CONFIDENTIAL

WEEKLY HOT TOPICS REPORT for RA/DRA Region 8

Week ending June 8, 2018

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

No report

OFFICE OF ENFORCEMENT, COMPLIANCE & ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES:

SDWA Enforcement Unit is Traveling to the Brush Creek Ranch in Saratoga, Wyoming to Conduct an Inspection to Determine Compliance with an Administrative Order issued to the Public Water System

Key Message: SDWA Enforcement staff will be traveling to Brush Creek Ranch near Saratoga, Wyoming the week of June 4. The order was issued for drinking water violations at the Brush Creek Ranch public water system, which include Total Coliform Rule, and nitrate failure to monitor violations.

- On April 11, 2018, EPA issued an Administrative Order to the Brush Creek Ranch to comply with the Safe Drinking Water Act.
- The system failed to monitor for total coliform for several months in 2017 and 2018, as well as failed to collect nitrate samples in 2016.
- The EPA has received public notice of the violations outlined in the order.
- The system is classified as a transient, non-community water system serving approximately 365 total individuals.
- Technical Contact: Olive Hofstader 312-6467; Management Contact: Tiffany Cantor 312-6521

SDWA Enforcement is approving an extension request from the Town of Alpine Public Water System located in Lincoln County, Wyoming, to complete the corrective action of a significant deficiency.

Key Message: An Administrative Order was issued to the System on April 3, 2018, requiring, among other things, that their two storage tanks be cleaned and inspected within 90 days of receipt of the Order. The System requested a 90-day extension due to the availability of the selected contractor.

- The System serves approximately 1,100 residents.
- EPA is taking this action because the state does not have delegation.
- Technical Contact: Kathelene Brainich, 312-6481; Management Contact: Tiffany Cantor, 312-6521

NPDES Enforcement Enters into Administrative Order on Consent with the City of Fargo, North Dakota to Address Violations for Failing to Implement Its Pretreatment Program

Key Message: On June 5, 2018, the NPDES Enforcement entered into an administrative order on consent (AOC) with the City of Fargo, North Dakota based on the City's failure to implement its approved pretreatment program.

- On September 12-14, 2016, EPA inspectors from NPDES Enforcement and the Wastewater Unit conducted a joint inspection with the North Dakota Department of Health (NDDH) of the City's approved pretreatment program. The inspection found that the City had failed to implement its Pretreatment Program.
- In the AOC, the City agreed to among others:
    - Properly implement its Pretreatment Program.

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- Submit to NDDH and EPA procedures for record keeping, inspections and sampling of industrial users.
- Take enforcement actions against industrial users in accordance with its Enforcement Response Plan
- Submit to the NDDH an updated proposed pretreatment ordinance.
- Reissue all applicable permits using the Significant Industrial User permit template.
- Submit quarterly reports for one year to the NDDH and the EPA on the status of completing the items required by the AOC.

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

CAA Enforcement to Issue letters responding to Suncor's notices of Force Majeure
Key Message: Clean Air Act Enforcement plans to send four letters responding to four Force Majeure notifications submitted by Suncor for noncompliance with refinery consent decree requirements due to external power issues.

- The Suncor Refinery in Commerce City is subject to two consent decrees (CDs); United States et al. v. Conoco Inc., Civil Action No. H-01-4430 and United States et al. v. Valero Refining, et al., Civil Action No. SA-05-CA-0569.
- On the following dates the Suncor Refinery experienced electrical power issues caused by events external to the refinery: October 14, 2016, December 16, 2016, and March 11, 2017.
- The power issues caused Suncor to be noncompliant with certain CD requirements for several days following each event.
- Suncor submitted Force Majeure notifications under the two CDs for failure to meet certain CD conditions.
- Suncor, the EPA, and CDPHE have discussed the power issues. Suncor has reported it is working with Xcel on the power issues and steps have been, and further steps will be, taken to resolve the power issues.
- The four EPA letters indicate that EPA has consulted with CDPHE, and agrees that the events identified by Suncor were caused by circumstances beyond its control.
- Technical Contact: Laurie Ostrand, 312-6437; Management Contact: Scott Patefield, 312-6248

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

HOT ISSUES AND IMPORTANT DEADLINES:

Region 8 Resource Conservation & Recovery Program to Send Coal Ash Letter to Uintah & Ouray Tribe
Key Message: OGC and the OLEM tribal offices have created a template letter to provide basic outreach and to inform specific tribes that the EPA is tasked with issuing Coal Ash permits to Coal Combustion Residuals (CCR) facilities located in Indian country, due to the Water Infrastructure Improvements for the Nation (WIIN) Act provisions. Deseret Power's Bonanza power plant is located on the Uintah and Ouray Reservation.

- The week of June 4, 2018, the OPRA will be sending a CCR letter to the Chairman of the Ute Indian Tribe.
- The Tribe may request a formal consultation, but by sending the letter to the Chairman of the Ute Tribe, RCRP is anticipating informal coordination and communication.
- We are coordinating with Region 9, who will be sending a similar letter to the Navajo Nation.
- RCRP has coordinated with TAP, ORC and ECEJ.
- Contacts: Ben Bents, 312-6435; Janice Pearson, 312-6354

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OFFICE OF TECHNICAL AND MANAGEMENT SERVICES
No report

OFFICE OF WATER PROTECTION

HOT ISSUES AND IMPORTANT DEADLINES:

Region 8 Drinking Water and Enforcement Programs Participating in a Conference Call with the Town of Rawlins, WY
Key Message: On June 7, 2018 the Drinking Water Program, Enforcement Program, and technical and regulatory assistance contacts from HQ and ORD will discuss with the Town of Rawlins unresolved drinking water treatment concerns.

- The concerns are related to several operational concerns as well as small fish and shrimp being observed in the water system's filter pressure vessels.
- Rawlins is currently under an administrative order to demonstrate that their filters, as operated, are achieving adequate pathogen removal.
- Rawlins has worked with the EPA to complete some investigative monitoring and is willing to further evaluate their treatment, but does not agree that the aquatic life in the filters are a concern.
- The Town of Rawlins also disagrees with the EPA violation determination, resulting from the presence of aquatic life, and administrative order that have been issued.
- Testing conducted to date has not successfully demonstrated that the filters are achieving adequate removal.
- Contacts: Jake Crosby, 312-6389, Angelique Diaz, 312-6344

City of Laramie, WY seeking land purchase for aquifer protection
Key Message: Laramie, WY requesting Clean Water SRF (CWSRF) funds for source water protection

- The City of Laramie will request a loan from the Wyoming CWSRF to purchase 5,500 acres of land inside their aquifer protection area, as part of a source water protection activity.
- By acquiring the land, the City is seeking to prevent development into a rural subdivision which can be nonpoint sources of pollution to surface and groundwater.
- Region 8 is working with the State of Wyoming to ensure this proposal meets SRF program requirements.
- Contact: Brian Friel, 312-6277

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