CONFIDENTIAL

WEEKLY HOT TOPICS REPORT for RA/DRA Region 8

Week ending September 21, 2018

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

HOT ISSUES AND IMPORTANT DEADLINES:

Generator Backup Implemented when power pole for the Gladstone Interim Water Treatment Plant (IWTP) was knocked down by a truck and trailer on September 15, 2018

Key Message: On Saturday afternoon, September 15, 2018, a local resident who is building a home near the IWTP lost control of his truck and trailer and took out the power pole.

- The emergency generator immediately kicked on so water treatment operations at the IWTP could continue. There was no release of any untreated water.
- OSC Kerry Guy worked with the San Juan County Sheriff's department during the afternoon and evening to remove the vehicles so San Miguel Power could install a new power pole.
- Saturday evening, San Miguel Power got the line elevated with their truck and were back on Sunday to install a new power pole. A new meter box still needs to be installed before power is restored to the site.
- While coordination to get the vehicles removed and the power pole installed went seamlessly, the backup generator started cycling through a shutdown loop Monday evening and operated for 7-10 minute intervals.
- OSC Guy diverted the mine drainage to the detention pond for approximately three hours while a new generator was transported to the site (3 generators were actually ordered to ensure at least 1 primary and 1 backup arrived at the site).
- As of Tuesday morning, 9/18/18, the detention pond had been drained and water treated prior to discharge. The new generator was operating as expected.
- Contracting with an electrical contractor to re-install the electrical panel is planned to be completed this week (9/20).
- Contacts: Kerry Guy, 312-7288; Laura Williams, 312-6660

OFFICE OF ENFORCEMENT, COMPLIANCE & ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES:

SDWA Enforcement is issuing an Administrative Order to the Lame Deer Public Schools, owner of the Lame Deer High School public water system, located on the Northern Cheyenne Reservation in Rosebud County, Montana

Key Message: The order will be issued the week of September 17, 2018 due to failure to monitor for nitrate, disinfection byproducts (TTHM and HAA5), and lead and copper in 2017; failure to correct a significant deficiency timely; and failure to notify the public of the aforementioned violations. The system has returned to compliance except for the failure to monitor for disinfection byproducts and failure to notify the public of violations. The order requires the system to monitor for nitrate, disinfection byproducts, and lead and copper, as well as complete corrective action of any future significant deficiency as required by the regulations and provide public notice for all violations.

- Lame Deer Public Schools is the owner of the system, which is located on the Northern Cheyenne Reservation but is not tribally-owned.

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- The system is classified as a non-transient, non-community water system serving approximately 260 individuals daily for at least six months of the year.
- 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 is sending a Combined Complaint and Consent Agreement (CCCA) to address violations of an Administrative Order regarding the Mills Spring Ranch Public Water System located in Natrona County, Wyoming

Key Message: ECEJ plans to issue a CCCA the week of September 24, 2018, to Rocky Mountain Conference of Seventh-Day Adventists (Adventists), the owners/operators of the System, in the amount of $1,007 for violating the Administrative Order.

- The order was issued on September 29, 2016, for failure to monitor for total coliform monthly and nitrate quarterly, as well as failure to provide public notice of the violations.
- The system violated the order by failing to monitor four times and untimely completion of the public notice.
- The Adventists agreed to a pre-filing penalty and the system has returned to compliance.
- The system serves approximately 200 people daily from July through September.
- EPA issued the Administrative Order because the state does not have delegation.
- Technical Contact: Kathelene Brainich, 312-6481; Management Contact: Tiffany Cantor, 312-6521

EPA issued a unilateral order on September 4, 2018, under RCRA section 9003(h), to characterize and address contamination from a leaking underground storage tank at the Warwick Oil Gas Station within the Spirit Lake Reservation in Warwick, North Dakota

Key Message: EPA issued the unilateral order to Farmer's Union Oil Co. of Devil's Lake, a non-tribal entity. The order requires Farmers to assess and address petroleum contamination that was detected from underground storage tanks at the site.

- In September 2017, the State of North Dakota referred the Warwick Oil Gas Station site, owned by Farmers, to EPA.
- The State provided EPA with information showing samples from wells adjacent to and downgradient of underground storage tanks contained levels of Benzene, Toluene, Ethyl-Benzene, and Total Xylene (BTEX) above State standards (the Tribe has not established standards).
- Region 8's UST program attempted to work informally with Farmers for almost a year to characterize and address the contamination. Farmers failed to do so.
- In accordance with EPA policy, the Region notified the Spirit Lake Tribe of the proposed action prior to issuing the order, and copied the Tribe on the issued order.
- The order requires Farmers to assess the extent of contamination and, with EPA oversight, remove the contamination and attain state groundwater standards.
- Technical Contact: Fran Chambus, 312-6782; Legal Contact: Amelia Piggott, 312-6410

OPA Enforcement to Issue Warning Letter to Hess Corporation for Spill Prevention Control and Countermeasure (SPCC) and Facility Response Plan (FRP) Deficiencies in North Dakota

Key Message: OPA Enforcement plans to send a warning letter to Hess Corporation (Hess) for SPCC and FRP deficiencies requesting a meeting to discuss corrective actions and a settlement.

- In October of 2015, inspectors conducted an FRP and SPCC inspection of the Tioga Gas Plant in Tioga, North Dakota, which is operated by subsidiaries of Hess. The inspection identified multiple deficiencies in meeting the SPCC and FRP regulations. Example deficiencies include:
    - Containment berms for gasoline storage tanks and retention ponds were compromised by

visible erosion;
  - Two produced water tanks, with storage capacities of more than 200,000 gallons each, lacked secondary containment; and
  - No FRP had been submitted to the EPA, despite the requirement in 40 C.F.R. § 112.20(a).
- Hess had two recent oil spills in 2016 and 2018 from Hess's Fryburg Heath-Madison Unit Central Facility near Fryburg, North Dakota.
- The North Dakota Department of Environmental Quality is planning to enforce the 2018 spill.
- Deliberative Process / Ex. 5
- The EPA directly implements the OPA program.
- Technical Contact: Donna Inman 312-6201; Management Contact: Stephanie DeJong 312-6362

OPA Enforcement plans to send Request for Information to Merit Energy for two discharges of crude oil in Hot Springs and Big Horn Counties, Wyoming

Key Message: OPA Enforcement is sending a Request for Information to Merit Energy for two discharges of crude oil and produced water. The first discharge was on June 13, 2018, into Grass Creek in Hot Springs County. The second discharge was on July 16, 2018, into the Shoshone River in Big Horn County.

- According to initial reports, the Hot Springs County discharge was approximately 455 barrels (19,110 gallons) of crude oil and produced water, and the Big Horn County discharge amount is unknown.

Deliberative Process / Ex. 5

- Contact: Dennis Jaramillo 312-6203; Management Contact: Stephanie DeJong 312-6362

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

HOT ISSUES AND IMPORTANT DEADLINES:

Ute Indian Tribe Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- Contacts: Callie Videtich, 312-6434; Jason Deardorff, 312-6583

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES
No report

OFFICE OF WATER PROTECTION

HOT ISSUES AND IMPORTANT DEADLINES:

Notification Letters sent to Operators Regarding Technically Deficient Underground Injection Control Permit Applications
Key Message: To remove UIC permits from the backlog, the Region sent letters to two operators in August requesting additional technical information for UIC draft permit issuance. A second letter will be sent to one of these operators who has not responded with the necessary data.

- Letters were sent to EOG and Mann Oil on August 21 and 22 respectively following a template and process designed by the Office of Continuous Improvement.
- EOG provided the technical data that will enable the Region to proceed with draft permit issuance. Mann Oil has not responded and the UIC program will send a second notification letter the week of September 24, 2018. If no response is received within 32 days after that letter, the UIC program will proceed with proposing to deny Mann Oil's application.
- Contact: Douglas Minter, 312-6079; Sarah Bahrman, 312-6243

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