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

WEEKLY HOT ISSUES REPORT for RA/DRA Region 8

Week ending February 16, 2018

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

No report

OFFICE OF ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES:

SDWA Enforcement to Issue a Notice of Violation for Loss of Mechanical Integrity Under the Safe Drinking Water Act to Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

- Contact: Nathan Wiser, 312-6211; Management Contact: Tiffany Cantor, 312-6521.

SDWA Enforcement is Authorizing Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

6211; Management Contact: Tiffany Cantor, 312-6521.

NPDES Enforcement Plans to Conduct Pretreatment Compliance Inspection of Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

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Enforcement/Investigatory / Ex. 7(a)

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

Wetlands and Oil Pollution Act (OPA) Enforcement Refers an Enforcement Case to DOJ for a Significant Oil Spill Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

- Contact: Christopher Ajayi 312-6320; Management Contact: Ken Champagne, 312-6608

Wetlands and OPA Enforcement is Sending an Opportunity to Show Cause Letter to Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

- Contact: Dennis Jaramillo 312-6203; Management Contact: Ken Champagne 312-6608

Wetlands and OPA Enforcement Settles with B&C Quick Test Inc. to Resolve Civil Penalty Liability for Spill Prevention Control and Countermeasures Violations in Uintah County, Utah.
Key Message: SPCC violations at B&C Quick Test Inc.'s facility in Vernal, Utah are being settled in a CCCA, currently routing for signature.

- B&C Quick Test operates a facility that stores and distributes solvents, used oil, and diesel fuel on site with a total above ground storage capacity of 1,555 gallons.
- B&C Quick Test's facility is in close proximity to Ashley Creek, which is a tributary to the Green River, and therefore has the potential to harm public health and the environment in the event of a spill to waters of the U.S.
- On August 22, 2013, EPA inspectors conducted an inspection at B&C Quick Test's facility to determine compliance with the SPCC regulations.
- Significant violations were found at the facility, most notably that there was no SPCC Planwhich constitutes a violation of section 311 of the CWA and 40 C.F.R. § 112.3.
- The Region worked extensively with B&C Quick Test and its consultant to develop an appropriate SPCC Plan prior to initiating this penalty action.
- B&C Quick Test's SPCC plan is now adequate and the facility is in compliance with regulatory requirements.
- B&C Quick Test agreed to pay a civil penalty of $7,100 to settle alleged violations.
- Contact: Darla Hohman, 312-6263; Management Contact: Ken Champagne 312-6608.

Legal Enforcement, the State of South Dakota, and Agnico Eagle Mines, Ltd. Finalize a Bona Fide Prospective Purchaser Agreement on Consent for Remedial Investigation/Feasibility Work at the Gilt Edge Mine Site near Lead, South Dakota.
Key Message: On February 12, 2018, EPA, the State of South Dakota, and Agnico Eagle Mines, Ltd. finalized an agreement for certain remedial investigation work at the Gilt Edge Mine Site (Site).

- Pursuant to the agreement, Agnico will conduct studies to help define the nature and extent of contamination within groundwater at the Site, and pay certain oversight costs.
- Agnico will use the information gathered during remedial investigation work to study whether potential re-mining of the Site is feasible and/or economical.
- Notice of the agreement will be published in the Federal Register for a 30-day public comment period.
- Contacts: Amelia Piggott, Legal, 312-6410; Joy Jenkins, Remedial Project Manager, 312-6873, and Shawn McCaffrey, Technical Enforcement, 312-6515.

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

HOT ISSUES AND IMPORTANT DEADLINES:

Letter sent to Chairman Barnes of the Blackfeet Tribe, to request FY 2017 General Assistance Program Grant quarterly reports for Fiscal Year 2017
Key Message: The Tribal Assistance Program sent a letter to Chairman Barnes of the Blackfeet Tribe requesting the submittal of General Assistance Program grant quarterly reports for FY17.
During FY17, none of the quarterly reports were submitted as required by the grant's terms and conditions from the Blackfeet Tribe.

- Jennifer Wintersteen, Tribal Program Manager, working with the Tribe, contacted Gerald Wagner, the Tribe's Environmental Director numerous times throughout the year by phone and email related to the delinquent reports.
- A final deadline of December 31, 2017, for submittal of all the quarterly reports was set with Mr. Wagner and that deadline was not met.
- As result, a letter was sent to Chairman Barnes to request that the quarterly reports for FY 2017 be submitted by March 2, 2018.
- Contacts: Callie Videtich, 312-6434; Jennifer Wintersteen, (406) 457-5006

OFFICE OF REGIONAL COUNSEL

HOT ISSUES AND IMPORTANT DEADLINES:

NOT FOR REPORT TO HQ

Judge Armijo, Federal District Court of New Mexico, issues rulings on Environmental Restoration's Motions in New Mexico v. EPA, et. al., Gold King Mine litigation

Key message: Judge Armijo issued an opinion and order granting in part and denying in part Environmental Restoration's motion to dismiss. The court has not ruled on any other defendants' pending motions to dismiss or the plaintiffs' motions to amend their complaints to add tort claims against the United States.

- Attorney Client / Ex. 5
- ORC contact: Paul Logan, 312-6854; LEP contact: Doug Naftz, 312-6942

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report

OFFICE OF WATER PROTECTION

HOT ISSUES AND IMPORTANT DEADLINES:

U.S. Bureau of Land Management has determined that the Park Center Well in Colorado will need a National Pollutant Discharge Elimination System (NPDES) Permit and may decide to shut in the well.

Key Message: The BLM has asked EPA to provide information to determine whether the water from its Park Center drinking water well in Canon City, CO can be discharged without treatment. If treatment would be required to meet permit limits, BLM has indicated it will shut in the well.

- Deliberative Process / Ex. 5
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Deliberative Process / Ex. 5

- Contact: Colleen Rathbone, 312-6133.

EPA Notifies the Veterans Affairs that its Eastern Colorado Health Care System (Aurora Hospital) Municipal Separate Storm Sewer System (MS4) permit application is incomplete.
Key Message: EPA will formally notify the Veterans Affairs (VA) that its MS4 permit application to transfer permit coverage from its former location (Denver Hospital) to its current location (Aurora Hospital) is incomplete.

- The VA has held a MS4 permit since 2003 and this action will transfer the permit from the Denver to the Aurora Hospital.
- In Colorado, EPA is the NPDES permitting authority for federal facilities. The VA attended the Region's Federal Facilities Stormwater Workshop in October 2017 in preparation of the transfer of the MS4 permit.
- The permit application was missing an updated Stormwater Management Plan (SWMP), which is a substantive component to the application and MS4 permit. The VA accidently submitted a Stormwater Pollution Prevention Plan (SWPPP) which is a requirement of stormwater construction permits and not part of a MS4 permit. The other items missing were very minor in nature.
- OWP staff have provided compliance assistance to the VA to facilitate the transfer of permit coverage and will visit the Aurora Hospital and work with VA staff to support proper completion of the MS4 permit application including an updated SWMP.
- A formal letter will be signed this week notifying the VA the reasons the permit application is incomplete. The deadline given to submit a complete permit application to EPA Region 8 will be March 30, 2018.
- Contact: Colleen Rathbone, 312-6133.

HOT ISSUE UPDATE

The Wyoming Department of Environmental Quality (WDEQ) Decided Not To Apply For Funding in 2018 Under The Drinking Water State Revolving Fund (DWSRF).
Key Message**:** After further discussion with EPA the WDEQ determined it has sufficient DWSRF funds for 2018.

- In an earlier Hot Issue we described the state's request for partial funding, statutory and regulatory requirements impeding the state's original proposal, and an alternate proposal made by EPA.
- The State decided to forgo DWSRF funds this year since low demand for drinking water projects relative to the state's unexpended DWSRF funds makes its large balance sufficient for 2018.
- Contact: Brian Friel, 312-6277