and Events:

Formaldehyde Voluntary Consensus Standard Final Rule. OCSPP will soon publish a 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. The final rule updates apply to emissions testing methods and regulated composite wood product construction characteristics, and provides relief to regulated entities. Several of those voluntary consensus standards (i.e., technical specifications for products or processes developed by standard-setting bodies) were updated, withdrawn, and/or superseded through the normal course of business by these bodies to take into account new information, technology, and methodologies.

House Science Committee Hearing on Glyphosate – The Office of Pesticide Programs' Senior Science Advisor, Anna Lowit, will be the technical witness for the House Science Committee hearing on Tuesday, February 6. The committee is interested in EPA providing testimony on glyphosate registration review.

Office of the Chief Financial Officer

Hot Topics:

- OCFO has made the January 22nd Continuing Resolution funding available to Agency's programs. The CR funds the Agency through Thursday, February 8, 2018, and includes a 0.68% reduction from EPA's 2017 Enacted Budget levels.

Upcoming Major Decisions and Events:

- The Administration announced that the FY 2019 President's Budget will be released a week later than originally scheduled. The FY 2019 budget is now due on Monday, February 12. OCFO continues work with the NPMs, the Policy Team, and OMB to develop the President's Budget submission and budget rollout materials.
- FY 2018-2022 EPA Strategic Plan will be published February 12 along with the Agency's FY 2019 President's Budget. OCFO is in the process of responding to OMB comments and will meet with the Policy Team to review OMB comments and changes.

Office of Congressional and Intergovernmental Relations

Hot Issues:

- **January 30** – Senate Environment and Public Works hearing - "Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt."

Upcoming Major Decisions and Events:

- **January 27-31** – NASDA Winter Policy Conference will be held during this week
- **February 5** – Congressman Tonko (NY) meeting with David Ross
- **February 6** – House Science hearing "Pesticide Registration Review and Glyphosate," EPA Witness TBD
- **February 12** - OW & OLEM bipartisan budget briefing for House Transportation and Infrastructure, Water Resources and Environment Subcommittee staff.

Office of Enforcement and Compliance Assurance

Hot Issues

Indiana Habor Coke Plant Clean Air Act Settlement: EPA, DOJ, and the Indiana Department of Environmental Management announced on January 25, 2018, a consent decree with SunCoke Energy, Indiana Harbor Coke, and Cokenergy to resolve alleged Clean Air Act violations relating to excess emissions of coke oven gases from their coke plant in East Chicago, Indiana. Under this agreement the companies will implement steps expected to reduce annual hazardous air emissions from coke ovens by 2,075 tons (1,895 tons of SO2, 125 tons of particulate matter, 55 tons of VOCs, and 680 pounds of lead). In addition, under the settlement the companies will spend $250,000 on a lead abatement project in the East Chicago area to reduce lead hazards in schools, day-cares, and other buildings with priority given to children and pregnant women.

Contractor Pleads Guilty to Theft, Fraud, and Unpermitted Discharges of Pollutants into Susquehanna River: Andrew Manganas and his company Panthera Painting pled guilty in the Middle District of Pennsylvania on January 22, 2018, to theft from union plans, wire fraud, and discharge of pollutants into the Susquehanna River. Panthera was to provide blasting, resurfacing and painting of structural steel on the span of the George Wade Bridge. Manganas reportedly directed his workers to dump pollutants, including paint blasting materials, waste paint, and metal into the river rather than collect them for recycling or disposal as hazardous waste.

New Jersey Man Indicted for the Illegal Storage and Disposal of Hazardous Waste; Actions Led to Over $4 Million EPA Superfund Cleanup: On January 25, 2018, Thomas Toy was indicted in the District of New Jersey on one count of illegally storing and disposing of hazardous waste at the site of his former business, Superior Barrel and Drum Company. Toy directed and supervised the operations of Superior, including the storage and disposal of large amounts of waste at the company's site. Superior did not have a permit to store or dispose of hazardous waste. EPA spent $4.2 million to remove approximately 1,800 containers of waste.

Upcoming Major Decisions and Events

National Executive Leadership Development Conference: OECA AA Susan Bodine will be participating in a panel the morning of Tuesday, January 30 on EPA's New Strategic Plan and Mission Measures. Susan also will be meeting with Regional Counsels and Enforcement Directors on Tuesday following the conference.

Improving ECHO to Meet State Concerns: The State-EPA eEnterprise ECHO Team has proposed a number of changes to the Enforcement and Compliance History Online (ECHO) website in order to address some state agency concerns and improve transparency. The changes will improve compliance data display and interpretation. OECA hosted webinars in December 2017 and January 2018 to share proposed changes. More than 200 people from EPA, state and local agencies, and state media associations attended the webinars. Attendees were asked to submit their comments to ECOS by January 26, 2018.

Office of Environmental Information

Hot Topics:

None to report

Upcoming Major Decisions and Events:

None to report

Office of General Counsel

Hot Topics:

- The U.S. Supreme Court issued a decision holding that the United States Court of Appeals for the 6th Circuit lacked jurisdiction under section 509(b)(1) of the Clean Water Act, 33 U.S.C. § 1369(b)(1), to review a 2015 final rule revising the definition of "Waters of the United States." New development: On Jan. 22, 2018, the Court directed that the case be remanded to the 6th Circuit, and that the petitions in that court for review of the regulation be dismissed. There are at least 13 district court cases which may now resume and OGC is working with DOJ on litigation strategy.

- *Nat'l Parks Conservation Ass'n v. EPA*, No. 11-1548 (D.D.C.) (Jackson, J.). Texas Regional Haze deadline suit. Plaintiffs argue that EPA's Sept. 2017 EPA FIP does not satisfy consent decree obligation; EPA has cross-moved to terminate the consent decree. New development: The court has scheduled oral argument for Feb. 5, 2018. Texas has not voluntarily agreed to issue a SIP.

- *Ecological Rights Foundation v. EPA*, No. 3:18-cv-00394 (N.D. Cal.). Plaintiff alleges EPA failed to respond to a FOIA request submitted Feb. 1, 2017 seeking documents concerning directives or requests issued by any Trump administration official to EPA employees instructing them to not speak publicly about work at EPA and whether EPA information, reports, studies, and/or data must undergo review by a political appointee prior to publication by EPA outside the agency. New development: Complaint filed on Jan. 18, 2018.

- *Warren American Oil Company, LLC v. EPA,* No. 4:18-cv-48 (N.D. Okla.); *Jireh Resources, LLC v. EPA,* No. 4:18-cv-49 (N.D. Okla.); and *Novy Oil and Gas, Inc. v. USEPA,* No. 4:18-cv-51 (N.D. Okla.). Three underground injection well operators in Osage County, Oklahoma allege that EPA SDWA enforcement orders violated of the Administrative Procedures Act. New development: Three complaints were filed in the Northern District of Oklahoma on Jan. 19, 2018.

- *Menominee Tribe of Wisconsin v. USEPA*, No. 1:18-cv-00108 (E.D. Wis.). Tribe challenges the failure of EPA and the US Army Corps of Engineers to exercise jurisdiction over the Clean Water Act (CWA) section 404 permitting for the proposed Back Forty Mine on the Menominee River. New development: Complaint was filed on Jan. 22, 2018.

- *Union of Concerned Scientists and Elizabeth Sheppard v. Pruitt*, No. 18-cv-10129 (D. Mass.). The Plaintiffs allege the Oct. 2017 "Strengthening and Improving Membership on EPA Federal Advisory Committees" directive was issued in violation of the Administrative Procedure Act. New development: Complaint filed Jan. 23, 2018 seeking declaratory and injunctive relief.

Upcoming Major Decisions and Events:

01/26 Hearing in *Sierra Club v. Pruitt*, a challenge to the extension of compliance date for TSCA formaldehyde rule in the U.S. District Court for the Northern District of California.

Office of International and Tribal Affairs

Hot Topics:

Interagency Group on British Columbia Mining Issues - An interagency group, co-chaired by the State Department and EPA (OITA, Region 8 and 10), has been established to address long standing transboundary water issues from mining operations in British Columbia, Canada. The interagency group is developing a gaps analysis on issues related to actual and potential transboundary impacts to waters in the U.S. and will also seek inputs from state and tribal governments. The gaps analysis and strategy for engaging states and tribes will be shared with Canada at the next U.S.-Canada bilateral meeting in April to encourage participation of the Canadian federal government in resolving these issues.

Upcoming Events and Decisions:

G7 Environment, Energy and Oceans Ministerial – EPA (AO and OITA) will be meeting on January 26 with Canada's G7 Lead for Environment to discuss the upcoming G7 Environment, Energy and Oceans Ministerial in Halifax, Canada. Key U.S. priorities under this cluster include energy security, resource efficiency and marine debris.

Commission for Environmental Cooperation (CEC) – The Alternative Representatives to the CEC Council, which is currently chaired by the U.S., will be holding a conference call on January 31 to discuss the proposed agenda for the 2018 Council Session in Oklahoma City and the way forward given the pending budget and NAFTA negotiations.

Indian Program Policy Council Meeting - The Indian Program Policy Council (IPPC), which is composed of the career DAA's and DRA's, will be meeting on January 31 in D.C. The topics for the meeting will include the 2018 Tribal Performance Metrics, Direct Implementation Assessment, and the Role of Tribal Environmental Plans and Long-Term Priorities.

United South and Eastern Tribes Meeting – The United South and Eastern Tribes (USET), representing 27 federally recognized tribal nations east of the Mississippi will be meeting in DC on February 5-8. OITA's PDAA will be speaking to the Board of Directors on February 7 to discuss EPA's tribal programs and priorities.

Office of Land and Emergency Management

Hot Topics:

1. **Emergency responses to hurricanes and wildfires.** Large-scale responses continue in the Caribbean and Northern California.

2. **Coal Combustion Residuals (CCR).**
    a. **State permit programs.** Oklahoma's proposed program approval was published in the Federal Register on January 16. The public comment period ends on March 2, 2018.
    b. Remand rule. We anticipate OMB concluding its review on January 26, 2018.

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

4. **Ongoing major Superfund NPL sites (including East Chicago, West Lake, Bonita Peak, Hudson River, Portland Harbor, Mississippi Phosphates).**

5. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing**. The final rule is pending publication in the Federal Register.

6. **CERCLA-EPCRA AFO-CAFO Rule**. The DC Circuit has not yet issued a mandate; we have requested an extension. OMB is reviewing the information collection request for clearance. We are working closely with OGC on the development of FAQs. OLEM is working with OGC and the AO to evaluate short- and long-term regulatory actions, including:
    a. Good Cause Rule (CERCLA) – Alternative Initial Notification Option to NRC (applies for a limited time to relieve surge of reporting)
    b. Legislative Rule (EPCRA) – Interpretation of "used in routine agricultural operations"
    c. Legislative Rule (CERCLA) – Revise continuous release reporting requirements specifically for farms
    d. Revise Reportable Quantities for Ammonia and Hydrogen Sulfide- includes multiple steps (ANPRM, record development, NPRM)

Upcoming Major Decisions and Events:

1. **Sites with Human Exposure Not Under Control**. A dashboard is underway to present this information in an updated and understandable way.

1. **Forum on Life Cycle Approaches to Sustainably Manage Materials in Building and Infrastructure Projects**. On January 30 – February 1, OLEM will host this Forum in Arlington. The Forum will bring together a diverse set of stakeholders to discuss life cycle approaches in the context of the built environment and identify challenges and next steps to advance life cycle principles.

Office of Policy

Upcoming Major Decisions and Events:

Community Technical Assistance around Border Station - EPA staff will be in St. Luis, AZ next week (Jan 30-Feb 1) to help the city explore how it can leverage environmental and economic benefits from the new border station being built by GSA. This technical assistance is being provided by the Office of Sustainable Communities at the city's request.

Number of Actions to OFR this Year

- Signed by Regions:
  - Notices: 1
  - Proposed Rules: 8
  - Direct Final Rules: 1
  - Withdraw of Direct Final: 2
  - Final Rules: 2
- Signed by HQ:
  - Notices: 14
  - Proposed Rules: 3
  - Final Rules: 8

Number of Actions to OFR this Week (Jan 19 – Jan 25)

- Signed by Regions:
  - Notices: 0
  - Proposed Rules: 2
  - Direct Final Rules: 0
  - Withdraw of Direct Final: 0
  - Final Rules: 2
- Signed by HQ:
  - Notices: 6
  - Proposed Rules: 1
  - Final Rules: 6

Office of Research and Development

ORD is looking forward to hosting the Region 5 and neighboring state environmental agency directors to our Cincinnati lab, February 2. We will hear from states about their environmental issues, and we will share ORD's capabilities and research to support them. Directors and staff from Indiana, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia and Wisconsin plan to attend, along with Ken Wagner and senior leadership from ORD and EPA regions.

Hot issues:

PFAS
On January 31, at the request of the American Chemistry Council, Peter Grevatt, Jennifer Orme-Zavaleta and Tom Sinks will meet with the ACC representatives regarding PFAS chemicals. On February 1, they will travel to the Pentagon to meet with DOD officials regarding PFAS chemicals.

TSCA Support:
Alternative Toxicity Testing Strategy Paper: ORD is working with OPPT and OPP on the TSCA required strategy paper on approaches to reduce, refine, and replace vertebrate animal testing. A draft was delivered to OPPT managers on January 23. Formal intra-agency review is planned for May 15 and the release of the completed final document planned for June 22, 2018. **Chemical Pre-Prioritization:** ORD continues to support TSCA chemical pre-prioritization activities. Of the 26, 178 substances on the TSCA Active Inventory, ORD scientists have curated approximately 16,783. Chemical curation efforts will continue and this number is expected to grow. The team has collected information for chemical persistence and bioaccumulation, human and ecological exposure, and human and ecological hazard. A dashboard approach has been used to display the results of chemical prioritization methods. ORD will provide an update on these efforts to OSCPP DAA and OPPT management on Thursday, January 25. **Chemical Exposure**: ORD senior management will meet with OPPT management to discuss next steps on joint efforts to improve estimates of chemical exposure used in TSCA existing and new chemical assessments.

Ohio EPA request for technical support on elevated landfill temperatures, "hot" landfills
Ohio EPA has requested technical assistance from ORD to investigate the cause of and potential remedies for subsurface heating events at landfills, also referred to as "hot" landfills. Recently, there have been several reports of RCRA Subtitle D facilities (i.e., municipal solid waste landfills) in Ohio exhibiting subsurface temperatures in excess of 80 degrees C, which is much higher than normally experienced at landfill sites. The state would like ORD to review landfill data, participate in field visits to the landfills and technical meetings with Ohio EPA and landfill representatives, and provide technical advice to Ohio EPA on potential remedies for the landfills.

Upcoming Major Decisions and events:
First NAS committee meeting on Legionella contamination of water systems
February 7-9, ORD will attend the first committee meeting of the National Academy of Sciences "Management of Legionella in Water Systems." This *ad hoc* committee will review and issue a report on the state of the science with respect to Legionella contamination of water systems. This study was launched following an "unprecedented" outbreak of Legionnaires' disease during the Flint, MI, water crisis and EPA's 2016 determination that the Legionella drinking water rule is a candidate for revision. EPA is sponsoring the study along with the Centers for Disease Control and Prevention, Department of Veterans Affairs and the Alfred P. Sloan Foundation.

Office of Water

Hot Issues:

Waters of the U.S.: This week, the Supreme Court issued a ruling that the courts of appeals do not have original jurisdiction to review the challenges to the 2015 Rule. In response, the Agency will transmit the final Step 0 rule to add an applicability date to the 2015 Rule to OMB today in an effort to finalize the rule quickly. A holding statement has been prepared and notice will be provided to select organizations that the rule has been submitted for review.

Perchlorate Peer Review: Next week, an independent peer review public meeting will convene to review EPA's "Draft Report: Proposed Approaches to Inform the Derivation of a Maximum Contaminant Level Goal for Perchlorate in Drinking Water". We anticipate several stakeholders will make public comments during the meeting, including the Perchlorate Study Group, The Chlorine Institute, American Water Works Association, the Natural Resources Defense Council and the Environmental Defense Fund. EPA is under a consent decree to propose a rule in October 2018

Upcoming Public Events:

Hypoxia Task Force: The week of January 29, Benita and I will co-chair the Hypoxia Task Force meeting in Arlington, VA. The HTF is a collaboration among 12 states and 5 federal agencies, with EPA as the federal co-chair and Iowa as the state co-chair. The state members of the HTF view the effort as a model of good government, with its focus collaboration amongst states, between federal and state agencies, and with stakeholders including commodity groups, conservation organizations, land grant universities and the private sector. The convening will include a public meeting and a first-ever joint session with leaders from the National Association of State Departments of Agriculture (NASDA). Regional Administrators from Regions 4, 5, and 7 also plan to attend the HTF meeting.

National Association of State Departments of Agriculture: Next week, I will speak at NASDA's winter policy conference. This is an opportunity for the 50 state agriculture commissioners to convene and set policy priorities for 2018. I will speak to EPA's water quality and nutrient reduction efforts and the cooperative relationship between EPA and the states' departments of agriculture and environment. This will be open to the press.

International Production & Processing Expo (IPPE) – Next week, OW will participate in the Joint Poultry Environmental Committee meeting at the International Production & Processing Expo (IPPE) in Atlanta, Georgia. The meeting, organized by U.S. Poultry and Egg Association, is an opportunity for poultry practitioners to discuss industry issues. EPA's participation in the meeting represents a broader effort to engage animal agriculture stakeholders and work collaboratively on water-focused projects that make environmental and economic sense. Jeffrey Sands, Senior Advisor on Agricultural Policy, will also attend.