CONFIDENTIAL

WEEKLY HOT ISSUES REPORT for RA/DRA Region 8

Week ending February 9, 2018

OFFICE OF THE REGIONAL ADMINISTRATOR/ADVISORS

HOT ISSUES AND IMPORTANT DEADLINES:

No report

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

HOT ISSUES AND IMPORTANT DEADLINES:

February 13, 2018 Public Meeting to Present Draft Baseline Ecological Risk Assessment and Human Health Risk Assessment Findings for the Smurfit Stone Mill Superfund Site in Frenchtown (Missoula), Montana

Key Message: EPA will present its preliminary human health and ecological risk assessment findings for the Smurfit-Stone Mill Superfund site to the Frenchtown, Montana community from 7:00-9:00 p.m. Tuesday February 13, 2018, at the Frenchtown Junior High School.

- Sara Sparks, EPA Remedial Project Manager, and Keith Large, Montana DEQ Project Manager for the Site will provide an update about the remedial investigation.
- Toxicologists from Montana DEQ and the EPA Region 8 office in Denver will also be also available to talk about the Baseline Human Health Risk Assessment and the Ecological Risk Assessment for OU 2 and 3.
- Risk Assessments for OU1 were completed last year.
- Deliberative Process / Ex. 5
- Some of the stakeholders have expressed an interest in more data, which EPA has agreed to address through additional data collection this spring and summer.
- The Remedial Investigation for the site is scheduled to be complete by December 2018.
- Contact: Sara Sparks (Remedial Project Manager), (406) 782-7415, Amelia Piggott (CERCLA attorney), 312-6410, Dan Wall (Technical Assistance Supervisor), 312-6560, Brian Sanchez (Risk Assessor) 312-6659, and Robert Moler (Community Involvement Coordinator) (406) 457-5032.

February 14, 2018 Anaconda School Board Meeting to Present Revised School Interiors Quality Assurance Project Plan and Sampling and Analysis Plan for the Anaconda Smelter Superfund Site, Anaconda, Montana

Key Message: EPA will present to the Anaconda School Board Wednesday February 14, 2018 from 7:00 – 9:00 p.m. its revised Quality Assurance Project Plan/Sampling and Analysis Plan for sampling indoor dust at public schools in Anaconda, Montana during spring break, March 24-31, 2018, in response to concerns from the local community.

- Charlie Coleman, EPA Remedial Project Manager, provide the revised plan to the Anaconda School Board and discuss how comments received from the school board, the county, and others parties were considered and addressed.
- Anaconda Deer Lodge County has requested additional sampling that EPA may be unable to accommodate during this event, but EPA has committed to return for additional sampling later in the year, if necessary.
- Atlantic Richfield Company plans to sample school grounds (soil) at the same time.
- Deliberative Process / Ex. 5
- EPA has also begun the process with the Agency for Toxic Substances and Disease Registry (ATSDR) to work with stakeholders and develop a work plan for a public health study for Anaconda to be completed by March 2019.

Contact: Charlie Coleman (Remedial Project Manager), (406) 457-5038, Andy Lensink (CERCLA attorney), 312-

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6908, Charlie Partridge (Risk Assessor) 312-6094, and Robert Moler (Community Involvement Coordinator) (406) 457-5032.

OFFICE OF ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES:

ECEJ is Issuing a Notice of Violation Under the Safe Drinking Water Act to Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

- Technical Contact: Gary Wang, 312-6469; Management Contact: Tiffany Cantor, 312-6521.

NPDES Enforcement Plans to Conduct Pretreatment Industrial User Inspection Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

- Technical Contact: Emilio Llamozas, 312-6407; Management Contact: Stephanie DeJong, 312-6362.

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

HOT ISSUES AND IMPORTANT DEADLINES:

Sierra Club Petitions for Review on Hunter Title V Decision
Key Message: The Sierra Club filed a petition for review with the District of Columbia Circuit Court of Appeals, seeking review of the EPA's decision to deny the Sierra Club's petition to object to the title V operating permit for the PacifiCorp Energy Hunter Power Plant in Emery County, Utah. Sierra Club filed a second petition in the Tenth Circuit Court of Appeals to preserve judicial review should the District of Columbia Court of Appeals determine it is not the appropriate venue.

Attorney Client / Ex. 5

- Contacts: Gail Fallon, 312-6281 (Air Program); Sara Laumann, 312-6443 (ORC)

National Effort to Improve RCRA Waste Analysis Plans Identifies Issues with Clean Harbors' Deer

Trail Permit, Colorado (Update)
Key Message: Members of the RCRA Hazardous Waste Program met with the CDPHE permitting group on February 5, 2018, to discuss removal of in-cell macroencapsulation, a process that violates land disposal restrictions, from Deer Trail's permit. Upon discussion, CDPHE agreed to remove the language in the initial draft.

- Deliberative Process / Ex. 5
- CDPHE conducted a scheduled inspection of the facility on January 31, 2018, and discussed the EPA's national effort to review waste analysis plans, as well as the removal of in-cell macroencapsulation from the permit with Clean Harbors. Clean Harbors' Deer Trail facility manager, Jack Kehoe, commented that while they don't currently conduct in-cell macroencapsulation, removing this option from their permit may put them at a competitive disadvantage to other facilities that may be permitted for this but not currently up for renewal.
- CDPHE conveyed to the EPA that they were unsure as to how Clean Harbors would react to the removal of the activity from the draft. It may be kept at a facility manager level, or be brought to a corporate decision.
- The state's work on the draft renewal permit is slated to begin in April of this year, and renewal issuance is expected in April 2019.
- Contacts: Jesse Newland, 312-6353; Amy Hensley, 312-6176; Nancy Morlock, 312-6421

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report

OFFICE OF WATER PROTECTION

HOT ISSUES AND IMPORTANT DEADLINES:

Wyoming Environmental Quality Council (EQC) to Consider Provisions Authorizing Variances for Water Quality Standards
Key Message: At its February 21, 2018 hearing, the EQC will consider adopting variance-authorizing rules for ammonia and nutrient water quality standards. The provisions are generally approvable except for one sentence indicating that individual variances will go into effect "either upon EPA approval or 90 days after submittal, whichever comes first."

- The rules are general variance-authorizing provisions describing some criteria and processes WDEQ will consider to determine whether to issue individual variances.
- Deliberative Process / Ex. 5
- Contact: Maggie Pierce, 312-6550

Region 8 Submitted Comments to the Army Corps of Engineers (Corps) on the Mitigation Plan for the West Davis Corridor, Davis County, Utah

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Key Message: Comments on a revision of the mitigation plan developed by the Utah Department of Transportation for the West Davis Corridor highway were provided to the Corps on February 2, 2018.

- The mitigation plan is required for a Clean Water Act Section 404 permit for the proposed 20-mile highway due to the impacts to wetlands and streams on the east edge of the Great Salt Lake (40 CFR Part 230 and 33 CFR Parts 325 and 332).
- Deliberative Process / Ex. 5
- Comments from EPA addressed: inconsistencies in the document; minimizing impacts; site protection instruments; credit calculations; baseline information, construction planning; the maintenance plan; monitoring requirements; adaptive management; hydrology; and financial assurances.
- Before the comments were fully developed, EPA participated in a conference call among agencies expected to comment on the plan: Utah Division of Wildlife Resources; Utah Division of Water Quality; The Nature Conservancy; Utah Reclamation Mitigation and Conservation Commission; US Fish and Wildlife; and the Corps.
- Contact: Karen Hamilton, 312-6236.