CONFIDENTIAL

WEEKLY HOT ISSUES REPORT for RA/DRA Region 8
Week ending January 26, 2018

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

HOT ISSUES AND IMPORTANT DEADLINES:

Request for EIS Scoping Comments on Bears Ears National Monument & Grand Staircase-Escalante National Monument, Utah

Key Message: BLM is preparing these Environmental Impact Statements (EISs) in response to Presidential Proclamations to modify the boundaries of the Monuments. The EPA Region 8 NEPA Program will be preparing scoping comment letters to BLM with our recommendations for environmental issues to be analyzed.

- On 1/16/18, BLM published its notice of intent (NOI), in the Federal Register, to prepare EISs for the Monuments and requested scoping comments by 3/18/18.
- The NEPA Program routinely provides early engagement through scoping comment letters. Scoping comments aid lead agencies in identifying relevant issues that will inform the scope of the environmental analysis and guide the planning process. Our recommendations generally focus on air and water issues.
- R8's NEPA Program is coordinating with the Office of Federal Activities on the NOIs. Due to tribal interest, we are also coordinating with TAP, and Regions 9 and 6.
- Contact: Jennifer Schuller, 312-6334

OFFICE OF ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES:

ECEJ is Authorizing Crescent Point Energy (Company) to Resume Injection at Five Class II Injection Wells Located on the Uintah & Ouray Indian Reservation Under the Safe Drinking Water Act.

Key Message: Drinking Water Enforcement issues approval to resume injection during the week of January 22, 2018.

- The Company had previously reported losses of mechanical integrity at these Class II underground injection control (UIC) wells to the EPA over a period of months.
- After receipt of reports about losing mechanical integrity at these UIC wells, the EPA issued notices of violation to the Company since injection wells are required to establish and maintain mechanical integrity.
- The Company repaired all the injection wells and re-established mechanical integrity at each.
- These UIC wells are used for enhancing oil recovery, not salt water disposal.
- The EPA is the authorizing agency because these injection wells are located on the Uintah & Ouray Indian Reservation where the EPA has direct UIC implementation authority.
- Technical Contact: Nathan Wiser, 312-6211; Management Contact: Tiffany Cantor, 312-6521

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ECEJ is Authorizing QEP Energy (Company) to Plug and Abandon Four Class II Injection Wells Located on the Uintah & Ouray Indian Reservation Under the Safe Drinking Water Act.
Key Message: Drinking Water Enforcement issues approval of plugging procedures during the week of January 15, 2018.

- The Company is required to obtain EPA approval to plug and abandon the underground injection control (UIC) wells.
- The EPA reviews the plugging procedures to ensure the UIC wells will be plugged in a manner that is protective of underground sources of drinking water.
- These wells have been used for enhancing oil recovery, not salt water disposal.
- The Company has elected to plug these wells for economic reasons, not due to violations.
- The EPA is the authorizing agency because these injection wells are located on the Uintah & Ouray Indian Reservation where EPA has direct UIC implementation authority.
- Technical Contact: Nathan Wiser, 312-6211; Management Contact: Tiffany Cantor, 312-6521

Stormwater Summit with Water Enforcement, Colorado Department of Public Health and Environment (CDPHE), and Colorado Housing & Building Association (HBA) Representatives to Lead to Conversations with Municipalities
Key Message: As a follow-up to a meeting with Region 8 and HBA representatives in November 2017, Water Enforcement, CDPHE, and HBA representatives met on January 18, 2018. Concerns and follow-up actions centered around inspections and enforcement by municipalities. The HBA and CDPHE will be reaching out to municipalities (e.g., Colorado Stormwater Council) to schedule additional discussion and training.

- CDPHE is authorized to implement the construction stormwater program in Colorado. The EPA has not done inspections in Colorado's construction stormwater program since about 2015.
- The HBA representatives stated that CDPHE's existing "find and fix" program is working well.
- Concerns were raised regarding municipal inspectors being very rigid with requirements and enforcement. CDPHE has provided training to municipalities with various degrees of success.
- Management Contacts: Art Palomares 312-6053; Stephanie DeJong 312-6362

NPDES Enforcement Plans to Send Opportunity to Confer Letter to the Crow Tribe and Apsaalooke Water and Wastewater Authority to Address Unpermitted Lagoon on the Crow Indian Reservation
Key Message: National Pollutant Discharge Elimination System (NPDES) Enforcement plans to send an opportunity to confer letter to the Crow tribal chairman and the cabinet head at the Apsaalooke Water and Wastewater Authority (AWWWA). The letter requests a conference call to discuss noncompliance at an unpermitted wastewater lagoon on the Crow Indian Reservation and operation and maintenance concerns.

- The EPA directly implements the NPDES program on the Crow Indian Reservation.
- Region 8 has provided significant compliance assistance to AWWWA regarding its failure to submit discharge monitoring reports (DMRs) in 2011, 2012, 2013, and 2016.
- The Crow Agency Wastewater Lagoon's NPDES permit, held by AWWWA, expired on September 15, 2015, and the lagoon has been discharging without a permit.
- A September 2017 inspection by the EPA confirmed the lagoon is discharging and identified operation and maintenance issues that indicate potential water quality concerns.
- After the proposed conference call, NPDES Enforcement plans to enter into an administrative order on consent or issue an administrative order to gain compliance.
- Technical Contact: Akash Johnson, 312-6067; Management Contact: Stephanie DeJong, 312-6362

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE
No report

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OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report

OFFICE OF WATER PROTECTION

HOT ISSUES AND IMPORTANT DEADLINES:

EPA Requires Vehicle Wash Facility to Apply for a UIC Permit or Close its Class V Well

Key Message: On January 12, 2018, OWP issued a letter to Collision Pros in Black Hawk, South Dakota requiring the owner to either apply for an Underground Injection Control (UIC) Class V permit for continued subsurface disposal of its vehicle wash fluids or close its shallow Class V injection well to prevent endangerment to underground sources of drinking water (USDW).

- On March 13, 2017, the South Dakota DENR provided EPA's UIC direct implementation program with information documenting that vehicle wash fluids were being discharged through the facility's onsite wastewater treatment system, as revealed during a routine State hazardous waste compliance inspection.
- On March 13, 2017, EPA sent a letter to the owner requesting information about the facility's fluid waste management practices. EPA received a response on March 31, 2017.
- On May 10, 2017, EPA sent a second letter to the owner requesting additional information based on the initial response it had received. While EPA did not receive a response to this second request, the UIC program has determined that the facility's disposal practices do pose a risk to USDWs.
- The facility owner must respond in 30 days to EPA's January 12, 2018 letter and indicate whether he will apply for a UIC permit or close the Class V well.
- Contact: Douglas Minter, 312-6079

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