CONFIDENTIAL

WEEKLY HOT TOPICS REPORT for RA/DRA Region 8

Week ending June 1, 2018

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

HOT ISSUES AND IMPORTANT DEADLINES:

Notice of Intent to Delete the Davenport and Flagstaff Superfund Site published in FR

Key Message: On June 4, The EPA and the Utah Department of Environmental Quality will invite the public to comment on the proposal to delete the remaining portions (OU2, OU3 and the remaining portions of OU1) of the Davenport and Flagstaff Smelters Superfund Site from the National Priorities List.

- The public comment period dates are June 4 to July 5.
- The Davenport and Flagstaff Smelters site is located about 15 miles southeast of Salt Lake City, Utah, in a mostly residential and commercial area at the mouth of Little Cottonwood Canyon.
- The Davenport and Flagstaff Smelters were constructed around 1870 at the mouth of Little Cottonwood Canyon. Both smelters processed lead and silver ore removed from mines near Alta, Utah. Historical operations contaminated soil with metals. Former operators decommissioned and dismantled both smelters by 1879. Subsequently, site use was mostly agricultural until the 1970s and 1980s when a restaurant and a residential community began to develop. Following cleanup, operation and maintenance activities are ongoing.
- Construction was completed in 2012 and institutional controls are in place.
- Two Five Year Reviews (FYRs) were conducted, in 2012 and 2017. Both FYRs found the remedy at the Site to be protective. The most recent review concluded that response actions at the site are in accordance with the remedy selected by EPA and that the remedy continues to be protective of human health and the environment.
- Contact: Erna Waterman, 312-6762

OFFICE OF ENFORCEMENT, COMPLIANCE & ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES:

SDWA Enforcement Unit is issuing an Administrative Order to Whitaker Oil regarding the Broken Wheel Truck Stop Public Water System located in Converse County, Wyoming.

Key Message: Alleged violations are for failure to monitor total coliform bacteria in March and April 2018, March – July 2017, and September - November 2017, as well as a Ground Water Rule failure to monitor in 2016. The order requires the System to monitor and complete public notice as required by the regulations.

- The system serves approximately 320 people year-round.
- EPA is taking this action because the state does not have delegation.
- Technical Contact: Christina Carballal, 312-6046; Management Contact: Tiffany Cantor, 312-6521

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SDWA Enforcement Unit Issued a Notice of Loss of Mechanical Integrity Under SDWA to the Red Willow Production Company for a Well Located in Colorado on the Southern Ute Indian Reservation.

Key Message: SDWA Enforcement Unit issued a Notice to the Company the week of May 28 due to a loss of mechanical integrity.

- The Company notified EPA that this permitted Class II injection well lost mechanical integrity on May 24, 2018.
- The underground injection control (UIC) permit requires the company to cease injection when losing mechanical integrity at this well.
- Before injection may resume, the regulation requires the well to be repaired successfully, demonstrate the well passed a mechanical integrity test, and obtain a written authorization from EPA. The Company also has the option of properly plugging and abandoning the well. Failure to comply may result in an enforcement action.
- EPA is issuing this letter because this injection well is located on the Southern Ute Indian Reservation where EPA has direct implementation authority.
- Technical Contact: Nathan Wiser, 312-6211; Management Contact: Tiffany Cantor, 312-6521.

NPDES Enforcement Unit Plans to Conduct Inspections on the Northern Cheyenne and Crow Indian Reservations and Assist Montana with an MS4 Inspection in June 2018

Key Message: NPDES Enforcement plans to conduct the inspections listed below in June 2018.

- Planned inspections:
  - Crow Reservation: two produced water dischargers, one lagoon, various construction stormwater sites (as time allows);
  - Northern Cheyenne Reservation: six wastewater lagoons, two federal facilities discharging to a lagoon, and construction stormwater sites (as time allows); and
  - Montana MS4: Yellowstone County.
- The EPA directly implements the NPDES program in Indian country.
- Montana DEQ requested EPA's assistance with the MS4 inspection. The inspection will be led by the state.
- The purpose of the inspections is to verify compliance with the facilities' NPDES permits or determine if the facilities are discharging without a permit.
- The inspections on the Crow and Northern Cheyenne Reservations were rescheduled from May due to concerns raised by the respective tribal Chairman and President.
- Consistent with the Federal government's trust responsibility and Region 8's Guidance for Compliance Monitoring, Compliance Assistance, and Enforcement Procedures in Indian Country, the tribes' governments were notified of the inspections by a letter from ARA. Suzanne Bohan to Lawrence Jace Killsback, President of and the Northern Cheyenne Tribe and Alvin Not Afraid, Jr., Chairman of the Crow Tribe at least one week prior to the scheduled inspection date.
- Technical Contacts: Akash Johnson 312-6067 (Crow and Northern Cheyenne) and Mike Boeglin 312-6046 (Yellowstone County); Management Contact: Stephanie DeJong 312-6362

NPDES Enforcement Unit to Send Information Request to Little Wound School in Kyle, South Dakota on the Pine Ridge Indian Reservation Regarding Sanitary Sewer Overflows

Key Message: NPDES Enforcement plans to send a CWA Section 308 Request for Information Request to the Little Wound School in Kyle, South Dakota to gather information regarding sanitary sewer overflows (SSOs). An April 25, 2018 inspection of the school's wastewater lagoon indicated there have been unreported SSOs that may have reached No Flesh Creek.

- The EPA directly implements the NPDES program in Indian country.

- This request for information does not require review by OECA based on the May 31, 2017 memo, *Interim Procedures for Issuing Information Requests Pursuant to Clean Air Act § 114, Clean Water Act § 308, and RCRA § 3007.*
- The inspectors received multiple conflicting accounts of one of more SSOs between November 2017 and February 2018 as part of the inspection and follow-up conversations. The purpose of the information request to gather specific information on SSOs that is signed and certified. The information gathered will include answers to questions such as the dates of SSOs, causes, corrective actions, whether they reached surface water, and how the information was determined to ensure its accuracy.
- Technical Contact: Laurel Dygowski 312-6144, Management Contact: Stephanie DeJong 312-6362

OPA Enforcement Unit Refers Case Against Enforcement/Investigatory / Ex. 7(a) **to the Department of Justice for Violations of the Oil Pollution Act**

Enforcement/Investigatory / Ex. 7(a)

- Contact: Donna Inman 312-6201; Management Contact: Ken Champagne, 312-6608

OPA Enforcement Unit plans to send a 308 Request for Information to Breitburn Energy for two discharges of oil and produced water in Hot Springs and Lincoln Counties, Wyoming

Key Message: The planned 308 request will seek information to determine the extent of discharges of crude oil and produced water from spills into Waters of the U.S.

- On January 24, 2018, a discharge of approximately 173 barrels (7,266 gallons) of natural gas condensate was reported to the National Response Center. This spill occurred as a result of a pipeline break.
- On February 21, 2018, a discharge of approximately 1,500 barrels (63,000 gallons) of crude oil and produced water was reported to the National Response Center. This spill occurred as a result of a valve break on an above ground storage tank.
- Contact: Dennis Jaramillo 312-6203; Management Contact: Ken Champagne 312-6608.

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

Next Week

Site Visit to Basin Electric Laramie River Station

Key Message: Basin Electric is presently installing NO_X emission controls at their Laramie River Station facility in order to meet regional haze requirements. The NOx controls include selective catalytic reduction (SCR) for Unit 1, and selective non-catalytic reduction (SNCR) for Units 2 and 3.

- The NO_X controls are being installed to meet the terms of a settlement agreement entered into by the EPA, the state of Wyoming and Basin Electric, which is intended to resolve related litigation.
- In accordance with the settlement agreement, the EPA must propose by October 5, 2018, a revised Federal Implementation Plan for the Laramie River Station reflecting, among other things, the agreed upon NO_X controls.
- In preparation for this work, staff from Region 8's Air Program will visit the Laramie River Station on June 6th to learn more about the NO_X emission controls as they are being installed.
- The site visit is being facilitated by the Wyoming Department of Environmental Quality.
- Contacts: Aaron Worstell, 312-6073; Monica Morales, 312-6936

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report

OFFICE OF WATER PROTECTION

No report

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