CONFIDENTIAL

WEEKLY HOT TOPICS REPORT for RA/DRA Region 8

Week ending February 8, 2019

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

HOT ISSUES AND IMPORTANT DEADLINES:

University of Montana, McGill Hall, Asbestos Contamination

Key Message: Elevated levels of asbestos found in University of Montana building which includes a day care center.

- On January 31, 2019, R10 Toxicologist Julie Wrobel received an email from John Pavitt, the R10 NESHAPs expert relating to concerns about asbestos found at University of Montana. Asbestos abatement activities in McGill Hall were recently conducted and follow-up testing showed elevated levels of asbestos in wipe samples in the building. The building has since been vacated and additional cleanup activities are planned. Follow-up air sampling did not detect asbestos; however, these samples were not collected in the manner Julie would have recommended. Additional air sampling results are expected.
- Region 10's toxicologist was specifically asked whether the value the University of Montana was using for wipe sample comparison (5,000 s/cm2) was appropriate. Julie explained that it is a good value to use as it was used in Libby, Montana, and the World Trade Center as the action level for determining if residences needed follow-up cleaning. This value is not a risk-based standard but an experience standard.
- Julie also explained that air samples are preferable for understanding potential inhalation exposures to asbestos. Normally, if you are trying to determine that an area has been adequately cleaned following abatement activities, you would do a dust disturbing activity (possibly using leaf blowers followed by oscillating fans) and then conduct air sampling. Activity-based sampling for asbestos in air also would be recommended. However, the University has conducted only stationary sampling with no dust disturbance, so these results may underestimate potential inhalation exposures when a space is occupied, and people are conducting normal activities.
- A public meeting is scheduled for tonight (1/31/19) with families whose children attend the daycare in McGill Hall. Region 10 has provided some resources to the University of Montana to support their meeting.
- Region 10 and 8 are providing University of Montana with technical support for conducting proper sampling and analysis of the affected areas and will help them in assessing exposure and risk and have offered to provide any other technical assistance they may need.
- Contacts: David Berry, R8 Toxicologist, 312-6358; Julie Wrobel, R10 Toxicologist, 206-553-1079; John Pavitt, R10, 907-271-3688; Kristin Jendrek, R8 Toxics Enforcement Unit, 312-6126; John Cox, HQ, 202-564-1395; Brad Evanger, University of Montana, 406-243-4180; Paula Short, University of Montana (number unavailable at this time)

Incident in Libby Montana between Libby citizen and USACE Contractor concerning remedial action completion and reimbursement papers for 1117 Nevada, Avenue

Key Message: On January 30, 2019, a private citizen Personal Matters / Ex. 6 visited the Libby, Montana office of Environmental Restoration (ER), contractor to the US Army Corps of Engineers for the residential cleanup of the Libby Asbestos Superfund site, to receive property completion documents (i.e., as-builts, comfort letter etc.) as well as his plant reimbursement credit and reimbursement check.

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Personal Matters / Ex. 6

- No EPA personnel were involved with the incident nor did it take place on EPA-occupied space.
- Contacts: Mike Cirian, Field Remedial Project Manager, Libby, MT. 406-293-6194; Stan Christensen, Superfund Unit Leader, 312-6694

Government Accountability Office (GAO) review of Abandoned Hardrock Mines

Key Message: On December 20, 2018, representatives from the GAO met with Region 8 staff to discuss the regional role and perspective related to abandoned hardrock mines in Colorado.

- This review was prompted by Senator Tom Udall (NM) and is focusing on the Western U.S.
- GAOs provided a list of questions in advance of this review to guide the discussion (attached with internal draft responses for discussion purposes).
- They are focusing on three areas for this review: inventory of abandoned hardrock mines, money spent by federal and state agencies to address abandoned mine land (AML) issues over the past 10 years and efforts stakeholders have taken and challenges they face in addressing AMLs. The third area was the focus of the regional discussion.
- GAO was particularly interested in hearing our perspective on working with non-federal NGO and other partners to address mines in Colorado. GAO has also asked to visit a mine site in Colorado. EPA and its partners are coordinating a visit for GAO to the Captain Jack Site in Ward, Colorado on February 15, 2019.
- Representatives from Region 8's Site Assessment, Superfund Remedial, Superfund Removal, Superfund Technical and Legal Enforcement and Clean Water Act 319 programs participated in the meeting.
- Contact: Sandy Stavnes, 312-6117

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OFFICE OF ENFORCEMENT, COMPLIANCE & ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES:

Air Enforcement to invite Colorado, Wyoming, and the Southern Ute Indian Tribe to participate in Global Settlement Discussions with Enforcement/Investigatory / Ex. 7(a) ding CAA Noncompliance at its Gas Processing Plants

Enforcement/Investigatory / Ex. 7(a)

- Technical Contacts: Joseph Wilwerding, 312-6729; Laurie Ostrand, 312-6437; Legal Contact: Abigail Dean 312-6106

Air Enforcement Reaches Settlement with Targa Resources Corporation Regarding Noncompliance at the Junction Compressor Station Located on the Fort Berthold Indian Reservation

Key Message: The final Consent Agreement that resolves Clean Air Act noncompliance at the Junction Compressor Station has been signed by Targa and is currently routing for Region 8 signature and filing with the Regional Judicial Officer. The alleged violations were identified through an extensive investigation that included a CAA inspection conducted on 6/14/16, a follow-up CAA section 114 information request on 1/18/2017 and several additional meetings with the company.

- Targa had been operating two natural gas compressor engines at the facility without catalytic control as required by the major source MACT ZZZZ regulation.
- Region 8 issued a Notice of Violation (NOV) to Targa Resources on April 4, 2018.
- Mitigation provides for 38 tons of carbon monoxide and 5 tons of formaldehyde emission reductions over a two-year period through the control of a natural gas compressor engine not otherwise required to be controlled total emissions reductions.
- The parties agreed to a civil penalty of $220,000.
- The Junction Compressor Station is located on the Fort Berthold Indian Reservation. The EPA directly implements the MACT ZZZZ program in Indian country. A Notice of Proposed Enforcement letter was sent to the Ute Indian Tribe on September 21, 2017.
- Technical Contact: Michael Stovern, 312-6635; Legal Contact: Max Greenblum, 312-6108

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SDWA Enforcement will be issuing an Administrative Order to Sloanes General Store public water systems located in Natrona County, WY

Key Message: The Administrative Order is expected to be issued by February 15 to Sloanes General Store public water system due to a nitrate maximum contaminant level (MCL) exceedance.

- The system is a restaurant classified as a transient, non-community water system serving approximately 40 individuals.
- High nitrate levels may cause methemoglobinemia (aka blue baby syndrome) in infants six months old and younger.
- The system posted a water advisory on 1/31/19 notifying their customers not to give the water to infants.
- The order will require the System to keep the water advisory posted until notified by EPA. Additionally, the system is required to provide EPA with a plan and schedule that outlines actions to address the current and future nitrate contamination, and perform any necessary corrective actions.
- EPA is taking this action because the state does not have delegation.
- Technical Contact: Christina Carballal-Broome, 312-6046; Management Contact: Tiffany Cantor, 312-6521

SDWA Enforcement will be issuing an Administrative Order to Miller Lower Mobile Home Park public water systems located in Laramie County, WY

Key Message: The Administrative Order is expected to be issued by February 15 to Miller Lower Mobile Home Park public water system due to a nitrate maximum contaminant level (MCL) exceedance.

- The system is classified as a community water system serving approximately 30 individuals.
- High nitrate levels may cause methemoglobinemia (aka blue baby syndrome) in infants six months old and younger.
- The system has posted a water advisory notifying their customers not to give the water to infants.
- The order will require the system to keep the water advisory posted until notified by EPA. Additionally, the system is required to provide EPA with a plan and schedule that outlines actions to address the current and future nitrate contamination, and perform any necessary corrective actions.
- EPA is taking this action because the state does not have delegation.
- Technical Contact: Jill Minter, 312-6084; Management Contact: Tiffany Cantor, 312-6521

UIC Enforcement Issued a Notice of Violation for Loss of Mechanical Integrity Under the Safe Drinking Water Act to the Newfield Production Company (Company) for a Well Located on the Ute Indian Reservation

Key Message: ECEJ issued the Notice of Violation (NOV) on February 4, 2019, to the Company due to a loss of mechanical integrity.

- The Company notified EPA that the Class II injection well lost mechanical integrity on 1/31/2019.
- The underground injection control permit (UIC) requires the Company to maintain mechanical integrity at the well. A loss of mechanical integrity is a violation of this requirement.
- Before injection may resume, UIC regulations require the well to be repaired successfully, demonstrate the well passed a mechanical integrity test, and obtain a written authorization from EPA. The Company also has the option of properly plugging and abandoning the well. Failure to comply may result in an enforcement action.
- EPA is issuing this NOV because EPA has direct implementation authority for this well.
- Technical Contact: Gary Wang, 312-6469; Management Contact: Tiffany Cantor, 312-6521.

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PAST WEEK ACCOMPLISHMENTS:

Region 8 Settles with Metro Construction, Inc. over Lead-based Paint Violations in the West Denver PBI area

Key Message: The Regional Judicial Officer issued a Final Order on December 20, 2018 to resolve alleged violations of the Renovation, Repair and Painting (RRP) Rule, by Metro Construction, Inc.

- On April 26, 2018, EPA conducted an RRP inspection at a Metro Construction, Inc. jobsite as part of the West Denver Place-based Initiative.
- The inspection found that Metro Construction had disturbed paint during a siding replacement job on a home built in 1904. The firm was not lead-safe certified by EPA, did not assign a certified renovator, and did not utilize lead-safe work practices to prevent the spreading of lead-based paint chips and debris throughout the jobsite.
- Metro Construction had the site cleaned by a certified company and promptly obtained EPA lead-safe firm certification.
- As part of the settlement Metro Construction agreed to a penalty of $5,000 to resolve the alleged RRP violations.
- Technical Contact: Kristin Jendrek, 312-6126

SDWA Enforcement issued an Administrative Order to the Town of Albin, Wyoming public water system located in Laramie County, Wyoming

Key Message: The order was issued on December 27, 2018, due to failure to monitor quarterly for nitrate and failure to prepare and deliver the 2017 Consumer Confidence Report. The Order requires the System, within 30 days, to monitor quarterly for nitrate, prepare and deliver the 2017 CCR, and to notify the public as required by the regulations.

- The system is classified as a community water system serving 181 individuals daily.
- EPA is taking this action because the state does not have delegation.
- Technical Contact: Jill Minter, 312-6084; Management Contact: Tiffany Cantor, 312-6521

Safe Drinking Water Act Enforcement Unit issued an Administrative Order to the Jeffrey City Water & Sewer District public water system located in Fremont County, Wyoming

Key Message: The order was issued December 27, 2018, due to failure to monitor for disinfection byproducts (2017, 2018), failure to monitor for total coliform bacteria (9/2018, 10/2018), failure to conduct triggered source monitoring following a positive routine total coliform sample (8/2017), failure to prepare and deliver the 2015 Consumer Confidence Report (CCR) and provide a 2016 CCR Certification. The order requires the system to collect a sample from its ground water source; monitor as required by the regulations; prepare an annual 2015 CCR; and provide 2015 and 2016 CCR Certifications to the EPA.

- The system is classified as a community water system serving 56 individuals daily.
- EPA is taking this action because the state does not have delegation.
- Technical Contact: Jill Minter, 312-6084; Management Contact: Tiffany Cantor, 312-6521

SDWA Enforcement issued an Administrative Order Violation (AOV) letter regarding the Lucerne Water and Sewer District Public Water System (System) located in Hot Springs County, Wyoming

Key Message: On December 27, 2018, the AOV was issued to the System due to failure to comply with the Administrative Order (AO) issued on March 14, 2018. The violations in the AO included failure to prepare a 2015 Consumer Confidence Report (CCR) that provides customers information about the quality of the System's water (including monitoring results and violations incurred), distribute the CCR to the System's customers and the EPA, and provide certification of CCR distribution to the EPA.

- The System serves approximately 350 residents.
- EPA issued the Administrative Order because the state does not have delegation.

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- Technical Contact: Christina Carballal-Broome, 312-6046; Management Contact: Tiffany Cantor, 312-6521

Defendant is sentenced for RCRA Felony Violation in U.S. District Court for the District of Utah
Key Message: On January 28, 2019, Anthony Stoddard, owner of Stone Castle Recycling, was sentenced in U.S. District Court for the district of Utah to incarceration for 12 months and one day for knowing storage of hazardous waste without a permit in violation of RCRA, 42 U.S.C. § 6928(d)(2).

- Stoddard's guilty plea arose from storing tons of lead-contaminated electronic waste at his facility in Clearfield, Utah.
- Following his release from the Federal Bureau of Prisons, Stoddard will be placed on three years of supervised release. Stoddard was ordered to serve 100 hours of community service and pay a minimum of $200 per month in restitution.
- Stoddard is contesting the order of restitution, of nearly $500,000.
- Contact: RCEC Linda Kato, (303) 312-7149; CID Agent Jude Densley, (801) 524-5174

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

No report

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report

OFFICE OF WATER PROTECTION

HOT ISSUES AND IMPORTANT DEADLINES:

EPA Region 8 met with Billings Region Bureau of Indian Affairs, Billings Region Indian Health Services, and Bureau of Reclamation on Wednesday, 2/6/2019 to discuss status of the Crow Tribe operations and current understanding of environmental compliance
Key Message: This meeting was a follow-up to the 12/14/2018 meeting held among the federal agencies and the Crow Tribe. Agencies discussed the status of compliance at drinking water, wastewater and solid waste systems, the status of each agencies December action items and next steps.

- Due to lack of funding, the tribe has not been able to conduct appropriate operation and maintenance at its drinking water, wastewater and solid waste facilities and has not collected compliance samples at two drinking water plants - Pryor and Wyola. EPA contractors have collected special samples for Total Coliform (TC) and *E. coli* in December 2018 and January 2019 and nitrate + nitrite in January 2019 at Pryor and Wyola, which have all been below the maximum contaminant levels (MCLs). The third drinking water system, Crow Agency, has both a BIA operated and a tribally operated treatment plant. BIA collects total coliform and nitrate compliance samples for this water system and results indicate total coliform negative and nitrate + nitrate below the MCL. EPA has no information on sampling efforts at the wastewater plant; the tribe has not responded to an Administrative Order issued in December.
- The tribe is currently unable to remove waste from its transfer stations to solid waste landfill due to lack of funding. This issue can potentially grow big if it's not addressed soon. EPA will work with federal partners to see if this issue can be resolved through some funding source.
- From 12/21/2018-1/31/2019 the Crow tribal staff, including the Crow Environmental Department, were furloughed, unrelated to the U.S. Government Shutdown. In addition, tribal leadership is in question due to a contested recall election held on 1/19/19. This has further impacted the ability of the tribe to properly operate drinking water, wastewater and solid waste facilities.
- BIA, IHS and BOR had limited information on the current status of the impacted facilities.

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- While BIA transferred $7300 to the BIA Crow Agency in December to purchase disinfection chemicals and pay for compliance sampling at Pryor and Wyola, the funding was not available to the operator. BIA committed to follow up on this immediately and will provide the status of chemical purchase next week.
- Region 8 plans to have a contractor continue to take monthly special samples for TC at Pryor and Wyola until the tribe is able to collect compliance samples.
- A follow-up interagency call will be scheduled next week to discuss immediate needs, actions that can be taken in the event of an emergency, and additional funding opportunities.
- Contact: Kim Varilek, 312-6264; Angelique Diaz, 312-6344

Inquiry from Representative Cheney's Office about the NPDES Permit for Aethon
Key Message: Representative Cheney's office reached out via OCIR with questions about EPA's comments on the NEPA analysis for the Alkali Creek and Leavitt Reservoir expansion proposals. They also shared that the Town of Riverton has concerns about the NPDES permit for Aethon and asked for EPA's insight on the situation.

- WYDEQ is developing a draft permit for expanded discharge of produced water from Aethon's oil and gas production near Riverton, WY.
- OWP has had numerous conversations with WDEQ about concerns with this permit, and is working with the agency on its Use Attainability Analysis that would form the basis for any lowering of water quality standards for the receiving water, Badwater Creek.
- Wastewater and the NEPA program on working with Jody Ostendorf and Megan Garvey on a response.
- Contact: Colleen Rathbone, 312-6133

Region 8 Water Program Issued Revised 2014 Sanitary Survey Report to Town of Afton, Wyoming to Address Issues from a December 10, 2018 meeting with Afton and WY DEQ
Key Message: EPA revised the 2014 Sanitary Survey Report to correct two items requested by the Town of Afton and to document commitments made during the December 10, 2018 meeting between EPA, the Town of Afton and WY DEQ. The report was mailed on February 6, 2019.

- EPA's Water Program met with Town of Afton representatives and Wyoming DEQ managers in Cheyenne on December 10, 2018 to discuss issues related to the Town's Periodic Spring source of drinking water.
- During the meeting, the Town asked EPA to correct and clarify two items in the 2014 survey, regarding a well vent screen and the surveyor's inability to inspect the North Afton Springs water supplies. EPA included those changes in the revised survey report.
- In the revised report, EPA also clarified issues related to the Periodic Spring that were raised during the December 10 meeting, and added a requirement that the Town submit to the EPA within 30 days a schedule for completing corrective actions to protect the Periodic Spring. EPA confirmed the 30-day deadline with the Town prior to issuing the revised report. The Town expects WY DEQ to approve its corrective action design during the week of February 4, 2019 and can then submit a schedule to EPA for completing the corrective actions.
- The revised survey report also memorialized the WY DEQ's commitment to review available historical sampling data and engineering reports to gain a better understanding of the hydrogeology of the Periodic Spring system and filtration of the water from the recharge area, and to draft a summary report for EPA's consideration.
- Senator Barrasso from Wyoming has expressed interest in this issue and requests periodic updates from EPA.
- Contact: Lisa Kahn, 312-6896

Report of Waste/Fraud/Abuse Regarding Enforcement/Investigatory / Ex. 7(a)
Enforcement/Investigatory / Ex. 7(a) **Referred to Office of Inspector General (OIG)**

Enforcement/Investigatory / Ex. 7(a)

- Contact: Sandra Spence, 312-6947