C O N F I D E N T I A L

WEEKLY HOT TOPICS REPORT for RA/DRA Region 8

Week ending November 23, 2018

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

HOT ISSUES AND IMPORTANT DEADLINES:

Ellsworth AFB Environmental Indicator & GPRA measure changes

Key Message: EI and GPRA measure changes will reduce the regional count for SWRAU.

Investigations under Superfund for perfluoro alkyl substances (PFAS) at Ellsworth Air Force Base indicate ground water and human health exposures are no longer under control (GWNUC and HENUC environmental indicators).

- EPA's National Air Toxics Assessment (NATA) modeledPFAS contamination has been observed in ground water and surface water off-base, and alternate water was supplied to drinking water users in early October 2018 (a separate hot topic in Oct 2018).
- Testing of additional off-base drinking water sources is in progress, and the Air Force is set up to provide bottled water immediately should any additional drinking water be found over the health advisory of 70 ppt PFOA/PFOS.
- These environmental indicator changes will also rescind the Sitewide Ready for Anticipated Use (SWRAU) GPRA measure for the site.
- Contacts: Bill Murray, Superfund Remedial Program Director 303-312-6401; Rob Stites Unit Chief, 303-312-6658; Pat Smith, RPM 303-312-6504

OFFICE OF ENFORCEMENT, COMPLIANCE & ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES:

Enforcement/Investigatory / Ex. 7(a)

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Enforcement/Investigatory / Ex. 7(a)

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

HOT ISSUES AND IMPORTANT DEADLINES:

This Week

The EPA Region 8, Colorado Department of Public Health and Environment (CDPHE), and Jefferson County (Jeffco) Public Health plan to hold an Availability Session on Ethylene Oxide Emissions from Terumo BCT Sterilization within the next 2 weeks

Key Messages: Terumo BCT Sterilization has installed control equipment to mitigate the carcinogenic Ethylene Oxide (EtO) emissions from its process, and CPDHE has conducted pre- and post-control monitoring to verify that EtO emission reductions occurred.

- EPA's National Air Toxics Assessment (NATA) modeled potential risk above the 100 in a million threshold around Terumo BCT in Lakewood, Colorado. Terumo BCT has since voluntarily controlled their previously uncontrolled EtO emissions sources by over 99%.
- CDPHE and Jeffco agree the availability session should be an open house style meeting with tables for representatives from Jeffco, CDPHE, EPA and Terumo BCT, with the ability for interested community members to approach each table and ask questions.
- We are inquiring what role CDPHE would like Region 8 or EPA's Office of Air Quality Planning and Standards (OAQPS) to play.
- The availability session will be held in the first 2 weeks of December.
- EPA's OAQPS is evaluating background EtO monitoring detections in metropolitan areas nationwide to determine the prevalence of the chemical.
- Contacts: Kerri Fiedler, 312-6493; Kyle Olson, 312-6002

Last Week

Utah Regional Haze Update

Key Message: In July 2017, EPA announced its decision to reconsider its Utah Federal Implementation Plan (FIP) for regional haze which establishes NO_x Best Available Retrofit Technology for two power plants owned by PacifiCorp. As requested by the RA, the attorneys representing the parties participated in conference calls to discuss the outstanding legal issues. On Wednesday, November 14, the Utah Division of Air Quality (UDAQ) informed Air Program management that they intend to submit a State Implementation Plan (SIP) revision instead of a technical amendment to the existing Regional Haze SIP as they previously indicated. Attorney Client / Ex. 5

Attorney Client / Ex. 5

- Contacts: Monica Morales, 312-6936; Scott Jackson, 312-6107

Release of the Fourth National Climate Assessment (NCA4)

Key Message: In the coming weeks, the U.S. Global Change Research Program (USGCRP) will release the NCA4. This congressionally mandated document will focus on climate change impacts, risks and adaptation in 10 regions and 17 sectors. The National Oceanic and Atmospheric Administration (NOAA) served as the administrative lead agency for the preparation of the report, in partnership with the 12 agencies of the USGCRP (including the U.S. Environmental Protection Agency).

- Laura Farris, in Region 8's Office of Partnerships and Regulatory Assistance, Air Program, is part of the author team. She wrote the Energy section of the Northern Great Plains chapter.

- Upon its release, the 185-page NCA4 will be available online and in downloadable pdfs. There will be accompanying FAQ's, briefing slides, and an amplifier guide available for the agencies to utilize.
- Region 8 will coordinate with EPA headquarters on any press releases and other social media messaging.
- Contact: Laura Farris, 312-6388

Catamount Energy Ignacio Gas Treating Plant Air Permit Proposed

Key Message: Deliberative Process / Ex. 5 with proposing a revised synthetic minor new source review air permit for the Catamount Energy Ignacio Gas Treating Plant, an existing facility located on the Southern Ute Indian Reservation in Colorado.

- Deliberative Process / Ex. 5
- The public comment period for the proposed permit is November 15–December 17, 2018. The docket for this permitting action is posted on the Region 8 website and on regulations.gov: https://www.regulations.gov/docket?D=EPA-R08-OAR-2018-0287.
- Contacts: Monica Morales, 312-6936; Claudia Smith, 312-6520

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report

OFFICE OF WATER PROTECTION

HOT ISSUES AND IMPORTANT DEADLINES:

Concerns Raised with the Crow Tribe's Ability to Continue to Operate and Maintain Water Systems

Deliberative Process / Ex. 5

- The Crow tribal government is facing numerous financial difficulties, including: $12 million in allocated grant funds that have been questioned by BOR, $14 million in grant funds that have been questioned by BIA, $14 million in questioned funds from the tribal transportation program, among many other financial difficulties.
- These issues have resulted in a partial government shutdown on the Reservation. Water and wastewater operators are not being paid, labs are unwilling to accept samples due to unpaid lab bills, and routine operations and maintenance is not being conducted at water and wastewater systems. Both water and wastewater systems are currently out of compliance with the Safe Drinking Water and Clean Water Acts.

- Deliberative Process / Ex. 5
- Technical Contact: Barb Burkland, 406-457-5009 or Nate Delano, 312-6318; Management Contact: Angelique Diaz, 312-6344

The Stormwater Construction General Permit (CGP) Proposed Modification Expected to be Signed on November 28, 2018.
Key Message: The week of November 26, OW anticipates that the regional offices will sign a federal register notice proposing modifications to the 2017 NPDES CGP covering stormwater discharges from construction activities in areas where the EPA is the permitting authority.

- Both the National Association of Home Builders (NAHB) and the Chesapeake Bay Foundation (CBF) filed petitions for review of the permit in the D.C. Circuit.
- Based on new information provided to the EPA, the Agency is proposing a permit modification to clarify the EPA's intent of certain permit requirements.
- The 2017 CGP remains in effect and the litigation has been held in abeyance while the EPA pursues this action. The proposal will be available for public comment for 45 days.
- Contact: Colleen Rathbone, 312-6133

North Dakota 1422 UIC Primacy Revision Rulemaking for Standing Up New Department of Environmental Quality
Key Message: On November 20th, Acting Administrator Andrew Wheeler signed the Proposed Rule Federal Register Notice package for approving transfer of authority for the UIC program from NDDH to the new ND DEQ.

- Federal Register publication of this Proposed Rule could occur as early as next week.
- Publication will begin the 30-day public comment period and public hearing time frame.
- Region 8 provided an updated schedule to the State of projected milestones and dates for approving this agency transfer of authority as part of a larger effort to move all ND programs to the new department in March 2019.
- Contact: Douglas Minter, 312-6079

Status of Backlogged UIC Permit Applications

Deliberative Process / Ex. 5

- On November 20th, Azarga formally notified EPA that it is withdrawing its Class V and Class I applications for its Centennial uranium ISR project which is on hold in Colorado. These applications were submitted in 2009 and 2010 respectively and had become outdated.
- Contact: Douglas Minter, 312-6079

Montana Variance Legislation Workgroup Meeting

Key Message: Montana DEQ is holding a workgroup meeting to review Montana's draft legislation authorizing variances on November 30, 2018.

- EPA Region 8 has been working with MDEQ to resolve issues with the draft variance legislation prior to the meeting.
- Tina Laidlaw, EPA Montana Office, plans to attend in person.
- Contact: Tina Laidlaw, 406-457-5016

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