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

WEEKLY HOT ISSUES REPORT for RA/DRA Region 8

Week ending March 16, 2018

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

HOT ISSUES AND IMPORTANT DEADLINES

American Fork Canyon Final Preliminary Assessment Public Release

Deliberative Process / Ex. 5

- Contacts: Ryan Dunham, Site Assessment Manager, 312-6627; Victor Ketellapper, Site Assessment Team Leader, 312-6578; Jennifer Chergo, Public Affairs Specialist/Community Involvement Coordinator, 312-6601

OFFICE OF ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES

Drinking Water Enforcement is Issuing a Notice of Violation Under the Safe Drinking Water Act to

Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

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

Drinking Water Enforcement is issuing an Administrative Order to Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

- Technical Contact: Kathelene Brainich, 312-6481; Management Contact: Tiffany Cantor, 312-6521

Drinking Water Enforcement is issuing an Administrative Order to the Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

- Technical Contact: Kathelene Brainich, 312-6481; Management Contact: Tiffany Cantor, 312-6521

Drinking Water Enforcement Unit will be issuing an Administrative Order Enforcement/Investigatory / Ex. 7(a)

Enforcement/Investigatory / Ex. 7(a)

- Technical Contact Jill Minter 312-6084, Management Contact: Tiffany Cantor 312-6521

Consent Decree Lodged Resolving Clean Air Act Chemical Risk Management Violations at Utah and Wyoming gas processing facilities

Key Message: On March 9, 2018, the U.S. Department of Justice lodged a Consent Decree in U.S. District Court for the District of Utah to resolve Clean Air Act section 112r violations at Kinder Morgan's Altamont gas processing facility in Altamont, Utah and Colorado Interstate Gas' Rawlins gas processing facility located in Sinclair, Wyoming.

- The violations alleged include deficiencies associated with safety information, hazard analysis, mechanical integrity, and incident investigations.
- The companies agreed to pay a $179,099 civil penalty and spend $387,500 on supplemental environmental project requiring installation of a flare project to reduce air emissions in Duchesne County, Utah.
- The SEP will reduce emissions of volatile organic compounds into the atmosphere by an estimated 3.7 tons/year and methane by an estimated 9 tons/year. Duchesne County is in an area that has experienced violations of the federal Clean Air Act standard for ozone.
- Under the CD, the companies will also have an industry expert conduct mechanical integrity audits at four facilities, submit corrective action plans to EPA, and correct any violations detected in a timely manner.
- The Kinder Morgan Altamont and Colorado Interstate Gas facilities are subject to CAA risk management regulations because they process large quantities of hazardous substances. The CAA requires facilities holding more than a threshold quantity of a regulated substance to develop a risk management program and submit a plan to EPA.
- The states of Utah and Wyoming were notified of the violations and the settlement as required by the CAA but were not involved in the settlement as they are not delegated the CAA section 112r program.
- Contact: Marc Weiner, 312-6913; Technical Contacts: Greg Bazley, 562-733-0262 and David Cobb, 312-6592

The U.S. Department of Justice lodged a proposed Consent Decree for settlement of past CERCLA response costs incurred at the Widefield PCE Superfund Site in Security and Colorado Springs, El Paso County, Colorado.

Key Message: On March 8, 2018, the U.S. Department of Justice filed a complaint and notice of lodging of proposed Consent Decree in the District of Colorado against the El Paso County Retirement Plan for CERCLA response costs incurred by EPA at the Widefield PCE Superfund Site in Security and Colorado Springs, El Paso County, Colorado.

- Under the Consent Decree, the El Paso County Retirement Plan agreed to pay the EPA $420,000 for past response costs incurred by the Region 8 Removal Program at the Site. The payment will be put into a sitewide special account.
- Prior to approval by the Court, the Consent Decree will be subject to a thirty-day public comment period following publication of a notice by DOJ in the Federal Register.
- Contacts: Douglas Naftz: 312-6942; Technical Contact: Shawn McCaffery 312-6515

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

HOT ISSUES AND IMPORTANT DEADLINES

Tribal Assistance Program and the Grants Program met with the Cheyenne River Sioux Tribe's Land Committee on March 13, 2018

Key Message: EPA managers and staff met in person and via teleconference with the Cheyenne River Sioux Tribe's Land Committee (which includes five Tribal Council members and oversees the Environmental Protection Department activities) to discuss critical issues related to the Department's past and current grants performance and management. David Nelson, the Director of the Environmental Department, also presented information to the Committee related to his management of the EPA funded programs. The Land Committee was very concerned about the situation and wants to rectify it and ensured that future grants performance and management is at a high level. Callie Videtich and Paul Felz committed to work with the Tribe and Department, to assist where possible, and to help them reach success. In the meantime, Mr. Nelson committed to:

- Submit overdue FY 2019 grants applications by March 16, 2018.
- Submit appropriate missing grants reports for all programs for FY 2017 by March 28, 2018.

- Contacts: Callie Videtich (TAP), 312-6434; Paul Felz (Grants), 312-6270

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report

OFFICE OF WATER PROTECTION

HOT ISSUES AND IMPORTANT DEADLINES

The Utah Department of Transportation (UDOT) provided the Administrator's Office a summary of concerns on coordination with EPA Region 8 and the US Army Corps of Engineers (USACE) on the West Davis Corridor Highway project.

Key Message: UDOT's summary contains factual errors and misrepresentation of the multi-year collaborative effort between UDOT, USACE, EPA, Federal Highway Administration, Utah Department of Environmental Quality, Fish and Wildlife Service and various stakeholders to address wetland and surface water impacts to the Great Salt Lake from a proposed 19-mile West Davis Highway.

- Utah House Speaker Greg Hughes raised concerns about perceived delays with this project to Administrator Pruitt during a recent trip to Utah, and UDOT provided a summary of its concerns to the Administrator's office on March 14, 2018.
- Region 8 has reviewed this summary and has identified several areas in which the document does not accurately reflect EPA's discussions and comments on the proposed project and is developing a paper outlining these discrepancies.
- The Sacramento USACE office, which has the 404 permitting responsibility for this project, was unaware of the concerns raised to the EPA and has not received similar congressional or UDOT contacts at its national office.
- A call has been scheduled for March 20, 2018, with the Administrator's Office, the Region 8 RA and UDOT to discuss the concerns raised.
- Contact: Karen Hamilton, 312-6236

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