# Region 1

## Hot Topics

**Region 1 Participates in Offset Meeting with Vineyard Wind and MADEP**
On March 27, Vineyard Wind and MADEP met with the Region 1 Air Permitting Team to discuss options on how to meet the Nonattainment New Source Review emission offset credit obligation for the 800 MW wind farm project proposed in Federal waters off Massachusetts. EPA HQ (OAQPS and OGC) and BOEM also participated on the call. Vineyard Wind presented interpretations as to why offset requirements either do not apply or have limited applicability to the OCS wind farm project.

**Clean Water Act (CWA) Order Issued to Ware, MA Wastewater Treatment Facility**
Region 1 has issued a Clean Water Act Administrative Order (AO) to the Town of Ware, Massachusetts for violations of the aluminum and copper limits contained in its NPDES permit. Over the past two years, the facility has discharged levels of aluminum and copper over the levels allowed in its NPDES permit to the Ware River. The AO provides a schedule of work to be completed at the facility to address the violations. Massachusetts has not been delegated the Clean Water Act program, but Region 1 worked in close coordination with MassDEP on this matter.

**Region 1 Settles CWA Action Against Old Dutch Mustard Co., Inc. d/b/a Pilgrim Foods**
On April 2, the Region filed a Consent Agreement and Final Order that resolved CWA violations against Pilgrim Foods, owner of a food production facility in Greenville, New Hampshire. The facility discharges stormwater from three outfalls into a tributary of the Souhegan River. The Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP), issued by Region 1, authorizes Pilgrim Foods to discharge stormwater and certain allowable non-stormwater discharges. In December 2018 and January 2019, Pilgrim Foods discharged low-pH materials that were not authorized by the MSGP or any other NPDES permit. The facility reported that a production pump had been inadvertently left on, causing process materials to overflow and be released into the stormwater drainage system.

## Upcoming Major Decisions and Events

**Region 1 to Host Citizen Science Workshop**
On April 17 Region 1 will host a Citizen Science Workshop to train practitioners on the new Quality Assurance Handbook ([ HYPERLINK "https://www.epa.gov/citizen-science/handbook-quality-assurance" \h ]) which provides best practices for citizen science organizations on how to document quality assurance for citizen science projects. The Region expects 40-50 local participants from states, NGOs, academia and citizen scientists to attend in person, and staff from other regions will participate via skype to facilitate similar events in each region.



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# Region 2

## Hot Topics

**District Court Dismisses Federal Tort Claims Act (FTCA) Suit Against EPA**
On 3/29 the District Court for the Southern District of NY granted the government's motion to dismiss the 4/4/18 FTCA suit filed by William Huntress and his company, Acquest Development. The complaint alleged malicious prosecution, intentional infliction of emotional distress, and abuse of process by EPA staff in the government's prosecution of Huntress, Acquest Development, and another of Huntress's companies, Acquest Transit, for wetlands violations. That prosecution resulted in Acquest Transit pleading guilty to criminal contempt and paying a $500,000 fine. The court determined it lacked jurisdiction over the FTCA suit because the alleged EPA misconduct falls within the FTCA's discretionary function exception. Significantly, the court also rejected plaintiffs' argument that the standard for CWA jurisdiction had been rendered unconstitutionally vague by the Supreme Court's decision in *Rapanos v. US*, and found that EPA's assertion of jurisdiction over the subject wetlands, and its subsequent enforcement actions, were proper exercises of its delegated CWA authority.

**Ringwood Mines Superfund Site, NJ**
On 4/4 RA Pete Lopez and staff briefed staff for NJ Senator Booker and, separately, also Congressman Gottheimer, regarding this site. They each requested such a briefing after a recent news story about EPA's ongoing assessment of groundwater contamination from the site. The story reported on local concerns that 1,4-dioxane contamination from the site could adversely affect the Wanaque drinking water reservoir about 1.5 miles away. Extensive monitoring has shown no such impact, and there is no scientific basis to believe that such an impact would occur in the future. Monitoring will, however, continue; and EPA has not yet made a decision about what remediation is appropriate for the relatively low level groundwater contamination associated with this site.

**Passaic River Superfund Site (NJ)**
The 4/4 briefing for Senator Booker's staff (see above) also addressed the Passaic site. The briefing addressed all aspects of the site, but focused on the work underway now, through a Remedial Investigation and Focused Feasibility Study, to identify an interim remedy for the upper 9 miles of the Lower Passaic River (known as OU#4 of the Diamond Alkali NPL Site, which is included on the Administrator's Special Emphasis List).

**Route 203 Superfund Site, Nassau Township, NY**
On 4/1 and 4/2 EPA notified residents of the results of the testing of their private wells conducted by EPA the week of 3.18. EPA sampled 26 residential groundwater wells located near the site. Preliminary results show that TCE was detected in three of the 26 wells, at levels below the federal and state drinking water standards, and the remaining wells were all non-detect. Out of an abundance of caution, a public supply well of the adjacent Village of Nassau located over a mile away was also sampled, and was also non-detect. Validated sampling results are expected in about three weeks. The Nassau Township Supervisor issued a press release on 4/3 to inform area residents about the site and the sampling; the release was complimentary of EPA's response activities.

**Meeting with NJDEP**
On 4/3 RA Pete Lopez and senior staff met with NJDEP Commissioner Catherine McCabe and senior staff. Discussion focused on recent PFAS regulatory and litigation initiatives by the state and joint information gathering we are performing; lead service line replacement efforts in Newark, Trenton and elsewhere; the positive results from a joint Kaizen event to expedite NJ's preparation of CWA 303(d) lists; and several Superfund sites.



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## Upcoming Major Decisions and Events

**ECOS & NTOC Meetings**
RA Pete Lopez will attend the ECOS and NTOC meetings on April 8 and 10.

**Meeting with New USVI Environmental Commissioner**
On 4/10 Carmen Guerrero, Director of R2's Caribbean Environmental Protection Division, together with staff, will meet with recently appointed Commissioner J. P. Oriol of the USVI Department of Planning & Natural Resources. RA Pete Lopez has previously communicated with Commissioner Oriol; this will be the first meeting between the agencies under the new USVI administration that took office in January.



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# Region 3

## Hot Topics

**Deliberative Process / Ex. 5**

**Office of Research and Development (ORD) and Region 3 Staff Discuss Multipollutant Model**
On March 26 & 27, ORD staff from two laboratories at Research Triangle Park (RTP) visited Region 3 to jointly kick-off a new Regional Applied Research Efforts (RARE) grant. The project aims to further develop the "GLIMPSE" (GCAM Long-term Interactive Multi-Pollutant Scenario Evaluator) model into an easily-accessible decision support system that can help States develop policies to meet the National Ambient Air Quality Standards (NAAQS). During their visit, the ORD team met with numerous Air & Radiation Division staff, provided a project update to the Regional Science Council, and offered a presentation open to any interested Regional staff.

**Watson Johnson Landfill Superfund Site, Richland Township, Bucks County, Pennsylvania**
On March 25, 2019, EPA signed the Preliminary Close Out Report (PCOR) for the Watson Johnson Landfill Superfund Site documenting that the remedy was constructed in accordance with the approved design plans and specifications and that construction completion has been achieved. The PCOR includes information about the landfill and groundwater remedial action construction activities, the February 26, 2019 pre-final inspection conducted by EPA and the Pennsylvania Department of Environmental Protection, and the schedule for Site completion.

**The Region 3 Laboratory Responds to Fungicide Spill in Lee County, VA by Coordinating Analytical Services**
In late February 2019, approximately 4000 gallons of the biocide NeXgen® were spilled near a drinking water supply in Lee County, VA. NeXgen® is a pesticide containing two chemicals of concern, chlorothalonil and fungicide methylene bis(thiocyanate) (MBT). The drinking water plant was not impacted. After cleanup was complete, analytical services were necessary to confirm successful cleanup. Virginia Department of Health reached out to Region 6 for analysis of MBT and Region 7 for analysis of chlorothalonil. Region 3 coordinated with Virginia's Department of Health and Department of Environmental Quality to assist the EPA regional laboratories with sample shipment and analytical reporting. Neither chlorothalonil nor MBT were detected in samples.

**Cost-Effective Shale Water Management Conference**
On March 28, at the 9th annual Shale Water Management Marcellus and Utica 2019 Conference held in Pittsburgh, Pennsylvania, members of Region 3's Underground Injection Control Program, joined EPA Headquarters staff on a panel to provide a regulatory update on deep disposal well permitting in Pennsylvania. The purpose of the panel was to explain the current regulatory framework for disposal and how EPA is working on streamlining the process.

## Upcoming Major Decisions and Events

**Maryland 2018 Listing of Impaired Waters under CWA 303(d)**
The term "303(d) list" or "list" is short for a state's list of impaired and threatened waters (e.g. stream/river segments, lakes). States are required to submit their list for EPA approval every two years. For each water on



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the list, the state identifies the pollutant causing the impairment, when known. The Maryland Department of Environment (MDE) 303(d) list is ready for EPA approval with a 30-day statutory deadline expiring on April 10, 2019. EPA believes that EPA responded to all public comments appropriately. Current litigation by EarthJustice challenged EPA's approval of Maryland's 2012 list of impaired waters based on their position that the Chesapeake Bay TMDL is not designed to address what they term as "local" water quality within each individual Bay segment. EPA has rigorously defended this lawsuit. The litigation twice has been expanded to encompass Maryland's 2014 and 2016 lists when those superseding lists were approved and it is possible the litigation will again be expanded to encompass the 2018 list.

**Regional Administrator Cosmo Servidio has the following events scheduled**:

April 8-10: ECOS Spring Meeting, Washington, DC.
April 10: EPA's National Tribal Operations Committee Meeting. Washington, DC
April 11: Delaware State University MOU signing. Dover, DE.

# Region 4

## Hot Topics

**Paducah Gaseous Diffusion Plant (Paducah, KY)**
On March 29, 2019, DOE, the State of Kentucky, and Region 4 signed a Memorandum of Agreement, resolving the SEC level dispute regarding the Paducah Site Management Plan. Two active SEC level disputes currently remain at the facility.

**Eastern Band of Cherokee Indians Water Quality Standards**
On March 28, 2019, the first Water Quality Standards package developed by the Eastern Band of Cherokee Indians was approved by Region 4. On April 4, the approved decision document was formally presented to the tribe at a ceremony in Atlanta, which recognized the tribe's achievement in assuming the program and adopting water quality standards for tribal lands.

**Mississippi Phosphates Corporation Site (Pascagoula, MS)**
Region 4 currently treats 1-4 million gallons per day of wastewater at the MSP site at an average monthly cost of $1 million. The remaining water treatment budget for this site is $4.4M, and we are approaching hurricane season. Region 4 is working with the Priority Panel to obtain additional funding for water treatment, which is expected to be needed by late June/early July 2019.

**Rockwell International (Grenada, MS)**
Region 4 is working with the Office of Congressional and Intergovernmental Relations on a request from Congressman Bennie Thompson's (D-MS; 2nd District) office for a briefing on April 30th regarding the status of the Grenada, MS Superfund site and the Superfund process generally.

## Upcoming Major Decisions and Events

**Deliberative Process / Ex. 5**

Paducah Formal Dispute Resolution for the C-400 Removal Notification SEC level dispute - April 28, 2019

Paducah Formal Dispute Resolution for the Engineering Evaluation/Cost Analysis SEC level dispute - May 18, 2019

# Region 5

## Hot Topics

**Mercury Release at Chicago Public Elementary School**
EPA is assisting the Chicago public school district with the investigation and cleanup of a mercury release at an elementary school.

On March 26, a broken barometer containing 4-5 tablespoons of mercury was spilled at the school and multiple 8th graders came in contact with the substance. EPA is overseeing the cleanup and the school has been closed since March 27. A parents-only meeting was held on March 29. EPA participated in the question and answer panel and provided screening of childrens' clothes, shoes and other belongings outside of the meeting and screened 18 residential homes of the children who were impacted. The home screenings did not reveal elevated levels of mercury vapor. EPA continues to work with Chicago Public Schools (CPS), Chicago Public Health Department, ATSDR and other agencies to provide technical assistance at the site. On April 4, CPS CEO Janice Jackson visited the school and spoke with EPA to learn more about site activities. At the moment, the school is scheduled to re-open on Monday, April 8, pending final clearance testing at a limited number of remaining locations and approval from CDPH and EPA.

**Indoor Air Sampling at Two Elementary Schools in Franklin, Ind., Does Not Indicate Vapor Intrusion**
Last week, during spring break, the school district sampled indoor air quality and found no elevated levels of VOCs, allowing the schools to reopen.

The schools were shut down two weeks ago after the district reported subslab VOC results above Indiana Department of Environmental Management's screening levels had been found. IDEM has also been conducting sewer system sampling in the area – results pending. EPA has received multiple media inquiries regarding Franklin and conducted a background interview with CBS Sunday Morning on April 1.

EPA has been in frequent communication with the Indiana Department of Environmental Management, discussed appropriate next steps with the state, and has offered to provide technical assistance as needed. Community group, *If It Was Your Child*, and environmental group, *Edison Wetlands Association*, have been raising concern about contamination in Franklin and the number of pediatric cancer cases there.

**EPA Providing Assistance with Marathon Pipeline Spill in Knightsville, Ind**.
Marathon reported a spill of "natural" gasoline of up to 300 barrels that made it into an unnamed creek near the spill site.

IDEM is the lead agency for this response and EPA continues to provide technical assistance and air monitoring support. Marathon and EPA conducted air monitoring near residential properties, which show no elevated levels. Marathon is using sorbent pads to remove recoverable spilled product from surface water. Affected fish and wildlife has included: 8 ducks, 1 woodpecker, approximately 300 small fish and minnows, and several salamanders and frogs.

**EPA Proposes Cleanup Plan Changes for the Koppers Wood Treating Site in Carbondale, Ill.**

**Deliberative Process / Ex. 5**

EPA determined that dioxin and furan compounds on the Koppers site were not fully evaluated in the 1990s and further studies determined that an additional 15.8 acres of the site need remediation. The public comment period for the explanation of significant difference started on March 28 and runs through April 19, 2019. The public



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comment period may be extended to accommodate a request from local community groups to hold a public meeting in Carbondale.

**Region 5 to Public Notice Keweenaw Bay Indian Community Application for Treatment as a State**

**Deliberative Process / Ex. 5**

RA Stepp has been conducting phone notifications, which will be followed by notification letters. Region 5 received the KBIC Clean Water Act program eligibility application dated May 21, 2013, and resubmitted Oct. 27, 2017, under the EPA Revised Interpretation of the Clean Water Act Tribal Provision. This will be the first TAS application processed in Region 5 under the revised interpretation and the first TAS for CWA 303(c) and 401 in the state of Michigan.

**Illinois Dept. of Public Health's Cancer Incidence Study for Willowbrook, Ill., Released March 30**
The Illinois Department of Public Health found that some cancers were elevated in the population surrounding the Sterigenics facility in Willowbrook, Ill.

Using the Illinois State Cancer Registry, IDPH reviewed cancer cases that were diagnosed between 1995-2015. Three cancers that previous studies have found to be associated with EtO, non-Hodgkin's lymphoma, myeloma, and lymphocytic leukemia, were not found to be increased in either males or females. However, another cancer, Hodgkin's lymphoma, showed a statistically significant elevation among females. Female breast cancer rates were also elevated relative to the state average, but the difference was reduced to non-significant when compared to the county average. Non-Hodgkin's lymphoma rates have increased in females over time (1995 to 2015), and in recent years, its increased rate has reached statistical significance. A separate analysis of pediatric cancer revealed that childhood lymphoma rates were also elevated. Several other cancer sites that have never been documented to be related to EtO were found to be higher (i.e., prostate cancer for males, and pancreatic, ovary, and bladder cancers for females) and other sites were found to be lower (i.e., female leukemia and lung cancer) than comparable populations. IDPH recommends further research in Illinois and at the national level to determine the risks associated with ethylene oxide.

**Favorable Decision from the District Court for the District of Columbia in Center for Regulatory Reasonableness v. EPA**
The court found that the Center for Regulatory Reasonableness's claim that EPA's approval of Minnesota numeric nutrient criteria was "arbitrary and capricious" was meritless.

The Center for Regulatory Reasonableness's (CRR) case was challenging EPA's January 2015 approval of Minnesota's numeric nutrient criteria and its June 2016 denial of CRR's request for reconsideration. CRR claimed that Minnesota's criteria and EPA's approval were arbitrary and capricious or otherwise in violation of the APA due to several alleged scientific and legal errors. The court found CRR's claims meritless, explaining that "[i]t is clear from the administrative record before me that EPA more than adequately considered the relevant factors and provided a reasoned basis for its approval decision." The court ultimately concluded that "the record here reflects precisely the sort of cooperative federalism that the CWA envisions."

**Upcoming Major Decisions and Events**

**Northwest Indiana Great Lakes Success Project Tour on April 5**
Staff will highlight some of EPA's Great Lakes Restoration Initiative successes in Northwest Ind.

The tour was requested by Rep. Visclosky's staff. State Rep. Earl Harris and Fernando M. Trevino, executive director at East Chicago Waterway Management District will also attend.

**Regional Senior Leaders Traveling to DC for ECOS, NTOC and EMC**
RA Stepp and Chief of Staff Thiede will be attending ECOS and NTOC; and Deputy Administrator Cheryl newton will be attending NTOC and EMC.

**RA Stepp Meeting with Southeast Chicago Community Groups on April 16**
Community advocates have asked to meet with RA Stepp to discuss EPA work in southeast Chicago and to talk about future action including additional monitoring and investigations that may be needed.

EPA has made significant investments to protect health and the environment in southeast Chicago from air emissions and soil contamination (as detailed at [ HYPERLINK "https://www.epa.gov/il/environmental-issues-southeast-chicago" ]). This meeting reflects Region 5's ongoing commitment to engaging our community partners as we work with state and local agencies to improve environmental quality in southeast Chicago communities.



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# Region 6

## Hot Topics

**Intercontinental Terminals Company (ITC) LLC, Deer Park, Texas**
As of April 2, 2019, the number and amount of benzene detections has continued to decrease throughout the past two days, due to the continue removal of product from tanks and the tank farm, as well as continued use of foam as needed. The flushing plan for Tucker Bayou developed by EPA, TCEQ, USCG, and ITC was approved by Unified Command and flushing operations began on April 3, 2019. TCEQ and EPA provided comments on the Waste Water Treatment Plant (WWTP) and the Waste Handling and Interim Storage Plan to ITC representatives. Several entities including TCEQ, EPA, and ITC continue to conduct air monitoring around the tank farm, in adjoining industrial areas, and communities downwind from the facility. EPA conducted surface water sampling on April 2, 2019, at 10 sample locations. The surface water samples were collected along Buffalo Bayou and the San Jacinto River, and will be analyzed for Per- and polyfluoroalkyl substances (PFAS), Volatile Organic Compounds (VOCs), Semi-volatile Organic Compounds (SVOCs), Chemical Oxygen Demand (COD), and Oil & Grease. High Congressional and Media Interest

**KMCO Inc., Crosby, Texas**
On April 2, 2019, EPA was notified of a fire and explosion at the KMCO Crosby, Texas chemical facility. Two injuries and one fatality were reported as a result. KMCO is a specialty chemical manufacturer that produces custom chemical blends for various customers to include several RMP regulated substances, some flammables and toxics including ethyl chloride, ethylene oxide, sulfur dioxide, formaldehyde, ammonia, propylene oxide, and isobutylene (2-methylpropene). The Airborne Spectral Photometric Environmental Collection Technology (ASPECT) aircraft conducted a screening level assessment and found no exceedances of the short-term Air Monitoring Comparison Values (AMCVs). No chemicals were detected by the ASPECT. Additionally, EPA conducted handheld air monitoring at the facility with no results above the detection limit having been observed. EPA conducted air sampling using the Trace Atmospheric Gas Analyzer (TAGA) on April 3, 2019. The TAGA analyzed the air samples for benzene, toluene and xylene and found no exceedances of the short term AMCV's. As of April 3, 2019, no further response issues have been reported and cleanup activities are moving forward. The KMCO facility is shut down and TAGA and ASPECT completed their final runs and have returned to the nearby ITC Fire response.

## Upcoming Major Decisions and Events

**Albuquerque Air Permit SIP, Albuquerque, New Mexico**

**Deliberative Process / Ex. 5**

**New Mexico-Albuquerque 2015 Ozone, New Mexico**

**Deliberative Process / Ex. 5**

**Texas 2015 Ozone Infrastructure SIPs, Texas**

**Deliberative Process / Ex. 5**

**Pueblo of Santa Ana TAS Application, New Mexico**

Deliberative Process / Ex. 5

**2008 Ozone Standard Volatile Organic Compound SIP and Reasonably Achievable Control Technology, Houston/Galveston/Brazoria, Texas**

Deliberative Process / Ex. 5

**Beaumont/Port Arthur Redesignation/Maintenance Plans for 1 hour and 1997 8 hour Ozone Standards, Beaumont/Port Arthur, Texas**

Deliberative Process / Ex. 5

April 4 - Texas House Environmental Regulation and Homeland Security & Public Safety Committee hearing on Intercontinental Terminals Company, LLC

[ HYPERLINK "x-apple-data-detectors://13" ]-10 - ECOS Meeting, Arlington, VA

April 12 - NTOC, Washington, DC

# Region 7

## Hot Topics

**Good Hope Road Drum Cleanup Start**
On September 5, 2018, Missouri Department of Natural Resources referred the Good Hope Road Drum site to EPA Region 7. The MDNR personnel conducted a reconnaissance on April 17, 2018, of a property in rural Berger, Missouri and identified 86 55-gallon drums that had reportedly been in their present location for approximately 50 years. Many drums were weathered beyond proper identification and were observed to have leaking contents.
This week, the EPA began a time-critical removal action to address the abandoned drums. The EPA will consolidate wastes into shippable containers and dispose of the wastes appropriately.

**Region 7 Flood Impacts and Response**
The EPA is supporting Nebraska and Iowa with hazardous material releases, oil discharges (ESF-10), and all four Region 7 states with drinking water/wastewater (ESF-3) impacts due to the extreme flooding events occurring in the Midwest. The EPA is present at Joint Field Offices in Nebraska and Iowa. Three On-Scene Coordinators are currently deployed to Iowa and one OSC and a START contractor is deployed to Nebraska. The EPA has received a total of $225,000 in mission assignments to date. The EPA anticipates additional Mission Assignment funding for Iowa in the next few days to collect orphan containers along the I-29 corridor. This funding is being held up by the state of Iowa whose preference is to incrementally fund the operation versus funding the entire estimated amount. The EPA removed six large LPG or fuel tanks from the Interstate I-680 corridor. This was a priority for DOT and Iowa to be able to repair and reopen the interstate. For both Iowa and Nebraska, response activities will continue to focus on identifying the universe of orphan containers and estimating costs for recovery and disposal. Overflights are planned for this week and into the weekend, weather permitting, as well as continued coordination with local officials.
Under our own authority, the EPA is also following up on NPL sites and regulated facilities (FRP, RMP, and RCRA CA) to assess impacts.

**AWMD Flood Assessments**
AWMD is responding to requests from SPFD & OLEM to conduct assessments of over 500 Risk Management Plan facilities and 100 RCRA Corrective Action sites to determine if, and how, they've been affected by the floods in Region 7.

**IDNR No Action Assurance Request – Asbestos NESHAP**
The IDNR has been adversely impacted by flooding and is anticipating requesting a No Action Assurance for some aspects of the asbestos NESHAP. Should IDNR move forward with the request, the EPA will review it carefully and respond as quickly as feasible.

## Upcoming Major Decisions and Events

On April 3, the Water, Wetlands and Pesticides Division Director Jeff Robichaud attended the 2019 Joint Conference of the Missouri Water Environment Association and the Missouri Section of the American Water Works Association as a panel participant discussing state and federal drinking water and clean water. The meeting was held in Osage Beach, Missouri.

On April 8 and 9, Regional Administrator Jim Gulliford and Deputy Regional Administrator Ed Chu will attend the 2019 Environmental Council of the States Spring Meeting in Crystal City, Virginia.

On April 10, Regional Administrator Jim Gulliford and Deputy Regional Administrator Ed Chu will attend the 2019 National Tribal Operations Committee Meeting in Washington, D.C.



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# Region 8

## Hot Topics

**Colorado's Denver Metro / North Front Range Ozone Nonattainment Area**
On March 29, Colorado Governor Jared Polis sent a letter to R8 Administrator Benevento, requesting formal withdrawal of Colorado's (CDPHE) June 4, 2018 request for a one-year extension of the July 20, 2018 attainment date (under the 2008 ozone standard) for the "moderate" Denver Metro North Front Range (DMNFR) nonattainment area. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 The Region continues to work closely with CDPHE (our next meeting is scheduled for April 19). Related, on March 26, WildEarth Guardians (WEG) filed suit against the Administrator in U.S. District Court of Colorado, seeking to compel EPA to make a determination regarding the attainment status of the DMNFR area under the 2008 standard (as was required by Jan. 20, 2019, six months after the July 20, 2018 attainment deadline). Finally, the Region is aware of seven (7) notices of intent to sue recently issued by WEG to oil and gas operators. The notices mirror public comment letters WEG submitted to CDPHE in late March on draft synthetic minor permit actions for these operators' facilities in the DMNFR area. WEG claims these facilities were major sources of emissions in a nonattainment area and failed to obtain preconstruction permits in a timely manner. U.S. Rep. Diana DeGette (D-CO) sent a letter to Gov. Polis (dated March 21), citing WEG's allegations and urging the state to investigate the claims. CDPHE has not yet responded to WEG's public comment, but indicated to the Region that it is relying on EPA-approved SIP provisions to defend the practice.

**Ute Business Committee (UBC) Consultation on National and Regional Specific FIP**
On April 2nd we met with the UBC at Fort Duchesne to update them on the status of the National Oil & Gas FIP amendment and to continue our consultation (this was the 3rd meeting) on the draft Reservation specific (U&O) FIP. The meeting/consultation went well. For the draft U&O FIP, we emphasized that we had revised the preamble language stating we were seeking additional information on oilfield wastewater disposal facilities (OWDFs) to address concerns we heard from the UBC during our March 18th consultation that the OWDFs are a major contributor of VOCs. We reiterated our commitment to consult again with the UBC during the public comment period and again before we finalize the FIP. The Tribal Attorney envisioned the UBC would pass a resolution and send a letter within the next two weeks supporting Region 8 sending the rule package to OAR.

## Upcoming Major Decisions and Events

Nothing to report this week.



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# Region 9

## Hot Topics:

**Good Samaritan Agreement**
We completed a CERCLA administrative settlement and consent order with a non-liable party, Tuleyome, in which this local nonprofit organization will conduct a removal action at an abandoned mercury mine site (Corona Mine, Twin Peaks Mine) in Napa County, CA. Tuleyome will consolidate mercury mine waste, address onsite nickel contamination, and modify trenches to prevent acid mine drainage from reaching nearby creeks.

**RCRA Enforcement**
We completed a CA/FO with Tesla Inc. to resolve RCRA violations at its Fremont (CA) manufacturing plant. Although the penalty ($31K) and associated SEP (valued at $55K) seem modest, this action received an exceptional level of media interest.

**Waters/Wetlands**
The CA State Water Resources Control Board adopted a policy to define wetlands and procedures for discharges to waters of California after a 10-year period of development and stakeholder engagement. The policy takes effect in 2020.

## Upcoming Major Decisions and Events

**OAR Assistant Administrator Visit**
We'll welcome OAR AA Bill Wehrum to the San Francisco Regional Office and Steve Cook to the So. California Field Office on Tuesday, April 9.

**Water Infrastructure**
Water Director Tomas Torres will attend the ribbon-cutting ceremony for the Wilcox (AZ) wastewater treatment plant. The $16.5 mil. upgrade to meet NPDES permit limits and improve Cochise Lake quality was funded by $4.6 mil. in EPA's Border Environmental Infrastructure Funds, as well as USDA loans and grants.

**CAA rule**
The acting Regional Administrator will sign a Federal Register notice proposing approval of the CA Air Resources Board's enforceable commitment to achieve 1 ton/day of NOx emission reductions in the So. Coast air basin by 2023 through implementation of incentive projects. This commitment is part of the So. Coast AQMD's attainment plan, which includes oversight of 1,300 on-road heavy-duty compression ignition truck repower and replacement projects.

**Emergency Preparedness**
EPA and the US Coast Guard will host a workshop for federal, state and local response agencies in Phoenix April 9 – 11 to inform revisions to our Regional Contingency Plan for oil and hazardous material responses in Arizona, California and Nevada.



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# Region 10

## Hot Topics

Nothing to report this week.

## Upcoming Major Decisions and Events

**Approval of the Idaho Human Health Water Quality Criteria**
Today EPA approved the State of Idaho's water quality standards for toxic pollutants. Idaho's new and revised human health water quality criteria, submitted in December 2016, rely upon Idaho-specific fish consumption surveys for the general population and recreational fishers and consideration of data from tribal fish consumption surveys. EPA has determined that the Idaho standards are consistent with the Clean Water Act and its implementing regulations, and protective of all residents of Idaho.

**Deliberative Process / Ex. 5**

**Approval of Alaska Impaired Waters Lists**
Region 10 will be approving the 2012 and combined 2014/2016 Alaska Integrated Reports (anticipated the week of April 8.) The 2012 report was submitted in December 2013 and the 2014/2016 in November 2018. EPA worked with the Alaska Department of Environmental Conservation (ADEC) to resolve technical concerns with the 2012 list, which ultimately delayed both EPA's decision on that list and ADEC's submission of the subsequent lists. EPA coordinated closely with ADEC, provided technical support, and facilitated two LEAN events related to these submittals. Region 10 staff also attended a stakeholder meeting in Anchorage during the 2014/2016 public draft comment period. EPA has worked with ADEC to enable them to submit the 2014/2016 report electronically through ATTAINS, resulting in the first electronic submittal of an Impaired Waters List in Region 10. As a result, the lists are consistent with CWA regulations and can be fully approved. The state is in agreement and we expect no objections.

**Region 10 Idaho NPDES Permit Issuance**
Region 10 issued a final permit this week for the **Darigold Inc. processing facility** which discharges to the Lower Boise River. The final permit contains new effluent limits consistent with applicable TMDLs for nutrients, bacteria, and temperature. EPA recently received a final CWA Section 401 certification from the State of Idaho. Idaho DEQ staff co-authored the permit with EPA staff as part of a permit capacity building effort with the state. On April 4, 2019, EPA initiated a 30-day comment period for a draft permit for **Jug Mountain Ranch, LLC**, a private sewage treatment plant. This is a planned unit development consisting of single and multi-family homes and recreational facilities (golf course, club house, maintenance facility). Both Darigold and Jug Mountain will transfer to the State of Idaho on July 1, 2019, consistent with the IPDES Program approved by EPA in 2018. Issuance of these permits are part of an effort by the Region to reduce the permit backlog prior to transfer of this sector to the state.



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# Office of Air and Radiation

## Hot Topics

**Tracking SIP Actions:**

- Total Number of SIPs submitted to Regions in FY 2019: 141
- Total Number of SIP Submittals with Final Action taken by the Regions in FY 2019: 121
- Total Number of Pending SIPs: 763

**Packages for Signature:**

- Revision to Appendix P to 40 CFR Part 51, Concerning Minimum Emission Reporting Requirements in SIPs
- Asphalt Processing and Asphalt Roofing Manufacturing Risk and Technology Review (RTR) (Proposed Rule)
- Boat Manufacturing & Reinforced Plastic Composites RTR (Proposed Rule)
- Final Hyland Landfill Title V Petition Order

**Packages at (or soon to be at) OMB for Review**:

- Deliberative Process / Ex. 5

## Upcoming Major Decisions and Events

**ENERGY STAR**
On April 9, ENERGY STAR will announce the 2019 ENERGY STAR Awards, honoring 183 partners for their national leadership in promoting cost-saving, energy-efficient solutions across many sectors of the US economy. Honorees include Fortune 500 companies, schools, retailers, manufacturers, home builders, and commercial building owners and operators. On April 11, the ENERGY STAR awards will be presented at the Washington Hilton Hotel. Bill Wehrum and Sara Neff, Senior Vice President of Kilroy Realty, will deliver keynote presentations.

**CAPCA**
On April 11, Clint Woods will be in Asheville, NC to speak at the Carolinas Air Pollution Control Association's (CAPCA) 50th Annual Spring Technical Workshop & Forum.

**Inventory of U.S. Greenhouse Gas Emissions and Sinks**
As early as April 11th, EPA expects to publish the *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2017*, a policy-neutral report published annually by EPA since 1993. The Inventory report fulfills annual treaty obligations under the United Nations Framework Convention on Climate Change.



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# Office of Chemical Safety and Pollution Prevention

## Hot Topics

**Reduction in Burden for Chemical Data Reporting (CDR) and Alignment with Amended TSCA**

Deliberative Process / Ex. 5

Manufacturers and importers of certain chemical substances in the TSCA Chemical Substance Inventory must report data on chemical manufacturing, processing and use every four years.

Deliberative Process / Ex. 5

**OCSPP to Update Review Process and Pigment Violet 29 (PV29) Draft Risk Evaluation**
As early as the week of April 8, OCSPP will release the Agency's updated systematic review process documents for PV29 and will reopen the comment period on the PV29 draft risk evaluation following EPA's release on March 22 of 24 studies. In November, EPA requested public feedback on the evaluation, the first of ten under new TSCA, and as a result determined the additional information should be made public. In addition to the public release of the data, EPA used the updated systemic review process, a new TSCA process that EPA is continuing to refine as it gains experience, to re-evaluate the 24 studies used in this risk evaluation. The proposed no unreasonable risk determination in the draft evaluation published in November is unchanged.

**92nd meeting of the Board on Environmental Studies and Toxicology (BEST), National Academy of Sciences**
On April 3, Assistant Administrator Dunn presented on TSCA implementation, PFAS and related water topics during a working dinner with BEST as part of their annual board meeting in Washington, DC. Also, Jeff Morris, Office Director, Office of Pollution Prevention and Toxics (OPPT) participated on a panel titled "Panel Discussion with Environmental Protection Agency Leaders" on April 5th.

## Upcoming Major Decisions and Events

**Society of Automotive Engineers**
April 5, 2019: OPPT Director Jeff Morris will participate in a panel on "Chemical Activities Impacting the Automotive Industry" where he will give TSCA implementation updates

# Office of the Chief Financial Officer

## Hot Topics

EPA's FY 2020 President's Budget House Energy and Commerce subcommittee budget hearing is scheduled for next Tuesday (April 9). OCFO continues to coordinate with OCIR to prepare hearing materials for the Administrator

### Upcoming Major Decisions and Events

The Acting Associate CFO will participate in a roundtable at the 2019 ECOS Spring Meeting on April 9. The roundtable is geared toward helping new members understand the federal budget outlook and processes and STAG grant funding and issues facing them as state environmental commissioners.

On April 10, the CFO will give remarks to and lead a discussion on the EPA's budget and how tribes can participate in E-Enterprise for the National Tribal Operations Committee.

The public comment period on the draft FY 2020-2021 National Program Guidances began April 1 and ends May 3. Relevant AAs/DAAs and Lead Regions will convene individual calls with states/state associations. ECOS commissioners/media committee chairs will participate and provide introductory remarks in their respective calls. OCFO, in collaboration with OITA, NPMs and regions, will convene two consultation calls with tribes/tribal representatives. The schedule is:

- OW (*States*) – April 16
- OITA (*Tribes*) – April 17 and April 18
- OAR and OLEM (*States*) – April 24
- OECA (*States*) – April 25

## Other Items of Note

On April 16, the CFO is speaking and presenting on federal budgeting, performance, and accountability to the Greater Washington Society of Certified Public Accountants.



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# Office of the Congressional and Intergovernmental Relations

## Hot Topics

**April 9** - Administrator Wheeler is scheduled to testify on EPA's 2020 Budget Proposal before the House Energy and Commerce Not yet publicly posted.

**April 10** - House Committee on Transportation and Infrastructure's Subcommittee on Water Resources and Environment will hold a hearing entitled, "The Cost of Doing Nothing: Why Full Utilization of the Harbor Maintenance Trust Fund and Investment in our Nation's Waterways Matter."

**April 10** - House Committee on Energy and Commerce will hold a legislative hearing on "Investing in America's Energy Infrastructure: Improving Energy Efficiency and Creating a Diverse Workforce

**April 11** - Senate Committee on Energy and Natural Resources will hold a full committee hearing to Examine Opportunities for Energy Innovation and Other Potential Solutions to Help Address Global Climate Change

## Upcoming Major Decisions and Events

**April 5** – Miami WIFIA announcement event with Administrator Wheeler, Mayor, and other stakeholders w/OW, R4

**April 9** – Roll out on Innovative Community Anaerobic Digestion Projects Grants for Recycling Food Waste

**April 9** - WIFIA staff and Region VI will join OIR for a meeting with Jabarie Walker, Director of Federal Affairs for the City of New Orleans. The City is interested in exploring potential WIFIA support for a number of pending projects

**April 9** - Elsinore Valley Municipal Water District leadership will meet with Office of Water, Region IX, and OIR staff to discuss the newly authorized Septic Tank Conversion Program (WRDA) and its potential applicability to the District's efforts in its service area.

**April 11**- -Call with Senator Rob Portman's (R-OH) staff to discuss technical assistance on the RECOVER Act and a discussion on marine pollution.



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# Office of Enforcement and Compliance Assurance

## Hot Topics:

**OECA To Announce Environmental Compliance Assistance Website for the Crude Oil and Natural Gas Sector**
OECA is planning to announce the release of a new compliance assistance resource for crude oil and natural gas extraction owners and operators. This new Oil and Natural Gas Extraction Web Portal will provide easily accessible information to help companies comply with federal and state environmental regulations. The Portal was developed in collaboration with the National Center for Manufacturing Sciences (NCMS), the State Review of Oil and Natural Gas Environmental Regulations (STRONGER), and the U.S. Environmental Protection Agency (EPA). Funding was provided through the EPA Compliance Assistance Centers program. When released, it will be available on the Compliance Assistance Centers website: [ HYPERLINK "https://www.epa.gov/compliance/compliance-assistance-centers" ]

**West Virginia Man Pleads Guilty to Clean Water Act Violations; Over 11 Million Gallons of Sewage Illegally Discharged in Potomac River**
On Wednesday, April 3, 2019, Timothy Peer pleaded guilty in the Northern District of West Virginia to two counts of violating the Clean Water Act. Peer was the owner of Mountainaire Village Utility, LLC, a sewage water treatment plant serving the residents of Mountainaire Village near Ridgeley, West Virginia. From 2014 to 2016, Peer admitted to failing to maintain the treatment plant, resulting in untreated and undertreated sewage being discharged into the North Branch of the Potomac River, violating the Clean Water Act and his permit. Peer also admitted to falsely reporting quarterly testing on the wastewater from the plant.

## Upcoming Major Decisions and Events

On Monday, April 8, 2019, OECA Assistant Administrator Susan Bodine will speak at the Environmental Council of the States (ECOS) Spring meeting in Crystal City, Virginia on enhancing Region-state compliance planning and EPA's National Compliance Initiatives. OECA Deputy Assistant Administrator Patrick Traylor will also speak at the ECOS meeting on EPA's New Owner Audit Program and Compliance Assistance Center for Oil and Natural Gas.

On Wednesday, April 10, 2019, OECA Assistant Administrator Susan Bodine will attend EPA's National Tribal Operations Committee in Washington D.C.

On Wednesday, April 10, 2019, several ECOS officers will meet with OECA senior staff to discuss cooperative federalism.



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# Office of General Counsel

## Hot Topics

***Potomac Riverkeeper v. Wheeler*, No. 17-cv-1023 (D.D.C. Mar. 31, 2019)**
New Decision: The court granted summary judgment for EPA in a challenge to EPA's approval of the Virginia section 303(d) List. Riverkeeper claimed that EPA's approval was arbitrary and capricious or otherwise in violation of law because Virginia improperly failed to list segments of the Shenandoah River for impairment of the recreational use due to the presence of nutrient-induced algal growth.

***Sackett v. EPA, et al.*, No. 2:08-cv-00185 (D. Idaho Mar. 31, 2019)**
New Decision: The court granted EPA's motion to dismiss the Sacketts' claims that their property did not contain wetlands that were "waters of the United States" under the Clean Water Act. These were the wetlands at issue in the Supreme Court's 2012 decision regarding the justiciability of administrative orders. Here the court generally agreed with EPA on the scope of the administrative record and concluded the agency's determination was supported by the record and not arbitrary or capricious.

***Center for Reg. Reasonableness v. EPA*, No. 16-1435 (D.D.C. Mar. 31, 2019)**
New Decision: The court granted EPA's motion for summary judgment in a challenge to EPA's January 2015 approval of Minnesota's numeric nutrient criteria and its June 2016 denial of Center for Regulatory Reasonableness's (CRR) request for reconsideration. CRR claimed that Minnesota's criteria and EPA's approval were arbitrary and capricious or otherwise in violation of the APA. The Court found CRR's claims meritless, explaining that "EPA more than adequately considered the relevant factors and provided a reasoned basis for its approval decision." Op. at 17.

***Union of Concerned Scientists et al. v. Wheeler*, No. 18-10129 (D. Mass. Mar. 27, 2019)**
New Decision: The court upheld EPA's October 31, 2017 directive entitled "Strengthening and Improving Membership on EPA Federal Advisory Committees" (Directive), holding that: (1) Plaintiffs' claim that the Directive violates the conflicts of interest statute and federal ethics regulations is nonjusticiable and fails to state a claim upon which relief can be granted; (2) the Directive is not inconsistent with the conflicts of interest statute and federal ethics regulations; (3) Plaintiffs' claim that the Directive violates the Federal Advisory Committee Act (FACA) requirement that advisory committees be fairly balanced is nonjusticiable; and (4) Plaintiffs' claim that the Directive violates FACA's requirement that advisory committee be free from inappropriate influence is nonjusticiable.

***State of Ohio v. EPA, et al.*, No. 2:15-cv-02467 (S.D. Ohio Mar. 26, 2019**
New Decision: The court denied the motion of Ohio and Tennessee for a preliminary injunction of the 2015 Rule defining "waters of the United States." The court found that the "extraordinary relief" of an injunction was "not warranted as the States have failed to carry their burden in demonstrating that they will suffer irreparable harm absent a preliminary injunction."

## Upcoming Major Decisions and Events

**Oral Argument April 9**
*California Communities Against Toxics, et al. v. EPA, et al.*, No. 18-1163 (D.C. Cir.). Challenge to 2008 and 2018 definition of solid waste rules under RCRA.



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# Office of International and Tribal Affairs

## Hot Topics

**Second Preparatory Session for G7 Environment Ministers Meeting**
EPA (OITA, OAR) and State Department participated in the second G7 preparatory meeting for upcoming Environment Ministers Meeting (EMM) on May 5/6 in France. The meeting discussions focused on three outcomes proposed by France for the G7 EMM - Joint Communique, Charter on Biodiversity, and initiatives/coalitions on diverse topics. The U.S. reiterated its preference for a non-negotiated Chair's Summary in lieu of a communique. G7 members indicated that with some refinements, the Charter on Biodiversity could be a consensus deliverable. France will be narrowing the number of initiatives taking into consideration those that have the most consensus from G7 members. EPA will be submitting another round of written comments to France as they revise these documents in advance of the next and final G7 preparatory meeting on May 3-4.

**Ecuadorian Minister of Environment Meeting**
OITA AA met with Ecuador's Minister of Environment to discuss opportunities for cooperation. Ecuador has a new environment law and Ministry officials expressed their interest in learning how the U.S. regulates and enforces various activities, particularly mining and solid waste. Multinational companies are seeking regulatory certainty and Ecuador feels it is losing investment opportunities because the country does not have a clear regulatory system in place.

## Upcoming Major Decisions and Events

April 10 – EPA will host the annual **National Tribal Operations Committee (NTOC) meeting** with the National Tribal Caucus and EPA Senior Leadership. Topics on the agenda include the budget, WOTUS, LEAN, lead, and tribal considerations in state delegated programs.

April 11 – The **National Tribal Caucus** will have meetings with several headquarters offices including OITA, OAR, OW, OLEM, ORD and OEJ to discuss specific programmatic issues.

April 11 – OITA AA will be meeting with the Executive Director of the **Organization for Economic Cooperation and Development (OECD)** to discuss cooperation between EPA and OECD.



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## Office of the Land and Emergency Management

**Hot Topics**

**Deliberative Process / Ex. 5**

**Clean Air Act 112(r) Risk Management Program (RMP).**

**Ongoing major Superfund NPL sites.** We are working with Region 2 on the Hudson River, Region 4 on Oak Ridge, Region 9 on Edwards Air Force Base, and Region 10 on Portland Harbor.

**CERCLA 108(b) Financial Assurance (next three sectors).**

**Deliberative Process / Ex. 5**

**e-Manifest**.

**Emergency Responses.** OLEM deployed assets to assist Region 6 in both Deer Park, Texas, and Crosby, Texas.

**Upcoming Major Decisions and Events**

**Sustainable Materials Management.** OLEM is working with the AO to prepare for the Administrator's participation in EPA's Winning on Reducing Food Waste Event on April 9.

**ECOS, NTOC, and EMC.** OLEM senior leaders will participate in these meetings next week.

**Institute of Scrap Recycling Industries (ISRI).** On April 8 – 9, in Los Angeles, CA, OLEM leadership will participate in the 2019 ISRI Annual Convention and Scrap Recycling Industry Exposition and an EPA-hosted Materials Economy/Recycling Roundtable.

**Exemption for Air Releases from Animal Waste at Farms from EPCRA Final Rule.** OLEM plans to send the rule package to OP soon for OMB review.

**Planning for Natural Disaster Debris Guidance**
The final guidance was cleared by OMB, and we anticipate publication in the FR soon.

**Spring NPL update.** We anticipate the rule packages being signed in April.

**Upcoming Judicial Deadline regarding Oil and Gas Wastes.** We are working with OGC and others to meet the April 23 deadline.

**Definition of Solid Waste (DSW) Litigation.** On April 9, the U.S. District Court of Appeals will hold oral argument regarding the 2018 DSW rule, which EPA promulgated in response to the court vacatur of the 2015 DSW rule.

# Office of Mission Support

## Hot Topic

**Implementation of the 2019 Retroactive Pay Adjustment**
The President signed the Executive Order to implement a retroactive pay adjustment on March 28, 2019. The Interior Business Center will now process the 2019 pay adjustment, which will be reflected on employees' April 23, 2019, Leave and Earnings Statements.

**The Office of Acquisition Solutions Launched the EPA Active Contracts Database (ACD)**
The [ HYPERLINK "https://oamapex.epa.gov/apex/oasrp/f?p=100:1:917248831765::NO:::" ] is available via the EPA intranet which allows users to quickly search descriptions, award types, product service codes, vendors, socio-economic status, and more for active contracts. It is intended for use by EPA personnel, reflects data contained in the EPA Acquisition System and is refreshed daily. Additional features, functionality, and information will be incorporated in future iterations of the database and an external database will also be available in the future for our external partners and vendors.

**EPA Meets with the Office of Management and Budget to Discuss Tribal Data**
EPA met with OMB to discuss EPA's tribal data, including EPA's ability to directly implement regulatory programs in Indian country; the adoption of shared services; how EPA is addressing data challenges, and the implementation of EPA's tribal identifier data standard in systems that collect tribal data. OMB requested EPA's support in the development of consistent federal naming conventions and spatial datasets for tribes and Indian country. This is relevant to the Office of International and Tribal Affairs, the Office of Mission Support, OMB, the tribes and federal agencies that use these data.

## Upcoming Decisions and Events

**Human Resources Council**
The HRC will meet on Tuesday, April 9, 2019 in the William Jefferson Clinton East Building, Room B-316, Agenda topics include a conversation with the new Office of Human Resources Director Mara J. Kamen; discussion regarding the Shared Service Center hiring metrics and measures; a Diversity and Inclusion Advisory Committee update; and Employee Viewpoint Survey trends analysis and next steps.

**Semi-annual Grants Management Council Meeting**
On Wednesday, April 10, 2019, the Office of Grants and Debarment will hold its semi-annual Grants Management Council meeting. The GMC is comprised of senior level leaders within the regional and headquarter program offices. The purpose of the meeting is to seek concurrence and provide updates for upcoming grants management policies and procedures.

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# Office of Policy

## Hot Topic

**Environmental Economics Presentation**
On April 11, Al McGartland, Director of the National Center for Environmental Economics, will present at a seminar at the U.S. Geological Survey in Washington, DC on benefit-cost analysis in environmental economics.

**National Tribal Caucus Meeting**
On April 11, staff from the Office of Environmental Justice will meet with representatives of the EPA National Tribal Caucus, comprised of federally recognized tribal government officials, in Washington, DC to provide an update on EJ programs and discuss ways to enhance regulatory and environmental management collaboration.

| Active Interagency Reviews from OMB | |
|---|---|
| **Subject** | **OMB Due Date** |
| Commerce/NOAA FRM: Commerce Trusted Trader Program | 04/04/2019 |
| Commerce/BIS FRM: Implementation of New Controls Agreed at Wassenaar Arrangement 2018 Plenary | 04/10/2019 |
| DOT/PHMSA FRM: Pipeline Safety: Safety of Hazardous Liquid Pipelines | 04/11/2019 |
| DoD/ACE NPRM (Pass-back): Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers | N/A |
| CEQ Instructions (Pass-back): Implementing Instructions for Executive Order 13834: Efficient Federal Operations | N/A |

| Documents Submitted to OFR from March 28 thru April 3, 2019 | | |
|---|---|---|
| **FRL** | **Title** | **Date Submitted to OFR** |
| 9989-67-OCSPP | Registration Review; Draft Human Health and/or Ecological Risk Assessments for Several Pesticides; Notice of Availability | 4/3/2019 |
| 9991-74-Region 8 | 40 CFR 52 - Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Interstate Transport for the 2008 Ozone National Ambient Air Quality Standards | 4/3/2019 |
| 9991-76-Region 8 | 40 CFR 52 - Clean Data Determination; Provo, Utah 2006 Fine Particulate Matter Standards Nonattainment Area | 4/3/2019 |
| 9991-83-Region 8 | Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to the Utah Division of Administrative Rules; R307-101-3 | 4/3/2019 |
| 9991-85-Region 10 | 40 CFR part 52 - Air Plan Approval; ID: Infrastructure Requirements for the 2015 Ozone Standard | 4/3/2019 |
| 9991-92-Region 3 | 40 CFR part 55 - Outer Continental Shelf Air Regulations; Consistency Update for Maryland | 4/3/2019 |
| 9990-52-OCSPP | 40 CFR part 180 - Flonicamid; Pesticide Tolerances | 4/2/2019 |
| 9991-13-OCSPP | 40 CFR part 180 - 2-Hydroxypropyl Starch; Exemption from the Requirement of a Tolerance | 4/2/2019 |
| 9991-52-OMS | Good Neighbor Environmental Board | 4/2/2019 |



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|---|---|---|
| 9991-63-Region 4 | 40 CFR part 52 - Air Plan Approval; North Carolina: Readoption of Air Quality Rules and Non-Interference Demonstration for Removal of Oxygenated Gasoline Rule | 4/2/2019 |
| 9991-69-Region 10 | 40 CFR part 52 - Approval and Promulgation of State Implementation Plans; Idaho; Regional Haze Progress Report | 4/2/2019 |
| 9991-71-Region 10 | 40 CFR part 52 - Air Plan Approval; ID, Kraft Pulp Mill Rule Revisions | 4/2/2019 |
| 9991-81-OW | 40 CFR part 35 - Notice of Funding Availability (NOFA) for Applications for Credit Assistance under the Water Infrastructure Finance and Innovation Act (WIFIA) Program | 4/2/2019 |
| 9991-82-Region 4 | 40 CFR part 52 - Air Plan Approval; Kentucky; Regional Haze Plan and Prong 4 (Visibility) for the 1997 Ozone, 2010 NO2, 2010 SO2, and 2012 PM2.5 NAAQS | 4/2/2019 |
| 9991-94-Region 4 | 40 CFR part 52 - Air Plan Approval; North Carolina; Miscellaneous Rules | 4/2/2019 |
| 9990-57-OCSPP | Certain New Chemicals; Receipt and Status Information for October 2018 | 4/1/2019 |
| 9991-19-OCSPP | 40 CFR parts 9 and 721 - Significant New Use Rules on Certain Chemical Substances | 4/1/2019 |
| 9991-57-ORD | Availability of the IRIS Assessment Plan for Methylmercury | 4/1/2019 |
| 9990-18-Region 3 | 40 CFR part 55 - Delaware: Outer Continental Shelf Regulations; Consistency Update for Delaware | 3/29/2019 |
| 9991-56-Region 3 | 40 CFR 62 - PA SSI Federal Plan Delegation | 3/29/2019 |
| 9991-58-OW | Notice of solicitation for nominations of expert consultants to the Environmental Financial Advisory Board (EFAB) on stormwater funding and financing. | 3/29/2019 |
| 9991-59-OLEM | FY 2019 Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees | 3/29/2019 |
| 9991-61-Region 4 | 40 CFR part 271 - Kentucky: Final Authorization of State Hazardous Waste Management Program Revisions | 3/29/2019 |
| 9991-62-Region 4 | 40 CFR part 271 - Mississippi: Final Authorization of State Hazardous Waste Management Program Revisions | 3/29/2019 |
| 9991-64-OLEM | Agency Information Collection Activities; Proposed Collection; Comment Request; Renewal for EPA's WasteWise Program | 3/29/2019 |
| 9987-14-OCSPP | 40 CFR part 180 - Metrafenone; Pesticide Tolerances | 3/28/2019 |
| 9987-27-OCSPP | 40 CFR part 180 - Zoxamide; Pesticide Tolerance | 3/28/2019 |
| 9988-62-OCSPP | 40 CFR part 180 - 2-methyl-2-[(1-oxo-2-propenyl)amino]-1-propanesulfonic acid monosodium salt polymer with 2-propenoic acid, 2-methyl-, C12-16 alkyl esters; Tolerance Exemption | 3/28/2019 |
| 9991-53-Region 9 | 40 CFR part 52 - Air Quality State Implementation Plans: Arizona; Approval and Conditional Approval of State Implementation Plan Revisions; Maricopa County Air Quality Department; Stationary Source Permits | 3/28/2019 |

# Office of Research and Development

This week we held a second Town Hall with ORD staff to share additional details about the ORD restructuring effort. In the coming weeks we will hold listening sessions with staff to gather feedback on the proposal. ORD leadership looks forward to joining you at the ECOS Spring Meeting next week. Also next week Jennifer Orme-Zavaleta will represent ORD at the National Tribal Operations Committee (NTOC).

## Hot Topics

**Methylmercury IRIS Assessment Plan**
On April 4th, the Federal Register notice announcing a May 15th, 2019, public science meeting for the methylmercury IRIS Assessment Plan (IAP) is expected to publish. The IAP will be available for public comment for 30 days.

***Technical support for lead in drinking water:***

- **Lead pipe scale analysis for Denver and Pittsburgh**
  ORD will receive lead pipe sections exhumed from Pittsburgh, PA, and Denver, CO for pipe scale analysis. ORD has been providing technical support on corrosion control to both cities over the past several months, and this sample analysis will help provide detailed information on how well the corrosion control processes are working.

- **Point-of-use filters in Newark, NJ**
  On March 27, ORD participated on a call with Region 2, Region 5, Office of Water, New Jersey Department of Environmental Protection, the New Jersey Attorney General, and the City of Newark to discuss the ongoing use of point-of-use filters for lead control in Newark and to determine criteria for when the filters will no longer be needed. ORD has providing ongoing technical support and will continue to provide input as requested.

- **Identification of lead service lines in Hawaii**
  On March 27, ORD participated in a call with the State of Hawaii regarding the identification of lead service lines. The State is in the pre-planning stages of performing a statewide lead service line survey and had some technical questions.

**Progress in Remediating the St. Louis River Area of Concern (AOC)**
Research by scientists at ORD's Mid-Continent Ecology Division (MED) in Duluth, Minnesota, in partnership with state and tribal biologists, led to a recent [ HYPERLINK "https://www.pca.state.mn.us/news/amid-positive-fish-research-st-louis-river-area-concern-receives-approval-remove-impairment" ] to remove the Fish Tumors and Other Deformities Beneficial Use Impairment (BUI) for the St. Louis River Area of Concern, part of the Great Lakes Restoration Initiative. The Wisconsin Department of Natural Resources and the Minnesota Pollution Control Agency (MPCA) recommended removing the BUI after results of fish sampling in 2011, 2013, and 2015 found that tumor prevalence in the St. Louis River was not significantly different than in Lake Superior, where there is little risk from sediment contamination, and was lower than other studied sites in the Great Lakes. This is a significant step toward the goal of delisting the entire AOC by 2025. The St. Louis River, one of 45 designated in 1987 as the most highly contaminated areas in the Great Lakes, now has seven remaining BUIs to address.

## Upcoming Major Decisions and Events

**Environmental Council of the States (ECOS) Spring Meeting**
On April 8-9, Jennifer Orme-Zavaleta, David Dunlap, and Chris Robbins will participate in the 2019 Environmental Council of the States (ECOS) [ HYPERLINK "https://www.ecos.org/event/2019-ecos-spring-



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meeting/" ]. ORD will share our research and the recently produced *EPA Research Solutions for States* video showcasing the successful partnership between ORD and the states, including interviews with New Hampshire Department of Environmental Services' Assistant Commissioner Clark Freise and Ohio EPA's Drinking Water Chief Amy Klei. On April 9, ORD leadership will participate in the Environmental Research Institute of the States (ERIS) Board Session. Recently ERIS announced its 2018 Biennial ERIS Survey Summary of state environmental research needs. The Survey is divided into two parts: in Part 1: state environmental agency commissioners ranked the top 5 areas where scientific research would help their state address challenges; and in Part 2: states described in further detail their specific environmental issues and what research would benefit those 5 identified priority areas. ERIS is working with ORD to respond to the state research challenges identified in the Survey. ORD plans to incorporate these needs into its longer-term research programs and shorter-term technical support efforts.

**Board of Scientific Counselors (BOSC)**
On April 10-12, the BOSC Chemical Safety for Sustainability (CSS) and Human Health Risk Assessment (HHRA) Subcommittee will hold a [ HYPERLINK "https://www.federalregister.gov/documents/2019/03/08/2019-04165/board-of-scientific-counselors-bosc-chemical-safety-for-sustainability-subcommittee-meeting-april" ] at EPA in RTP, NC, to deliberate and draft a report on the CSS/HHRA Strategic Research Action Plan .

**Region 9 RA visit to SBIR company**
EPA Small Business Innovation Research (SBIR) awardee, [ HYPERLINK "https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/display.abstractDetail/abstract/10922" ] (IPT), LLC, a small business out of Westlake Village, CA, hosted EPA Region 9 Administrator, Mike Stoker, on a tour of their facilities on March 21. IPT was recently awarded SBIR Phase II funding to continue their research to develop a sustainable, recyclable and easily biodegradable polycarbonate plastic. Stoker visited IPT's facilities to learn more about how they seek to revolutionize the thermoplastics industry by creating a high-quality, environmentally sustainable material that is easy to use and will increase cost-savings.



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## Office of Water

### Hot Topic

**OR Aluminum Proposed Rule**
This week, the Office of Water moved the OR Aluminum Proposed Rule forward to the Office of the Administrator for signature. The EPA is under a consent decree to propose aluminum water quality criteria to protect aquatic life in freshwaters of Oregon or to approve Oregon-adopted criteria for aluminum in freshwaters by April 19.

**Preliminary Effluent Limitation Guidelines (ELG) Program Plan 14**
As early as this week, the Office of Water anticipates moving the Preliminary ELG Program Plan 14 to OP for OMB review. The Clean Water Act Section 304(m) requires the EPA to biennially publish a plan that establishes a schedule for the annual review and revision of existing ELGs and identifies any new industrial categories selected for effluent guidelines rulemaking. To meet this requirement, the EPA first publishes a preliminary plan, takes public comment, and then publishes a final plan. The last Final ELG Program plan was published on May 2, 2018.

**Proposed Updates to the National Pollutant Discharge Elimination System (NPDES) eRule**
The week of April 15, the Office of Water anticipates moving forward for the Administrator's signature the proposed rule: Updates to NPDES eRule Data Elements to Reflect MS4 General Permit Remand Rule. This proposed rulemaking would update specific data elements within the NPDES Electronic Reporting Rule (NPDES eRule) at 40 Code of Federal Regulations (CFR) Part 127 that apply to regulated municipal separate storm sewer systems (MS4s). The proposed updates would not result in a change to the underlying requirements. Administrator signature is requested by late April.

### Upcoming Major Decisions and Events

**Association of Metropolitan Water Agencies (AMWA) Water Policy Conference**
Next week, Assistant Administrator David Ross will speak at the AMWA conference to discuss EPA water priorities. Open press.

**National Tribal Operations Committee (NTOC) Meeting**
Next week, Office of Water senior leadership will attend the NTOC meeting hosted by the Administrator's Office. Mr. Ross will lead a session on the rulemaking effort for the Waters of the United States (WOTUS) definition. Closed press.

**Western Urban Waters Coalition (WUWC) Spring Meeting**
Next week, Mr. McDonough will attend the WUWC meeting to discuss the new proposed definition of WOTUS. Closed press.



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